

Agenda – Communities, Equality and Local Government Committee

Meeting Venue:	For further information contact:
Committee Room 2 – Senedd	Sarah Beasley
Meeting date: Thursday, 26 November 2015	Committee Clerk
Meeting time: 09.00	0300 200 6565
	SeneddCELG@Assembly.Wales

1 Introductions, apologies, substitutions and declarations

2 Historic Environment (Wales) Bill – consideration of amendments

(9.00 – 12.30)

In accordance with Standing Order 26.21 the Committee will dispose of amendments to the Bill in the following order:

Section 3, Schedule 1, sections 4 to 22, section 2, section 24, Schedule 2, sections 25 to 32, section 23, sections 33 to 41, section 1, Long title.

Supporting documents:

[Marshalled List of Amendments, 26 November 2015](#)

[Groupings of Amendments, 26 November 2015](#)

In attendance:

Ken Skates AM, Deputy Minister for Culture, Sport and Tourism

Angharad Huws, Bill Manager, Cadw

Eifiona Williams, Legal Services, Welsh Government

3 Inquiry into the BBC Charter Review: evidence session 7 – BBC

(13.30 – 15.00)

(Pages 1 – 34)

Lord Hall of Birkenhead CBE, Director-General, BBC



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Rhodri Talfan Davies, Director, BBC Cymru Wales

4 Papers to note

(Pages 35 – 55)

5 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting

6 Inquiry into the BBC Charter Review – discussion of evidence received in session 7

(15.00 – 15.15)

Document is Restricted



**Submission to the National Assembly Communities,
Equality and Local Government Committee**

BBC evidence to the inquiry into the BBC Charter Review

November 2015

Introduction

We are pleased to submit this evidence paper to the National Assembly for Wales's Inquiry into the BBC Charter Review.

The BBC plays a significant part in Wales' democratic and cultural life in both languages, and this contribution is deeply valued by audiences. The services provided by the corporation reach 98% of the Welsh public each week and are actively chosen by the Welsh public about 7 million times each day. As market pressures intensify, it is clear that the BBC's role in Wales' national discourse is becoming more, not less, important.

The BBC is determined to build on this remarkable and long-standing relationship with audiences in Wales at a time of significant challenge and opportunity.

The media landscape is moving so quickly it is vital that we think afresh about the challenge of serving younger audiences and how we reflect the realities of a changing UK. It is clear that audiences also want us to work harder to reflect Welsh lives and stories on-screen and we intend to meet this creative challenge head-on. We are also determined to work more openly with partners across Wales to realise the nation's creative and cultural potential.

Section A of this paper outlines the current range of BBC programming and services in Wales, their impact with audiences and the economic benefits derived from this investment in output. Section B outlines our proposals in the nations for the next Charter period. Finally, Section C addresses a number of specific issues raised by the Committee's Terms of Reference, including the reduction in English language programming over recent years.

Section A – Overview of BBC programmes and services

I. Serving Wales

The BBC is the most trusted and valued broadcaster in Wales. Our mission in Wales is to help audiences discover and make sense of the nation, and to champion the brightest talent and boldest ideas for Welsh and UK audiences. We aim to do this on a canvas big enough to make a difference, not just to our audiences, but to Wales itself.

BBC Wales employs approximately 1,300 staff at six centres across Wales (in Cardiff, Swansea, Carmarthen, Aberystwyth, Bangor and Wrexham). Our main headquarters in Llandaff, Cardiff, is expected to move to Central Square in the city centre in 2019. The BBC's largest drama production centre in the UK is based at Roath Lock in Cardiff Bay, while the BBC National Orchestra of Wales is based at Hoddinott Hall in the Wales Millennium Centre.

BBC Wales is committed to reflecting and reporting Wales in both languages – and across all platforms and devices. The BBC provides value to audiences in Wales in two main ways: through *national* programmes and services made for audiences in Wales (e.g. BBC Radio Wales, Radio Cymru, *Wales Today* and our programme contribution for S4C), and through *network* programmes and services which are broadcast across the UK (e.g. Radio 4 and BBC Four). In recent years, Wales has become a major producer of BBC network programming for TV and radio, including *Doctor Who*, *Sherlock*, *Merlin*, *Crimewatch* and *BBC Young Musician of the Year*. This network investment in Wales totals around £59.1m each year.

The BBC performs consistently well in Wales, attracting higher audiences and appreciation for its output than the UK average. This is true both for network services and for content produced specifically for audiences in Wales. The proportion of the population reached each week by the BBC's portfolio of television and radio services is higher in Wales than elsewhere in the UK. And in addition to reaching more people, those reached also watch and listen to BBC content more than the UK overall – 75 minutes more per week, on average.

2. Overview of BBC Performance in Wales 2014/15

- The general impression of the BBC among audiences is higher in Wales than in any of the UK's other three nations.
- In 2014/15, BBC Wales' English language television programmes for audiences in Wales reached over 900,000 viewers each week (or 32% of the adult population).¹

¹ Based upon 15 minute reach

- BBC Wales' news services across radio, television and online reach 65% of adults in Wales each week.
- In 2014/15, BBC *Wales Today* news bulletins were seen by approximately 1.5m viewers in Wales each week.²
- In 2014/15, BBC Wales' mobile and online services were accessed by 3.5m browsers per week on average.
- In 2014/15, BBC Radio Wales reached 400,000 listeners each week (16% of adults) while BBC Radio Cymru attracted over 100,000 (33% of fluent Welsh speakers).
- In 2014/15, BBC programming produced for S4C reached 130,000 viewers each week on average.

3. Overview of services for Wales

The BBC provides value to audiences in Wales in two main ways: through programmes and services made in and for Wales specifically; and through the delivery of BBC services that are broadcast across the UK.

3.1 National services for audiences in Wales

The BBC broadcasts a range of services and programming to meet the distinctive needs of audiences in Wales, including BBC Radio Wales, BBC Radio Cymru, a range of interactive content and dedicated television output such as *BBC Wales Today* and *Scrum V* on BBC One Wales and BBC Two Wales.

In addition, the BBC also produces programming for S4C, funded by the licence fee. This programming includes the *Newyddion* news service and the weeknight drama *Pobol y Cwm*.

The BBC's services and programming specifically for Wales are highly valued and overall performance is strong. The BBC's television programmes specifically for audiences in Wales reach 900,000 viewers each week (32% of the population) and the average appreciation for these programmes is higher than the average across all BBC TV output in the same genre. Radio Wales reaches around 400,000 listeners each week (16% of adults) and Radio Cymru over 100,000 (33% of fluent Welsh speakers). The BBC's output for S4C reaches 130,000 viewers each week.

² Based upon 3 minute reach

Table 1: Performance of BBC services specifically for audiences in Wales (2014/15)

	Average weekly reach (%)	Quality	Average time spent per viewer/listener per week (hh:mm)
BBC TV Opts (inc news)	31.7	81.9	n/a
BBC Radio Wales	16.2	83.0	9:21
BBC Radio Cymru	4.6	78.1	10:47
BBC Cymru on S4C	4.6	n/a	n/a

3.1.1 English language television (or ‘opts’)

Each year, the BBC broadcasts approximately 600 hours of English language TV programming made for audiences in Wales on BBC One Wales and BBC Two Wales. In 2014/15, the total cost of this output was £20.8m.

BBC One Wales offers news, current affairs and general programming for Wales as an integral part of the UK-wide channel proposition. This national programming for Wales displaces network output seen elsewhere across the UK. The strategy for BBC One Wales is to provide a range of engaging, relevant and high impact programming for audiences in Wales. Since 2013, BBC One Wales has been a HD channel.

BBC Two Wales typically schedules more specialist or targeted public service programming for audiences in Wales, including arts, politics and sport, including live Guinness Pro12 domestic rugby coverage, typically broadcast on Friday evenings in peaktime. In the next Licence Fee period, BBC Two Wales will become a HD channel.

This investment across BBC One Wales and BBC Two Wales produced the following output:

Table 2: English language originated television output by genre 2014/15

Genre	Hours
Drama, Comedy, Entertainment, Music, Arts	20
News and Current Affairs	386
Sport	150
Education, Factual and Religion	60
Total	616
Total £m	£20.8m

These programmes are produced by in-house teams and the independent sector – with independent companies producing a guaranteed minimum of 35% of non-news hours each year.

