

HE 56

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol/
Communities, Equality and Local Government Committee
Bil yr Amgylchedd Hanesyddol (Cymru)/Historic Environment (Wales) Bill
Ymateb gan: Richard Kelly
Response from: Richard Kelly

Dear Sir / Madam,

Thank you for the invitation to respond to the consultation regarding the above Bill. As a now retired field archaeologist with over thirty years' experience of working in Wales, I broadly welcome the Bill's provisions as set out for consideration in the CELG Committee's terms of reference. However, it is regrettable that the absence of any reference to the *Register of Landscapes of Historic Interest in Wales* (the Register) means that the Bill is flawed and will have the serious unintended consequence of irrevocably diminishing the Register's status as an established planning tool in Wales.

The lengthy consultation process ahead of the Bill's publication initially promised to strengthen the Register's status, but for reasons that are neither apparent nor explained, the Register has been completely excluded from the Bill. An oblique reference to 'historic landscapes' survives in Section 33, wherein sub section (2) on p. 43 requires historic environment records to contain, among other information, in paragraph f: "where a public authority (whether by itself or jointly with other persons) maintains a list of historic landscapes in Wales, details of every historic landscape in the local planning authority's area which is included in the list." This is hardly conducive to the Register's survival as an effective planning tool once the Bill becomes law, and it will allow developers to exploit its consequential weakness and irrelevance in the planning process.

The Register's current status is set out in *Planning Policy Wales 7* (PPW 7), paragraph 6.5.25, which states that: "Information on the historic landscapes in the second part of the Register should be taken into account by local planning authorities in considering the implication of developments which are of such a scale that they would have more than local impact on an area on the Register." Since the Register was published in two volumes, by Cadw, in 1998 and 2002, this has worked reasonably well with most developers taking account of the Register in Environmental Impact Assessments, using the ASIDOHL2 impact assessment system recommended in the *Guide to Good Practice on Using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process* (GGP), Cadw, 2nd revised ed., 2007.

During the same period, the Register's status as a 'material consideration' in the planning process has also been upheld at a number of planning inquiries into developments proposed within areas on the Register. Even if the current provisions of PPW7, 6.5.25 are retained in any future revision after the Bill becomes law, it will be difficult to reconcile these with a lack of reference to the Register in any overarching legislation, a situation that will not only weaken the Register, but also its supporting GGP as a valid tool in the Environmental Impact Assessment process.

The placing of the *Register of Parks and Gardens of Special Historic Interest* on a statutory footing in the Bill will strengthen its status and is to be greatly welcomed. I do not believe, however, nor am I supporting a case here for the Landscapes Register to be put on an equivalent footing. The 56 areas on the Register, covering about 14% of the Welsh land mass and its inshore waters, are individually far too large and would require disproportionately and unsustainable amounts of resources to support any meaningful planning consultation process for development. The case that I am supporting, however, is that because the current system and status of the Register work reasonably well, these should be maintained and explicitly supported in the Bill.

I would strongly urge, therefore, that to avoid the current grossly negative perception in the Bill that Wales is effectively intending to turn its back on the Register, suitable clauses are added (including to the explanatory memorandum) confirming that the Landscapes Register will continue to be maintained in Wales on a non-statutory basis, retained as a material consideration in any future revised edition of PPW, and supported with revised and upgraded supplementary planning guidance once the Bill becomes law.

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I trust that you will find my comments helpful; however, should you wish to have further information or clarification of any of the points that I have raised, then please do not hesitate to get back to me.

Yours faithfully,

Richard S Kelly, MA FSA MCIFA