

13th January 2017

Regulations and Guidance Consultation 2
Legislation and Policy Team
Historic Environment Service (Cadw)
Welsh Government
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Dear Sir/Madam

Number: WG29621 Consultation on a proposal for regulations required by the Historic Environment (Wales) Act 2016 and four guidance documents

The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, concrete, dimension stone, lime, mortar and silica sand industries. With the recent addition of British Precast and the British Association of Reinforcement (BAR), it has a growing membership of over 480 companies and is the sectoral voice for mineral products. MPA membership is made up of the vast majority of independent SME quarrying companies throughout the UK, as well as the 9 major international and global companies. It covers 100% of GB cement production, 90% of aggregates production, 95% of asphalt and over 70% of ready-mixed concrete and precast concrete production. Each year the industry supplies £20 billion worth of materials and services to the Economy and is the largest supplier to the construction industry, which has annual output valued at £144 billion. Industry production represents the largest materials flow in the UK economy and is also one of the largest manufacturing sectors.

With reference to the above consultation, we have the following comments to make on the questions posed.

Q1 Do you agree with the grounds of review for designations of scheduled monuments?

MPA Response

Yes, we agree with the grounds of review. However, we seek clarification on the proposed regulations and in particular the scope of the “provision in regulations that they think appropriate in connection with reviews” (our underlining). This would appear to give Welsh Minister carte blanche.

Further, under the grounds for review (para 20), it is assumed the reference to the identification of the “site” does refer to the specific “monument” as defined by the boundary indicated on a base plan. We seek clarity on this point.

Q2 Do you agree with the grounds of review for designations of listed buildings?

MPA Response

Yes.

Q3 Do you agree that a request for a review should be made within 3 months of receipt of a notice of designation? If not, what timescale would be appropriate?

MPA Response

No, we believe a period of 6 months would be more appropriate following receipt of formal notification. Such notification must be formally served with formal acknowledgment of the owner of the site being part of the statutory process.

A period of 6 months is considered reasonable and necessary to allow an appellant sufficient time to seek expert advice to support any appeal or review.

Q4 Should any other information be required in the review application? If yes, please specify.

MPA Response

No comment.

Q5 Do you believe that the procedures outlined are reasonable and fair for all involved in designation reviews? If not, how could they be improved?

MPA Response

Yes, we believe the procedures outlined are reasonable and fair.

Q6 Do you agree with the measures proposed for the award of costs to deter unreasonable behaviour in designation reviews? If not, how could they be improved?

MPA Response

The measures proposed appear reasonable, however, we would seek further details on the guidance on what constitutes “unreasonable behaviour”.

Q7 Does the draft statutory guidance, Historic Environment Records in Wales: Compilation and Use, clearly set out the roles and responsibilities of the relevant public bodies? How could this section be improved?

MPA Response

Yes. It is assumed that the Historic Environment record will be inclusive of all Listed Buildings, Scheduled Monuments, etc.. It is important that public access to a record such as this does exist.

However, in discharging the duty to the four Welsh Archaeological Trusts to compile and keep up to date the record, a formal review of each site included on the record should be undertaken. This should be incorporated in to the regulations. Only if a formal review is undertaken can the record be regarded as “up to date”.

Past experience has shown that sites recorded as Scheduled Monuments were in fact peri-glacial features and whilst interesting from a geomorphological perspective, had no historic context whatsoever. The costs to the land owner of the investigation and subsequent Scheduled Monument Consent were significant, unreasonable and wholly unnecessary. For a full and comprehensive record, this whole mechanism should require some form of statutory review of the formal list. As the supporting text, has indicated, many of these records are decades old, when techniques and archaeological interpretation standards were less refined. A review of the record would ensure sites with no archaeological interest or context are removed from the list.

Q8 Does the draft statutory guidance, Historic Environment Records in Wales: Compilation and Use, give the relevant public bodies adequate guidance on how they may contribute to the compilation of historic environment records? How could this section be improved?

MPA Response

Yes, but please refer to the comments at Q7.

Q9 Does the draft statutory guidance, Historic Environment Records in Wales: Compilation and Use, clearly set out how the relevant public bodies should use the historic environment records in the exercise of their functions? How could this section be improved?

MPA Response

Please see response to Q8.

Q10 Will the draft guidance, Managing Listed Buildings at Risk in Wales, support the more effective management of historic buildings at risk? How could it be improved?

MPA Response

It is important that in maintaining listed buildings, indigenous, locally sourced building materials are used to safeguard the character of the building and its location. This may involve the reopening of small scale dimension stone operations, which whilst ensuring the buildings characteristics are safeguarded, also provide local employment and ensure traditional skills are retained.

Q11 Does the advice on condition, use and ownership contained in the draft guidance, Managing Listed Buildings at Risk in Wales, cover the key issues? If not, what is missing?

MPA Response

No Comment

Q12 Does the draft guidance, Managing Change to Registered Historic Parks and Gardens in Wales, clearly explain the implications of owning a historic park or garden included in the statutory register? How could it be improved?

MPA Response

No Comment

Q13 Will Managing Change to Registered Historic Parks and Gardens in Wales help owners and their agents to manage historic parks and gardens to achieve high-quality, sensitive change? How could it be improved?

MPA Response

No Comment

Q14 Does the draft guidance, Managing Historic Character in Wales, clearly explain what historic character is? How could it be improved?

MPA Response

We note the text at paragraph 1.1.2 which states that *“Most places are marked by their own distinctive traditions of building which developed over a period of time in response to the needs of local people, the availability of building materials, and the development of local styles, techniques and skills. It is important that these traditions – and the skills to maintain and care for them – are kept alive and used to inspire and influence new design and development”*. We strongly support this approach and the need to maintain a vibrant dimension stone industry to the benefit of the historic character of an area, the local economy and traditional skills.

Q15 Does the draft guidance, Managing Historic Character in Wales, give sufficient information to support the effective management of historic character? If not, what is missing?

MPA Response

Yes.

We trust the above comments are helpful and we would be happy to discuss any of the points raised.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Nick Horsley', is enclosed in a light grey rectangular box. The signature is fluid and cursive, with a prominent horizontal stroke at the bottom.

Mr Nick Horsley
Director of Planning, Industrial Minerals and MPA Wales