The reduction in English language television programming has been the subject of considerable scrutiny over recent years. Content investment has fallen by around 30% in real terms since 2006/07 as a result of successive savings programmes over the last decade (see Section C).

Despite the challenging financial context and the savings delivered over the last seven years, audience figures for English language television programmes in recent years reached their highest in a decade across news and general programming.

Our programming seeks to reflect the diverse and modern Wales with our opts performing well across a range of measures. Appreciation indices (AIs) for BBC Wales' non-news programming – including *Rhod Gilbert's Work Experience*, *Weatherman Walking* and *Hinterland* - are ahead of the average BBC1/2 AI in Wales with their average share performance higher than the displaced network shows.

In recent years, output has been configured around major seasons of programming in order to maximise their impact – including *Real Valleys*, *Real North Wales* and *Live Longer Wales*.

The programming broadcast to mark the Dylan Thomas anniversary attracted over 800,000 viewers and brought the very best Welsh talent to the screen, including Michael Sheen, Tom Jones and Sian Phillips in a dramatisation of *Under Milk Wood*. The breadth of the season was remarkable. *Ugly Lovely Swansea: A Poet on the Estate* saw the dub-poet Benjamin Zephaniah challenge and inspire the people of the city's Townhill estate to honour their bard through poetry and performance, while *A Poet in New York*, written by Andrew Davies and starring Tom Hollander, explored the final days of Dylan.

3.1.2 BBC Radio Wales

BBC Radio Wales' remit is to provide a radio service for people interested in the life, culture and affairs of Wales. It broadcasts for approx. 20 hours per day and reaches around 400,000 listeners per week. The cost of this output in 2014/15 was £10.6 million.

At present, the BBC guarantees that a minimum of 10% of Radio Wales output³ is produced by the independent sector. Since 2012/13, a further 10% of content has been placed in the Window of Creative Competition between the independent sector and in-house production.

In 2014/15, 25.5% of the eligible hours were supplied by the independent sector.

³The 10% independent sector target for both Radio Wales and Radio Cymru excludes news programmes and news and sport bulletins

Table 3: Radio Wales Originated output breakdown 2014/15

Programming	Hours
News and Current Affairs	2,184
General programming	4,894
Total	7,078
total £m	£10.6m

The station performs an indispensable service: it sets the national news agenda through its flagship *Good Morning Wales* programme, offers an opportunity for audience interaction through its *Morning Call* programme and celebrates Wales' rich culture.

Some of the creative highlights during the last year have included a series of programmes to mark the centenary of the First World War and a unique collaboration between Mike Peters from The Alarm and the BBC National Orchestra of Wales. Sport is also at the heart of the station's remit with live coverage of the Six Nations, the Rugby World Cup and Welsh football's progress to Euro 2016.

3.1.3 BBC Radio Cymru

BBC Radio Cymru's remit is to provide a radio service for people interested in understanding the life, culture and affairs of Wales in the Welsh language. The service is on air for up to 19 hours each day. The total cost of this output in 2014/15 was £10.0m.

In common with Radio Wales, at least 10% of output is produced by the independent sector and a Window of Creative Competition offering up to 10% of the eligible hours was introduced in 2012/13.

In 2014/15, 19.2% of the eligible hours were supplied by the independent sector.

Radio Cymru has a deep and historic connection with Welsh speaking communities – and is highly valued for its mix of news, culture, entertainment and topical discussion. However, the challenge of reaching younger Welsh speakers, often with lower levels of fluency, is an issue confronting all Welsh language media services.

Radio Cymru reaches over 100,000 listeners each week, around a third of fluent Welsh speakers, among whom Radio Cymru has more hours of listening than any other radio station. In an average week, over a million hours of Radio Cymru content is heard.

In 2013, Radio Cymru undertook the largest audience consultation in its history, *Sgwrs Radio Cymru* (The Radio Cymru Conversation) in light of ongoing audience challenges. Based on over 1,000 responses, the service has adapted to the conclusions of *Y Sgwrs* by offering a far greater diversity of content.

Table 4: Radio Cymru Originated output breakdown 2014/15

Programming	Hours
News and Current Affairs	1,306
General programming	4,948
Total	6,254
Total £m	£10.0m

3.1.4 BBC Cymru Wales programming on S4C

BBC programming is at the heart of S4C's schedule. We have a statutory obligation to provide at least 10 hours a week of programming to the channel. Our contribution includes the *Newyddion 9* news programme, the weeknight drama (*Pobol y Cwm*), live domestic and international rugby, and extensive coverage of the annual National Eisteddfod. In 2014/15, the total cost of the BBC's programmes was £19.7m. This investment produced the following output:

Table 5: Originated BBC Wales hours on S4C by genre 2014/15

Genre	Hours
Drama, Comedy, Entertainment, Music, Arts	185
News and Current Affairs	271
Sport	99
Education, Factual and Religion	7
Childrens	2
Total	564
Total £m	£19.7m

The BBC's content for S4C is produced by in-house production teams, and complements the independently produced programming slate which makes up the remainder of the S4C service.

In addition, BBC Wales works closely with S4C on programming projects that can benefit both Welsh and English speaking audiences. For example, the drama series *Hinterland/Y Gwyll* is co-commissioned by the BBC and S4C. In 2014, the BBC worked closely with S4C to introduce the channel to BBC iPlayer, transforming the prominence and availability of on-demand Welsh language programming. To date, it has delivered an additional 80,000 viewing sessions per week across approximately 1,200 iPlayer enabled devices.

As well as the programming supplied by BBC Wales, S4C also receives approximately £75m per annum in direct funding from the BBC Trust (this is provided under an Operating Agreement established between the BBC Trust and S4C Authority). This new arrangement began in April 2013, following the 2010 Licence Fee agreement between the BBC and UK Government.

3.1.5 BBC's online and learning services

Our dedicated online and mobile services for Wales deliver the BBC's public purposes through a focus on online news, sport, learning and information about how to find our content, particularly on digital platforms such as iPlayer.

BBC iPlayer provides access to BBC Radio Wales, BBC Radio Cymru and television programming made in and for Wales. The cost of Wales-specific online content, in both languages, in 2014/15 was £3.9m

The BBC's learning services are a core part of our online offer to the audience in Wales. Bitesize is the foundation-stone of this learning portfolio with a very high reach amongst its target audience but particularly so amongst those preparing for GCSE exams. In the next Charter period, we are committed to develop a fully tailored Bitesize service for Wales which meets the requirements of a devolved curriculum in both languages.

3.2 Pan-UK BBC services

The BBC's UK-wide network services (like BBC One, Radio 4, CBBC or BBC Three) provide significant value to audiences in Wales and contribute the majority of their consumption of the BBC. Network services like BBC One do not just deliver value to audiences, they also provide direct economic investment as a steadily rising proportion of programmes for the BBC's UK-wide services are made in Wales.

The BBC performs consistently well in Wales, attracting higher audiences and appreciation than the UK average. This is true both for network content and for content produced specifically for audiences in Wales.

The proportion of the population reached each week by the BBC's television and radio services is higher in Wales compared with the UK on average. This is especially true for BBC radio, where reach is consistently much higher in Wales compared with the UK average. In addition to reaching more people, those reached also watch and listen to BBC content more than the UK overall – 75 minutes more per week on average. The general appreciation of the BBC is also higher in Wales than in any of the UK's other three nations, with programme appreciation being a little higher in Wales for BBC TV and BBC radio.

Table 6: Pan-BBC performance in Wales, 2014/15

	Average weekly reach (%)		Quality		Average time spent per viewer/listener per week (hh:mm)	
	UK	Wales	UK	Wales	UK	Wales
All BBC	97	98	6.97	7.08 (GI)	18:10	19:25
All BBC TV	82	85	81.1	81.6 (AI)	10:15	12:00
All BBC Radio	65	76	80.3	82.8 (AI)	15:40	16:25

4. BBC network production in Wales

Over the last decade, the BBC has sought to decentralise its network production activity to help grow the creative economy outside London and spread the benefits of Licence Fee expenditure.

