

Managing the Marine Historic Environment of Wales

Consultation response form

Please return this form to reach the Welsh Government no later than 3 June 2019.

If you have any questions, please email:

historicenvironmentleg@gov.wales

or telephone: 03000 259096

General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'

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- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

e-mail: data.protectionofficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or 0303 123 1113

Website: <https://ico.org.uk/>

Annex A — Consultation response form

Managing the Marine Historic Environment of Wales		
Date	30/5/19	
Name	Jasmine Sharp	
Organisation	Natural Resources Wales	
Address	Maes y Ffynnon Penrhosgarnedd Bangor	
Email address	Jasmine.sharp@cyfoethnaturiolcymru.gov.uk	
Telephone	03000 654510	
Type <i>(please select one from the following)</i>	Individual	
	Business	
	Local planning authority	
	Archaeological trust	
	Government agency/Other public sector body	x
	Professional body	
	Interest group	
	Voluntary sector (community group, volunteer group, self-help group, cooperative enterprise, not-for-profit organisation)	
Other group not listed above		

Confidentiality — Responses to consultations may be made public on the internet or in a report.	
If you do not want your name and address to be shown in any documents that we produce, please indicate here	

Managing the Marine Historic Environment of Wales

Q1.	Does part one clearly set out the nature of the marine historic environment and why it is important?			
Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither Agree nor Disagree
<p>Subsequent parts use the term 'historic assets'. This isn't specifically defined in the document.</p> <p>There are a number of references to the 2001 UNESCO Convention; does the convention itself set out definitions of the historic environment, and do they differ from those set out here? For example, is there an age requirement to define 'historic'?</p>				

Q2.	Despite the different legislative regimes, does the guidance make it clear that the principles of our approach to the historic environment are seamless between land and sea?			
Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither Agree nor Disagree
<p>Generally agree. However, whilst the reference to NRW's Marine Licensing function is welcomed, there may also be additional consents requiring consideration of the historic environment. For example, Local Planning Authority jurisdiction extends down the shore to the low water mark. Therefore intertidal developments (for example, sea defences) may also require planning permissions.</p> <p>Annex 4 could usefully exchange the references to 'Natural Resources Wales' and 'marine licences', with 'consenting authorities' and 'consents' to reflect that Marine Licences are not the only permissions required in the marine area.</p>				

Q3.	Will the decision-making framework for the management of the marine historic environment, as set out in part three, be clear to both applicants and decision makers?			
Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither Agree nor Disagree
<p>We have some concerns that the 'Heritage Impact Assessment' section (3.5) directs applicants to the relevant public authority for advice on the scope of such an assessment. Whilst the relevant consenting authority will ultimately determine if such an assessment is required, it would be advisable to direct applicants to engage directly with Cadw, RCAHMW or WAT for specific advice on the content.</p> <p>We also have concerns that the description of the basic stages of heritage impact assessment refers to 'whatever the size and scope of the project is'. This is a little disproportionate, as this assessment may not always be required. We suggest using 'If Heritage Impact Assessment is required, the basic stages of heritage impact assessment are:'</p>				

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We suggest that in the table at page 45, the box stating. ‘To balance the historic environment alongside all other material considerations and reach a decision, with conditions as appropriate’ should substitute ‘balance’ for ‘consider’, as the nature of the decision making is not necessarily a ‘balance’.

Q4.	Is it appropriate to have both scheduling and protected wreck designation as mechanisms to protect significant wreck sites?			
Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither Agree nor Disagree <input checked="" type="checkbox"/>
If not, please explain how you would change them?				
No comments				

Q5.	We would like to know your views on the effects that <i>Managing the Marine Historic Environment of Wales</i> would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.			
	What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?			
No comments				

Additional comments

Q6.	We have asked a number of specific questions. If you have any related issues that we have not specifically addressed, please raise them here.			
<p>In the first paragraph of section 3.4, it states: “Before granting a licence, Natural Resources Wales must be satisfied that the works are in accordance with the Welsh National Marine Plan.” We suggest adding, “unless relevant considerations indicate otherwise”, and to link to WNMP in a footnote.</p> <p>Annex 2 outlines how to plan a project for divers and archaeologists, noting that non-intrusive techniques include geophysical survey. Where this includes seismic survey, or other sound-emitting techniques, we strongly encourage developers to contact NRW for best practice advice on avoiding impacts to marine mammals and birds.</p>				

How to respond

Please submit your comments by 3 June 2019 by email or post.

Email

Please send the consultation form to:

historicenvironmentleg@gov.wales

[Please include '**Guidance Consultation 4**' in the subject line.]

Post

Please send the consultation form to:

Guidance Consultation 4
Legislation and Policy Team
Cadw
Welsh Government
Plas Carew
Unit 5/7 Cefn Coed
Parc Nantgarw
Cardiff
CF15 7QQ