

HE 08

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

In response to the consultation on the above bill which has recently been announced, may I offer the following comments. I am not responding on behalf of any organization.

1. I welcome the Bill and, in most respects, its provisions. In particular I welcome the following, which would be a notable improvement and extension of current legislation and practice:

- the inclusion of a register of historic parks and gardens (Part 2),
- the requirement that each Local Planning Authority should publish an historic environment record (Part 4),
- the re-establishment of an advisory panel for the Welsh Historic Environment (Part 4),
- the provision for adequate and appropriate consultation by Welsh ministers (as in Part 2.2 (1), and
- the specific inclusion of monuments in the territorial sea.

2. Of more detailed comments, may I offer the following:

page 6 (4) and page 28 Part 3, and page 55, 2(3). The provision that in most circumstances 'the validity of any decision taken by the Welsh Ministers on the review [of decisions relating to monuments] is not to be questioned in any legal proceedings' does not seem to take into account the possibility of judicial review, which is 'a legal proceeding'. Moreover, from the public's point of view, to enshrine such a provision in law gives an unfortunate impression.

page 8 The nature of the discretion conferred on Welsh Ministers in relation to applications for scheduled monument consent might benefit from some explanation/qualification.

Part 3 page 45. Advisory Panel and its functions and responsibilities. The Welsh government's proposal to restore such a provision for independent

and expert advice to ministers is to be welcomed and will be a great relief to many. But on 38(7), should not the disqualification extend to any employee of the Welsh government in order to ensure independent, expert advice? This is especially important in view of page 48 (2), the ability of the Welsh Assembly to annul the regulations being proposed. I hope these remarks are of some help to you.