We set out two clear targets: that 50% of network TV expenditure should be invested outside London, and that 17% should be spent in the devolved nations (broadly in line with their combined population size). We have already met both targets earlier than forecast. In many senses, Wales has led the way - securing 7.8% of network television spend in 2014/15 (£59.1m), compared to a 4.9% population share.

Over recent years, BBC Wales has developed an international reputation in drama production, now focused at Roath Lock studios in Cardiff Bay where *Casualty*, *Doctor Who* and *Pobol y Cwm* are all produced. The 175,000 square foot complex has nine HD studios and operates at full capacity. The *Doctor Who Experience* exhibition, run by BBC Worldwide, is a stone's throw away from the studios.

As a direct result of the increased investment by the BBC in drama production in Wales, a critical mass of craft talent has been established with a broad range of skills and experience. As the drama production economy is largely based on freelance expertise, this has meant that independent companies – as well as BBC Wales in-house teams – can develop some of the most ambitious and high profile projects in British television safe in the knowledge that the skills are available to produce them in Wales.

Ten years since the launch of *Doctor Who*, Wales now has four drama studio complexes - at Pinewood (Wentloog), Dragon Studios (near Bridgend), Bay Studios (Swansea) as well as Roath Lock. As output continues to grow, the BBC in Wales is working closely with organisations such as Cyfle and Creative Skillset Cymru to develop skills in key areas of programme making.

As well as drama, BBC Wales is also a significant base for network factual and music production. High profile programmes include *Crimewatch*, *Bargain Hunt*, *Call Centre*, *BBC Cardiff Singer of the World*, *Young Musician* and a wide-ranging contribution to the *One Show*. The growth of in-house network production has also been complemented by a significant increase in independently-produced network productions from Wales, such as *Sherlock*, *Atlantis*, *A Poet in New York*, *Hinterland/Y Gwyll* and *Only Connect*.

These developments have helped fuel the development of Wales' creative economy – contributing to a 52% increase in the number of people working in the creative industries between 2005 and 2014 to 47,700. Turnover across the sector has increased by 17.5% in the same period.

In September 2015, the BBC published plans to transform the majority of its in-house production teams – including those in Wales - into BBC Studios, a wholly-owned subsidiary of the BBC Group.

BBC Studios would operate in the market, producing programmes for the BBC and other broadcasters in the UK and internationally, and returning all profits to the BBC Group. It would be committed to supporting the BBC's public service mission and values, and would keep programme-making at the heart of the BBC.

As part of these plans, the BBC is also proposing to remove its overall in-house guarantee of 50%, meaning that external producers would be able to compete for a much greater proportion of BBC network commissioning spend. The BBC believes this proposal is the best way to keep delivering fantastic creative programmes for audiences and long-term value for licence fee payers.

It is proposed that all network production teams within BBC Wales would become part of BBC Studios, and we are consulting with stakeholders before deciding whether local TV production teams in Wales should also be included. You can read more on these plans here:

http://downloads.bbc.co.uk/aboutthebbc/reports/pdf/bbc_studios_2015.pdf

5. The economic impact of the BBC

'A BBC of scale and scope with a stable funding mechanism that does not compete with commercial sources (i.e. advertising and subscription) lies at the heart of a successful UK creative economy.'

'The BBC remains the cornerstone of the PSB system and is the key driver of investment across the system.'

Public Service Broadcasting in the Internet Age: Ofcom's Third Review of Public Service Broadcasting: July 2015, p.3

5.1 Economic impact across UK

The BBC invested around £2.2 billion directly in the creative industries in 2013/14. This included c.£1.2 billion outside the BBC, with around £450 million invested in small and micro-sized creative businesses. The BBC supported over 2,500 creative suppliers, around 86% of which were small or micro-sized.

A further £1.5bn was invested outside of the creative industries in the UK; much of this spend was in the digital and high-tech industries on activities which support content creation and content distribution.

The BBC promotes Britain's Intellectual Property and image around the world: 56% of overseas businesses agree they are more likely to do business with the UK because of what they know about the BBC.⁴

The BBC is able to provide the risk capital for British ideas and creativity: it receives around 22% of broadcast TV revenues but is responsible for around 42% of investment in original content.

However the competitive challenges for the BBC are intensifying, with the growth of huge digital players whose income dwarfs the BBC's: BBC revenue for 2013 was £5.1bn, compared to Sky's £7.2bn, Google's \$59.8bn, Microsoft's \$77.9bn and Apple's \$170.9bn.

An August 2015 report by PricewaterhouseCoopers looked at the impact which changes to the BBC licence fee revenue would have on the organisation, on the industry and on the creative economy. The report noted that for every £1 increase in licence fee income, an additional 60 pence of economic value would be generated.⁵

Conversely, a recent Enders Analysis report indicated that for every £1 cut in BBC TV funding, total content investment would go down by at least 35p and first-run UK content investment by at least 49p.⁶

5.2 Economic impact in Wales

The estimated Licence Fee revenue raised in Wales is £186m⁷ of which £154m is spent on the delivery of content produced by either BBC Wales or by independent production partners.

⁴http://downloads.bbc.co.uk/aboutthebbc/insidethebbc/howwework/reports/pdf/bbc_report_economic_return_global_footprint_2013.pdf

⁵ <http://downloads.bbc.co.uk/aboutthebbc/reports/pdf/bbclfpwc2015.pdf>

⁶ Enders Analysis: BBC TV - Impact on investment in UK content: September 2015

⁷ Source: Income estimates, TVL. Estimates are based on the assumption of full licence fee payment.

60% of BBC Wales' spend is targeted at dedicated services for Wales with the remaining 40% spent on network TV content for UK audiences.

Every two years, the BBC measures the economic impact of its activities in the UK. In 2013 - the last time such an assessment was undertaken - the BBC and Deloitte estimated that the Gross Value Added (GVA) of the BBC's activities in Wales was £276 million. This means that for every pound spent by the BBC in Wales its effect is nearly doubled.⁸

The economic benefits of BBC Wales continue to stretch far and wide, delivering real value to digital and creative businesses across the UK.

BBC investment in creative activity in Wales is injected into the local economy via local companies and freelancers working closely with the BBC. This helps to sustain jobs in these companies. Meanwhile these companies themselves (and their employees) buy further goods and services, creating a positive 'multiplier' effect of economic benefits for the economy.

In 2014-15, BBC Wales' direct spend with external suppliers and producers totalled approximately £50m:

Table 7: External Spend by BBC Wales, 2014/15

2014-15 external spend	Value (£m)
Indies	16.4
Artist Contributors and Copyright	17.7
External Programme Facilities	13.6
Performing Groups	0.8
Total	48.5

⁸http://downloads.bbc.co.uk/aboutthebbc/insidethebbc/howwework/reports/pdf/bbc_economic_impact_2013.pdf

Section B - The BBC's Charter proposals for the devolved nations

In September 2015, the BBC Executive published a wide-ranging set of proposals for the next Charter, including plans to enhance current programming and services for the devolved nations as part of its *British Bold Creative* plan. There are five major areas of focus in the nations.

I. Strengthening BBC News in the nations

As the pace of devolution quickens – and as the UK changes more quickly than in recent history – we will need to adapt our services to ensure they fully reflect and report the increasingly divergent politics of the UK. The BBC, in principle, should neither lead nor lag behind constitutional change in the United Kingdom.

Our priority is to ensure we arm all citizens in all four nations of the UK with the information they need to make sense of their world and help hold those in power to account.

In a more devolved UK, news in some parts of the country simply does not apply to others. The politics and economics of the country is becoming more varied, the business of reporting it more complicated.

The BBC has a responsibility to ensure it is informing the audience in the most effective and relevant way. We believe the time has come to strike a better balance between the delivery of pan-UK news and news tailored to the distinctive needs and agenda of the devolved nations of the UK.

As a start, we will deliver a different BBC News homepage in each nation. We will personalise our news services to reflect personal passions and interests in every part of the UK.

But we may need to go further. We want to consult audiences across the country on whether we currently have the right balance between the UK-wide and nations news bulletins on television. Our news services today are very popular and widely used by audiences, including the much-debated *Six O'Clock News*.

But after devolution, the Scottish referendum and in a world where large aspects of public policy are devolved in the nations, there is now a much stronger case for providing a different balance in how we serve audiences with the most relevant BBC News and current affairs on TV. We look forward to exploring the various options with our partners, stakeholders and audiences through the process of Charter Review.

2. Reflecting the diversity of the nations on network services

Across the nations and regions of the UK, we know that the public want us to do more to portray the full diversity of life across the UK throughout our programmes and services. The UK is changing and it is not straightforward to represent or portray every aspect of British life across all of our services.

However, the BBC has a major role to play here and we will evolve our programmes and services to meet these changing audience demands.

During this Charter, we ensured that what we spend on network television in each Nation broadly matches its population. But we recognise that spend is not everything – we need to do more, and better, to reflect the lives and experiences of all licence fee payers.

During the next Charter period, we will remain committed to investing in programming across the UK and ensure that the drama and comedy we produce for BBC One and BBC Two better reflect the diversity of the UK's nations and regions.

3. Strengthening provision in the nations

While we know that audiences across the UK love and admire the BBC's drama, comedy and documentaries, they also tell us clearly they think we need to do more to capture the distinctive stories of Wales.

So we are setting ourselves a clear creative challenge: to adapt the BBC to a changing UK. In the coming years we want to tell new and different stories. We want to find new storytellers in every part of the UK – people who live and breathe the changing landscape. And we want to tell these stories in new ways and in new places – because technology and markets are changing.

We propose to create an interactive digital service for each of the nations of the UK. By creating curated 'channels' on our existing digital services – such as iPlayer – we will be able to deliver a unique offer, allowing the BBC to showcase existing content as well as new digital-first content, from ourselves and a greater range of partners.

But significant new investment in a broader range of programming, such as drama, comedy and entertainment, cannot be delivered within the current Budget agreement with the Government.

4. Welsh language services

The BBC is fully committed to broadcasting and providing services in the Welsh language. The programmes and services we currently provide – through our own services and in conjunction with our partners – are a vital part of the BBC’s role. We will continue to support and work closely with S4C.

In response to the growing audience challenges faced by these services, we want to work closely with S4C to move faster online to reach younger, digital audiences with content that is relevant to their lives. We will use – and share – myBBC technologies to enable more personalised services that can better reflect differing passions and levels of fluency.

5. Curriculum support across the UK

The BBC has a key role in supporting more formal education – with learner guides and curriculum resources, which are extremely popular and highly used. We bring these together under our Bitesize banner.

Across the UK the school curriculum is devolved, and is increasingly different. Our plan is to develop curriculum resources for each nation, building on our current offer and ensuring that our offer for students in Wales, Scotland and Northern Ireland is as comprehensive as it is in England. In Wales, we will also provide Welsh language content.

Section C - BBC response to Committee Terms of Reference

I. The BBC's current and future funding

The BBC's current *Delivering Quality First* savings programme was designed to absorb the impact of a five-year freeze in the licence fee from April 2010 as well as the cost of absorbing new responsibilities. These new responsibilities included majority funding of S4C, the BBC World Service, broadband roll-out and BBC Monitoring. In total, DQF is required to deliver £700 million of annual savings before the end of 2016-17.

The BBC is delivering these savings by:

- making productivity savings, for example by simplifying processes, reducing staff numbers and introducing new ways of working;
- reducing the scope of its activities, for example by reducing the number of new programmes commissioned or acquired, and providing fewer 'red button' television services; and
- increasing commercial income by increasing the number of programmes being produced that have a high commercial value.

As noted by the National Audit Office in its assessment of the DQF process, the BBC is clearly already doing significantly more for less. We have delivered £1.1 billion per year of savings since 2007 through preceding efficiency programmes and are on track to deliver £1.5 billion per year by the end of this Charter period.⁹ We believe, therefore, that Licence Fee payers can be confident they are getting good value from an organisation committed to delivering the best and to delivering value for money.

In the five years to 2016/17, BBC Wales will deliver savings of approximately 15% to support the *Delivering Quality First* efficiency programme. Over the full Charter period to 2016/17, BBC Wales will have delivered savings totalling £20m per annum (a cumulative total of around £100m).

In order to minimise the audience impact of these cuts, savings have been focused on managerial roles and the costs of operating supporting areas. By 2016/17, BBC Wales will have reduced its management costs by £3.3m per annum, and achieved a 25-30% reduction in the costs of support areas (e.g. technology, marketing, finance and HR).

However, savings have also been sought in editorial areas, and the impact of these can be seen below.

⁹http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/review_report_research/reducing_costs/reducing_costs.pdf p.9

Table 8: BBC Wales Output Spend 2006/07 and 2014/15¹⁰

	2006/07	2014/15
	£m	£m
BBC Wales TV	24.6	20.8
BBC Wales for S4C	20.6	19.7
BBC Radio Wales	10.5	10.6
BBC Radio Cymru	9.6	10.0
BBC Online	4.1	3.9
Total services for Wales	69.4	65.0
Network Commissions	55.0	59.1
Total	124.4	124.1

2. The implications of a reduction in English language programming output

The reduction in English language television programming (i.e. opt out programming specifically for Wales on BBC One and Two Wales) has been the subject of considerable scrutiny over recent years and reflects the financial context set out above. Content investment has fallen by around 30% in real terms since 2006/07 as a result of successive savings programmes over the last decade.

Table 9: BBC Wales Output Spend, English Language TV¹¹

	2006-7	2007-8	2008-9	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Cost (£m)	24.6	24.4	23.6	24.0	24.3	22.0	20.2	20.5	20.8

Although broadcast hours have fallen by 20% over the same period, the potential audience impact has been partly mitigated through a number of successful interventions by BBC Wales:

¹⁰ Annual Review figures

¹¹ Annual Review figures

- increased scheduling on BBC One Wales, delivering higher audiences than BBC Two Wales
- increased co-production maximising on-screen spend (e.g. *Hinterland* with S4C, All3Media and Tinopolis) and *A Poet in New York* (co-commissioned with BBC Two)
- major landmark seasons of output delivering greater impact with audiences (e.g. the health season *Live Longer Wales* and the Dylan Thomas centenary).

In 2014/15, BBC Wales produced just over 600 hours of original local programming in English. News and sport programming represented approximately 80% of this output.

Table 10: Genre analysis of BBC Wales English Language Television output, 2014/15

GENRE	BBC 1 Wales hours	BBC 2 Wales Hours	Total English Language Hours
News	308.2	0.5	308.7
Current Affairs	9.0	0.5	9.5
Arts & Music	5.9	7.0	12.9
Comedy	1.5	0.0	1.5
Drama	2.1	0.0	2.1
Education	0.0	0.0	0.0
Entertainment	0.0	0.5	0.5
Factual	51.8	8.5	60.3
Politics	27.5	40.2	67.7
Sport	4.5	145.5	150.0
TOTAL	410.5	202.7	613.2
ORIGINATIONS			

3. Current broadcasting governance and accountability arrangements in Wales.

Governance arrangements are reserved for the BBC Trust so we will confine our observations to a few brief comments on the direct impact of those operational arrangements on the BBC Executive, particularly with regard the Audience Council Wales (ACW) which advises the BBC Trust.

The Audience Council Wales (ACW) was created in 2007 in line with the provisions of the current BBC Charter and replaced its predecessor body, the Broadcasting Council of Wales (BCW).

The current Charter framework saw powers of a more advisory nature compared to those exercised by BCW being conferred on ACW. The Council's current role is to

'scrutinise the BBC's performance on behalf of audiences living in Wales, and to advise the Trust on issues relating to BBC audiences and services at a Wales level'.

The Council also undertakes a continuing assessment of BBC programmes and services in Wales and the extent to which the BBC's network output and other activities reflect the diversity of the UK and its nations, regions and communities.

In March each year, BBC Wales management provides the Council with an Annual Performance Review of its output, local and network including BBC content for S4C.

The other main interaction between the BBC Trust and BBC Wales focuses on the Service Licences granted to BBC Radio Cymru and Radio Wales.

The BBC Service Licences issued by the Trust state what those services are expected to deliver and how much they can spend. They set the BBC's editorial guidelines and protect the BBC's independence. The Trust monitors performance to ensure that the BBC provides value for money while staying true to its public purposes. A BBC Trust Service Review of both Radio Cymru and Radio Wales is in progress.

Looking ahead, it is clear that the current structures do not carry sufficient confidence with a lack of clarity around BBC Trust and BBC Executive functions. As part of its Charter Review response to the Department of Culture, Media and Sport, the BBC has made it clear that the key aims of successful governance and regulation should be to¹²:

- protect the BBC's independence;
- uphold the interests of licence fee payers;
- enable the BBC to remain distinctive and relevant in a fast-moving world;
- take market impact considerations properly into account;
- ensure the BBC operates in the public interest with effective routes for redress when it does not;
- ensure a clear separation between corporate governance and regulation.

The BBC is therefore supportive of a move towards the creation of a new unitary Board, fully independent of Government. The corollary of a unitary BBC Board with its own non-executive Chairman is the move to external regulation of the BBC.

We are, of course, clear that any BBC governance model should be responsive to the diversity of the UK and that the new unitary BBC Board must be able to take decisions in the best interests of licence fee payers across the UK.

Detailed proposals for the governance of the BBC, including BBC Wales, will be submitted by the BBC Executive to the forthcoming review of BBC governance, led by Sir David Clementi for DCMS.

¹² http://explore.gateway.bbc.co.uk/GatewayCMS01Live/pdf/BBC_Charter_Response_08102015.pdf, p.88

Looking ahead, we expect the BBC's budget to be 'cash flat' between 2017/18 and 2021/22 (effectively a real terms reduction of 10% depending on inflation forecasts). To support this challenging outlook, we are proposing a radical programme of reform including:

- increasing competition from two thirds to 80% of the BBC's cost base - one of the best in the public sector;
- planning to save almost 20% over the next five years, having already saved forty per cent of our cost base in this Charter period – with greater levels of efficiency savings than public sector/government;
- getting our overheads to less than 7%, inside the top 25% of private regulated companies, having already got to less than eight % this year;
- growing our overall commercial return in the next five years to a cumulative £1.2billion, up 15%, with Worldwide maintained as an integral part of the BBC.

It is too early to forecast how the BBC's financial outlook will impact on BBC Wales' expenditure.

4. How Wales's interests are being represented during the renewal process

This Charter process recognises the development of Wales as a devolved nation, its interests and culture. For the first time since 1927, there are a number of structured opportunities for Wales's voice to be heard, along with the other nations.

The key development has been the Memorandum of Understanding (MOU) agreed between the BBC, Welsh Government and DCMS. This MOU provides clarity to all three parties on how they will be consulted during the Charter process.

The separate inquiries being led by this Committee, the Parliamentary Welsh Affairs Committee and the House of Lords Communications Committee are all positive developments to be welcomed.

In addition, the BBC's plans laid out in the *British, Bold, Creative* document, contain two important commitments. These are:

- A commitment to consult with national governments and key stakeholders over the provision of BBC news services.
- A commitment to consult with national governments and key stakeholders over the funding of the nations' services.

The BBC Trust's consultation on *British, Bold, Creative* ended on 5 November.

Agenda Item 4

26 November 2015 – Papers to note cover sheet

Paper No:	Issue	From	Action Point
Public papers to note			
2	Petitions P-04-632 Mynyddoedd Pawb	Chair of the Petitions Committee	Correspondence to the Chair from the Chair of the Petitions Committee
3	Historic Environment (Wales) Bill	Deputy Minister for Culture, Sport and Tourism	Research into the feasibility of including statutory protection for historic parks and gardens

Christine Chapman AM
Chair, Communities, Equality and Local Government Committee
Tŷ Hywel
Cardiff Bay
CF99 1NA

16 November 2015

Dear Christine

Petition P-04-632 Mynyddoedd Pawb

The Petitions Committee has been considering the following petition from Mynyddoedd Pawb since May this year.

We call on the National Assembly for Wales to encourage the Welsh Government to persuade bodies and organisations to protect and respect our wealth of place names in order to:

- 1) stimulate respect and interest in the Welsh language and to secure and increase the use of it.*
- 2) increase the sense of identity among local communities by sharing the wealth of our cultural heritage with others.*
- 3) engage the interest and awareness of visitors of the richness of our local heritage and thereby bring educational and economic benefits to areas.*

This could be achieved through:

- working with outdoor centres in order to raise their awareness of traditional indigenous place names, and in order to support them to use Welsh place names in their day to day work.*
- highlight the richness of our place names in terms of our cultural heritage, and what they can communicate through the teaching of history, geography, mythology and historical land use in our country.*
- persuade the Welsh Government to bring traditional and long standing place names under planning control.*

(A written petition is running concurrently.)

Additional Information

We are of the view that that awareness should be raised of the importance of protection of Welsh place names, and that institutions and voluntary associations at local, regional and national levels have a key role in this.



Also, schools should ensure that children and young people have the opportunity to appreciate the richness of Welsh place names as part of their national heritage. We believe that place names and the heritage and history associated with them, should be an integral part of environmental studies courses in further and higher education and outdoor pursuits courses run by other bodies. Training organisations, centres and clubs involved in mountaineering and outdoor activities should be encouraged to use Welsh place names.

We ask the National Assembly to stress the importance of all this to the Welsh Government, so that they can persuade local authorities, Natural Resources Wales, the National Trust, the National Park Authorities and other bodies in the statutory, voluntary, public and private sectors to take appropriate steps to safeguard Welsh place names.

During our meeting of 6 October, the Committee agreed that I should pass details of the petition to the Communities, Equality and Local Government Committee so that your Committee could bear the issues it raises in mind during your consideration of the Historic Environment (Wales) Bill.

Details on the petition, including correspondence and agreed actions, are available at:

<http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?Ild=12672>

Should you require any further information, please contact the Petitions Committee Clerking team at SeneddPetitions@assembly.wales.

Yours sincerely



William Powell AC/AM
Cadeirydd/ Chair



Ken Skates AC / AM

Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth
Deputy Minister for Culture, Sport and Tourism



Llywodraeth Cymru
Welsh Government

Christine Chapman AM
Chair of the Communities, Equality and Local
Government Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Christine.Chapman@assembly.wales

19 November 2015

Dear Christine Chapman AM,

Historic Environment (Wales) Bill

In my letter of 3 November, responding to the committee's recommendations on the Bill, I agreed to carry out further research into the feasibility of including statutory protection for historic parks and gardens and to report back to the Committee no later than completion of Stage 2.

I am pleased to attach a report prepared by Historic Environment Services (Cadw) which explains the current arrangements for managing and protecting historic parks and gardens, and four possible options for improving protection, including the current proposal. As well as looking at the advantages and disadvantages of each it also seeks to identify the likely costs.

I hope you find this report of interest in your deliberations on the Bill.

Ken Skates AC / AM

Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth
Deputy Minister for Culture, Sport and Tourism

An Assessment of Options for Protection for Registered Historic Parks and Gardens within the Historic Environment (Wales) Bill

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Summary

This report examines existing arrangements for the protection and management of sites included on the Register of Parks and Gardens of Special Historic Interest in Wales, before considering a range of options for increasing protection. These options are as follows:

- Option 1 — Place the Register of Parks and Gardens on a statutory basis, but do not impose any new regulatory controls over works and activities.
- Option 2 — Introduce a statutory duty to have special regard to the desirability of protecting registered parks and gardens when undertaking any function under the Planning Acts
- Option 3 — Use existing legislation for scheduled monuments, and the proposed revised definition of a monument under the Historic Environment (Wales) Bill, to facilitate the statutory protection of registered parks and gardens as scheduled monuments.
- Option 4 — Introduce a new bespoke legislative framework comparable to listed building and scheduled monument consent where it would be a criminal offence to do anything that would alter the character of a registered park and garden without first obtaining registered park and garden consent.

There is already a framework in place for managing some of the activities that could damage the character and significance of our historic parks and gardens, using existing regulatory mechanisms for designated assets, such as listed buildings and scheduled monuments, where they coincide with registered historic parks and gardens. Inclusion on the register is also a material consideration in the planning process, which places some control over development that could damage the special interest of registered parks and gardens. New guidance, which will be issued for consultation during 2016, will support the management of historic parks and gardens through the existing framework. Extensive protection and some positive management is offered through agri-environment schemes. There is no compelling evidence to suggest that unregulated activity is causing significant damage to the special interest of registered parks and gardens, the majority of which appear to be well cared for by their owners. It is suggested that options to extend protection would be costly and would provide only limited additional benefit.

1. Introduction

Background

- 1.0 This briefing considers recommendation 4 of the Communities, Equality and Local Government Committee of the National Assembly for Wales within its Stage 1 Committee Report on the general principles of the Historic Environment (Wales) Bill. The Committee recommended that the Deputy Minister for Culture, Sport and Tourism should further consider how a system of statutory protection for historic parks and gardens could be provided within the Bill. The Committee advised that this consideration should include an assessment of the practical and financial implications of such a system for the Welsh Government, owners and other relevant parties.
- 1.1 An initial assessment of the desirability of statutory protection was undertaken as part of the scoping for the Bill, which included workshops held with the sector during 2012. However, it was considered undesirable and unnecessary to add a further layer of complexity for owners. This briefing provides further analysis on the issue of statutory protection for historic parks and gardens.
- 1.2 Human rights issues in respect of the provisions of the Bill have been considered as part of the legal analysis of the Bill. This briefing is also mindful that any proposals must be compatible with the Convention on Human Rights and that there is a balance to be struck between the rights of the individual and protection of the historic environment. Careful consideration must therefore be given as to whether provisions contained in the Bill are in the public interest and proportionate. Any system of statutory protection for historic parks and gardens would need to be fully justified.

Significance of Registered Parks and Gardens of Special Historic Interest

- 1.3 The historic parks and gardens of Wales form an important and integral part of the historic and cultural fabric of the nation. Historic parks and gardens can make an important contribution to quality of place and life, and add to the character and identity of an area. There are currently 386 sites on the Register of Parks and Gardens of Special Historic Interest.
- 1.4 Historic parks and gardens are unlike many other types of heritage asset in that:
- They often encompass large areas of land which over the years may have been divided into multiple ownerships with different management regimes.
 - The overall structure of a park or garden is based on a range of natural and man-made elements of varying significance and with different management requirements. These elements may include: archaeological remains; built structures; planted elements including gardens and grounds, parkland and woodland; water features and features associated with water management; and natural and man-made landforms. Some of these elements may have statutory protection in their own right.

- They always contain a living and therefore transient planted element (subject to seasonal change and with a natural lifespan) with particular management needs; and
 - Their elements, including planting (intentional and incidental), water features (natural and man-made) and ancient built features (habitat for lichen and wall flora and fauna), often make parks and gardens of high biodiversity value.
- 1.5 The Register includes a diverse range of sites from the medieval period to the twentieth century. Most historic parks and gardens illustrate several phases of development, in which existing features were incorporated into successive design schemes. Many also contain several types of land use: The commonest type of site on the Register is the country estate — a landscape which combined pleasure and recreation with production — but also included are public urban parks, as well as a number of smaller private gardens.
- 1.6 Sites included on the Register are assessed against a set of criteria which explains that gardens, parks, designed grounds, designed ornamental landscapes and places of recreation may be of special historic interest:
- a. When they illustrate some particular aspect of the history of gardens, parks, designed grounds, designed ornamental landscapes and places of recreation, or of the history of gardening, ornamental landscaping or horticulture — for instance, they may provide examples of the work of a particular designer, have features from a particular period or in a particular style, or contain items of interest to historians of design and horticulture or social historians;
 - b. When they have significant historic associations — for example, with a particular person or event; and
 - c. When they have group value with buildings or other land and the group value is itself of historic interest — for example, they may provide a historic setting for a building of historic interest.
- 1.7 The Register was compiled in order to aid the informed conservation of historic parks and gardens, and the policy objective is to enable these sites to evolve whilst preserving their most significant attributes. The aim is to encourage the management of change in a way that prevents irreversible harm to the special historic character and significance of the registered site. Change can be loosely broken down into three categories:
- i. Irreversible harm — change to all or part of a site or its setting that permanently damages its historic character and significance. Irreversible harm tends to be brought about by inappropriate development and may be direct physical damage to the site or its setting.

- ii. Reversible harm — change to all or part of a site or its setting that damages its historic character and significance but that can be reversed by altering management and maintenance regimes.
- iii. Unavoidable harm — unavoidable change to all or part of a site or its setting that damages its historic character and significance (for example as a consequence of climate change). Unavoidable harm has an element of unpredictability, but can sometimes be mitigated by adapting management and maintenance regimes.

2. Existing Protection Arrangements

- 2.0 Existing regulatory regimes already afford some protection to registered parks and gardens of historic interest, and help to secure their preservation for current and future generations.

Listed Buildings

- 2.1 Many registered historic parks and gardens form the setting for a listed building. Structures within these sites (such as walls, statues, gazebos, ha-has and other garden features) may also be protected as part of the curtilage of the principal listed building, and some may be listed in their own right.
- 2.2 Listed building consent is needed to alter or remove any structures that are either listed in their own right or that form part of the curtilage of a listed building. There is a statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses in determining applications for listed building consent and planning permission. These statutory provisions afford considerable protection to historic parks and gardens where there are associated listed structures.
- 2.3 There are currently 2,138 listed structures located within registered parks and gardens, the vast majority of which are an integral part of the registered area, including estate buildings, garden and boundary structures, and estate farm buildings. A significant majority — 328 out of the 386 parks and gardens on the Register — have listed buildings associated with them.

Conservation Areas

- 2.4 68 registered historic parks and gardens are included within conservation areas, either in whole or in part. These are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. There is a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and there are some specific controls, for example over demolition. Special provisions also apply to trees in conservation areas. Conservation area status is not considered appropriate as a means of protecting landscape features unless they are an integral part of the historic

built environment, and designation is not a means to control activities such as agricultural operations which do not fall within the definition of development. Nonetheless, several historic parks and gardens have been designated as conservation areas in their own right — these include urban public parks and some sites associated with private estates.

Scheduled Monuments

- 2.5 Scheduling provides statutory protection to ancient monuments considered to be of national importance. Scheduling protects sites from irreversible harm caused by damaging works but also encourages sympathetic management regimes and benefits from a system of condition monitoring. To date there has not been a systematic approach to the scheduling of garden features and the representation of garden features on the schedule is currently low. Examples on the schedule include ruinous garden features, such as the grottoes of the picturesque landscaping at Piercefield and Hafod, and relict gardens, i.e. ornamental and/or utilitarian gardens that are no longer in use for this purpose, such as the scheduled garden earthworks at Old Gwernyfed.

Development Management

- 2.6 A significant level of protection is also afforded to historic parks and gardens through the planning system. National planning policy for the historic environment is set out in Planning Policy Wales which states that local planning authorities should take the Register into account in preparing their development plans, and should protect parks and gardens and their settings; the effect of a proposed development on a park or garden, or its setting, may be a material consideration in the determination of a planning application.
- 2.7 The Welsh Government's Historic Environment Service (Cadw) is routinely consulted on planning applications affecting historic parks and gardens or their settings. Planning Policy Wales sets out that it should be consulted in all cases relating to grade I and II* sites, but in practice, Cadw is consulted on most cases, irrespective of grade, and it is anticipated that this practice will be continued.
- 2.8 These arrangements bring control over development requiring planning permission, which can be a significant cause of irreversible harm to the special interest of registered historic parks and gardens.
- 2.9 As part of the package of measures intended to support the Historic Environment (Wales) Bill, there will be specific guidance relating to the management of historic parks and gardens. This guidance will set out the general principles to consider when making changes to registered parks and gardens. Aimed at owners of historic parks and gardens and their agents, it will help them understand and care for their sites in accordance with conservation principles. This guidance will be subject to consultation.

Tree Preservation Orders

- 2.10 Local planning authorities have powers to protect specific trees, groups of trees or woodlands that have a significant impact on their local surroundings by issuing Tree Preservation Orders (TPOs). A TPO makes it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without the planning authority's permission. All types of trees can be covered by a TPO, including hedgerow trees, but excluding hedges, bushes and shrubs
- 2.11 TPOs can make an important contribution to the protection of historic parks and gardens.

Hedgerow Regulations 1997

- 2.12 These regulations aim to protect important hedgerows by controlling their removal through a system of notification. Under the regulations, it is unlawful to remove or destroy most countryside hedgerows without the written permission of the local planning authority. However, they do not apply to hedgerows within or adjoining the curtilage of a dwelling house and are therefore of limited application to historic parks and gardens.

Felling Licences

- 2.13 Felling licences are issued by Natural Resources Wales to help protect the forests and woodlands of Wales and to prevent indiscriminate felling. Cadw is consulted on any felling licences that may affect a scheduled monument or a registered historic park and garden. This provides an opportunity for Cadw to comment on proposals for felling and woodland management in registered historic parks and gardens and recommend, for example, sympathetic replanting.
- 2.14 Felling licences are not required in order to fell trees in a garden, orchard, a churchyard or a designated open space (Commons Act 1899), and are not needed for certain types of work (lopping, topping, pruning or pollarding). A licence is also not needed to fell less than five cubic metres in a calendar year or to fell trees below a certain diameter.

3. Management Arrangements

- 3.0 In addition to the regulatory regimes outlined above, registered historic parks and gardens can also benefit from a series of measures that encourage positive conservation management.

Agri-environment Schemes

- 3.1 Some registered parks and gardens benefit from the positive management and control associated with the Welsh Government's agri-environment scheme, Glastir. This is a 5-year sustainable land management scheme available to all farmers and land managers in Wales. It includes provision for managing and protecting landscapes and the historic environment.

3.2 Each of the component schemes available within Glastir includes specific provisions for the protection of historic parks and gardens, and a set of compulsory requirements (the Whole Farm Code) is particularly helpful in managing historic parks and gardens. The Whole Farm Code currently applies a significant number of registered parks and gardens either in whole or part, and introduces the requirements to:

- Protect and retain all in-field and veteran trees.
- Retain traditional buildings and remnant structures.
- Avoid damage or disturbance to any historic park or garden on the register of historic parks and gardens. Damage includes any of the following:
 - Removal of historic plantings identified in the Register;
 - Removal or disturbance of structural or landscape features;
 - Remodelling of the landscape that results in the re-profiling of the topography; and
 - Dumping of material.

3.3 Glastir also provides for the improved management of land, which can include enhancement of registered historic parks and gardens, for example through tree planting, orchard restoration, planting individual native trees, and the management of scrub, saplings and intrusive vegetation.

3.4 Glastir requires that consent must be sought from Cadw where an applicant intends to undertake management involving ground disturbance such as fencing and tree planting on a scheduled monument or in a registered park and garden.

3.5 The Glastir scheme therefore provides safeguards that contribute to the maintenance and management of registered historic parks and gardens. Officials in the Welsh Government's Rural Affairs Department are continually looking to fill any gaps in the schemes to support the protection and management of the historic environment. For example, consideration could be given to the inclusion of registered parks and gardens (along with other historic environment features) within cross-compliance regulations.

Conservation Management Plans

3.6 Conservation management plans (CMP) are important tools for managing change in historic parks and gardens. A CMP provides a clear understanding of significance; identifies present risks/vulnerabilities and future opportunities; sets out how a site will be managed and maintained day to day and in the long term through the development of management policies. This long-term holistic approach to site management avoids inappropriate and ad-hoc change that may be detrimental to a site's historic character and significance. Heritage Lottery funding applications require CMPs, and some important public parks have benefited in this way.

HMRC Capital Taxation and the National Heritage

3.7 Conditional exemption from Inheritance Tax or Capital Gains Tax can be applied for on land of outstanding scenic, historic or scientific interest or buildings of outstanding historic or architectural interest. As part of these arrangements, a heritage management plan is normally required. This identifies the significance of the site, sets out how it is to be managed and maintained to preserve it in the condition that helped it to be granted heritage status and explains how public access will be provided and maintained. Some fifteen registered historic parks and gardens in Wales benefit from these arrangements.

4. Summary of Existing Arrangements

4.0 Current regulatory and management arrangements already provide a significant degree of protection for most historic parks and gardens. The ‘hard’ landscape features (follies, walls, etc.) can be protected by listing, and development is managed via the need for planning permission. There is also a mechanism for the protection of trees in some parks and gardens. There are no restrictions on domestic and other gardening work which constitute part of the day-to-day management of a site. In addition, there are several schemes that promote positive management as well as protection, and there may be scope to extend these in future. New guidance for the management of historic parks and gardens will promote good practice in the management of change according to conservation principles and will add weight to existing planning policy.

4.1 Existing regulatory arrangements do not provide a bespoke regime to control every piece of work or activity that could have an impact on the special interest of historic parks and gardens. Minor changes to a registered park or garden under permitted development rights, planting alterations, the felling of unprotected trees or the clearance of sites which do not enjoy any statutory protection are not regulated. A minority of sites are not covered by the consent regimes associated with other designated assets, but in all cases, a proportionate level of protection is afforded by the policy requirement to take the Register into account in the planning process.

5. Options for providing statutory protection for historic parks and gardens

5.0 Four options have been considered.

Option 1 — Place the Register of Parks and Gardens on a statutory basis but do not impose any new regulatory control over works and activities.

5.1 This option is what is currently proposed as part of the Historic Environment (Wales) Bill, which would place a statutory duty on the Welsh Ministers to maintain and enhance the Register. All historic parks and gardens that meet the published criteria would be included on the Register and be subject to the

development management requirements set out in Planning Policy Wales. The option would also place a duty on the Welsh Ministers to notify the owners and/or occupiers of a historic park or garden to make them aware of the registration and its implications.

Strengths

- 5.2 This option retains a proportionate level of protection for registered parks and gardens through the use of existing statutory controls relating to other designated assets where applicable, and in all cases, through the regulation of development via the requirement for the Register to be taken into account in the planning process. It does not regulate domestic and other gardening works, or other works that are concerned with the day-to-day management of such sites.

Weaknesses

- 5.3 This option does not restrict the making of minor changes to a registered park or garden under permitted development rights, planting alterations, the felling of unprotected trees or the wilful or inappropriate clearance of sites. Any of these could theoretically occur where there are no designated assets with their own consent regimes. There is, however, no evidence to suggest that significant harm is being caused by unregulated activity.

Costs

- 5.4 The primary costs for this option would fall on the Welsh Ministers, arising from the duty to notify all owners and occupiers of the inclusion of their sites on the statutory register. The cost analysis has been included within the Regulatory Impact Assessment accompanying the Historic Environment (Wales) Bill and is provided at Annex 1.

Option 2 — Introduce a statutory duty to have special regard to the desirability of protecting registered parks and gardens when undertaking any function under the Planning Acts

- 5.5 This option would impose an additional statutory duty on local planning authorities and the Welsh Ministers to have special regard to the desirability of protecting registered historic parks and gardens when undertaking any function under the Planning Acts, including the determination of planning applications and the preparation of local development plan policies. It is already a requirement of planning policy that local planning authorities should protect registered historic parks and gardens; making this a statutory duty would not in itself introduce any additional protection.

Strengths

- 5.6 Formalises and possibly strengthens existing provisions in planning policy by introducing a statutory duty.

Weaknesses

- 5.7 A new provision along these lines would not introduce any new regulatory controls, and would not add anything to existing national policy concerned with development control and the protection of historic parks and gardens. This

policy framework already operates effectively, and will be strengthened by the introduction of guidance for the management of historic parks and gardens which will itself help inform the planning process, and there is no evidence to suggest that a new provision is necessary.

- 5.8 The introduction of a statutory duty would increase the legislative complexity of the planning system without increasing the existing level of protection afforded to registered historic parks and gardens.

Costs

- 5.9 The principal costs of discharging such a duty would be closely tied to the need to obtain specialist advice in determining an application for planning permission. There is currently insufficient expertise of this sort within local planning authorities to assist in the determination of planning applications and the most cost effective mechanism of providing such advice would be through consultation with Cadw. Putting this consultation on a statutory footing would involve only limited additional cost, as Cadw already provides advice in most cases where a registered historic park and garden or its setting is affected by a proposed development that is the subject of a planning application. Similarly, this option should involve no additional cost for an owner, since it merely formalises existing arrangements set out in policy.
- 5.10 The introduction of a statutory duty could necessitate a formal process of consultation with owners of parks and gardens on the register, together with a process of review. The costs to the Welsh Government are estimated to be in excess of £96,000 for the consultation exercise, and in the region of £90,000 for review (based on an assumption that a review would be requested in 5% of cases). Therefore, the total cost to the Welsh Government associated with introducing this option is likely to be at least £186,000.

Option 3 — Use existing legislation for scheduling monuments, and the proposed revised definition of a monument under the Historic Environment (Wales) Bill, to facilitate the statutory protection of registered parks and gardens as scheduled monuments.

- 5.11 The proposal within the Historic Environment (Wales) Bill to extend the definition of a monument to include '*any thing, or group of things, that evidences previous human activity*' could enable historic parks and gardens to be protected through scheduling. This would introduce a requirement to obtain scheduled monument consent for a range of works that could affect the special interest of a site (including for example, the removal of structural or landscape features or historic planting). Existing legislation includes provisions for permitted works to scheduled monuments (known as class consents) which could exempt certain agricultural, horticultural or forestry operations from the need to apply for consent. There is also scope for the introduction of management agreements.

Strengths

- 5.12 This option would provide a consistent approach to regulation for all sites, irrespective of whether or not there are designated assets with their own

consent regimes, and would also make it possible to regulate activities that fall outside the scope of other regulatory systems.

Weaknesses

- 5.13 The specific characteristics of historic parks and gardens mean that they would not fit comfortably in a regulatory regime designed for relict sites, where the policy objective is preservation in situ. The significant living component of parks and gardens requires a more flexible regime that allows sites to evolve. Furthermore, identifying a suite of permitted works (class consents) applicable to the diversity of site types and management regimes would be complex and challenging.
- 5.14 Many of the activities that it would be appropriate to regulate (because of their capacity to damage the special interest of historic parks and gardens) are, in practice, already regulated under: existing arrangements for development management which apply in all cases; designated asset consents, TPOs and other controls where they are applicable, and Glastir provisions. The introduction of another regulatory requirement would be complicated and confusing.

Costs

- 5.15 It is estimated that considerable additional costs would fall on owners/occupiers and on the Welsh Ministers, who already administer the legislative system concerned with the scheduling of monuments, including designation and review, scheduled monument consent, management agreements, condition monitoring and enforcement.
- 5.16 Owners would need to apply for scheduled monument consent to undertake certain categories of work and might need to appoint a specialist to explain and justify the approach that is being taken to respect the historic park and garden. It is estimated that this would cost in the region of £500 – £1500 in each case, but costs could be higher for more complex applications.
- 5.17 This option would also involve significant costs to the Welsh Government. In advance of scheduling, every site would have to be resurveyed in order to identify its significant features, and the owner/s would have to be consulted. Applications for scheduled monument consent would have to be determined, and, in some cases, management plans developed. A monitoring regime would also need to be established.
- 5.18 The regulatory impact assessment accompanying the Historic Environment (Wales) Bill estimated (paragraph 327) that it costs the Welsh Government approximately £630 to schedule a monument. On this basis, the scheduling of the 386 parks and gardens on the register would cost at least £250,000. However, the costs are likely to be significantly higher than this because historic parks and gardens are typically large land areas of composite character and, on average, are estimated to be at least 10 times the area of a typical scheduled monument. Allowing for economies of scale, it is suggested that the baseline survey analysis and administrative costs per park and garden is five times that of a typical scheduled monument. Consequently, it is estimated that

the process of scheduling of 386 parks and gardens could cost in the region of £1.25 million.

- 5.19 The proposed legislation will allow owners of scheduled sites to request a review of the decision to designate. It has been estimated within the Regulatory Impact Assessment that 5 per cent of all designations would need to be reviewed; the review process has been calculated to take 3 days at a cost of £750 per day. Again, the size of a registered park and garden is such that a review could take up to twice this time. Assuming that reviews were requested for 5 per cent of the 386 sites on the Register, and allowing 6 days at £750 per day for each, this process could cost in the region of £90,000.
- 5.20 There would also be annual costs associated with handling applications for scheduled monument consent (perhaps in the region of 30 applications per annum), condition monitoring, enforcement processes and any management agreements. This would require the employment of at least one additional specialist within the Cadw team and additional administrative and handling costs. The annual cost of this specialist and administrative workload is estimated to be £70,000.
- 5.21 If the arrangements were established over a period of 5 years, it is estimated that the annual additional set up costs to the Welsh Government would be in the region of £268,000 (largely for scheduling and review) during that period. There would be ongoing costs of approximately £70,000 a year thereafter (for determining consents, enforcement and monitoring condition etc).

Option 4 — Introduce a new bespoke legislative framework comparable to listed building and scheduled monument consent where it would be a criminal offence to do anything that would alter the character of a registered park and garden without first obtaining registered park and garden consent.

- 5.22 This option would introduce a bespoke system similar to that mentioned within Option 3 but with its own policy objective that would reflect the need to manage change rather than preserve a site in situ. It would require the introduction of a completely new regulatory system, with a consents regime, appeals process, condition monitoring and enforcement procedures, and could potentially also include provision for urgent works, repairs notices, etc.

Strengths

- 5.23 This option would extend a regulatory regime to all sites, and would therefore include sites where there are no existing statutory designations. It could also provide the means to control all activities which could be potentially damaging to the special interest of historic parks and gardens.

Weaknesses

- 5.24 The weaknesses of Option 3 identified in paragraphs 5.11 and 5.12 apply with equal force here. Identifying an appropriate and proportionate system of control applicable to the diversity of site types and management regimes would also be complex and challenging.

Costs

- 5.25 Local planning authorities do not currently have the expertise to administer such a system, and it would therefore fall to the Welsh Ministers to act as the regulatory body with the specialist expertise provided by Cadw.
- 5.26 The scale of the costs for this option will be similar to those for outlined for Option 3 (in paragraphs 5.14-5.19 above)– such as the costs of formal designation including the process of consultation and review, as well as the ongoing costs of managing a entirely new consent regime. There would also be significant costs on owners for making specific historic parks and gardens consent applications and seeking appropriate specialist advice. Again, as for Option 3, this is likely to be in the region of £500-£1500 per application.
- 5.27 However, it is suggested that the costs of establishing such a regulatory system under Option 4 might be significantly higher than Option 3, because it would be an entirely new regime – rather than an adaptation of the existing scheduling system. For example, if the arrangements were established over 5 years, the additional set up costs to the Welsh Government for this option is likely to be considerably more than the £268,000 per annum quoted for Option 3. It is suggested that the ongoing annual costs of supporting and administering the regime would be similar to those for Option 3, involving the employment of an additional specialist plus administrative support – that is £70,000 per annum.

6. Summary

- 6.0 **Option 1** — Registered historic parks and gardens already have a high level of protection wherever associated structures have been designated through listing (or in some cases, scheduling), or where the sites are included in conservation areas. There is also a significant level of control applied through the planning system, and an important suite of protection and management measures available through Glastir. There are some gaps in protection (for example where historic parks and gardens are not associated with any other designated assets, or where potentially damaging activities do not fall within the scope of existing regulation), but the introduction of best-practice guidance, together with closer engagement with owners, will narrow these gaps.
- 6.1 **Option 2** — It is questionable whether a new statutory duty, for the desirability of protecting registered historic parks and gardens in the exercise of planning functions, would carry more weight than the current policy requirement in the existing planning system. The existing policy framework appears to work well. It will be strengthened by the proposed guidance, which will serve a similar purpose to a statutory duty by ensuring that proper consideration is given to the significance of historic parks and gardens in determining planning applications. Cadw will also be providing specialist advice on all planning applications affecting a registered park and garden and its setting.
- 6.2 **Options 3 and 4** — The policy gain from Options 3 and 4 would be the imposition of tighter regulations on owners by requiring prior consent for any change to a park or garden over and above the constraints already imposed by the existing controls. The need for such controls is unproven, and it is therefore

considered that additional regulation would place an unjustified and disproportionate constraint on the rights of owners to enjoy their property. It would also be a complex and expensive system to administer, as it would have to be carefully tailored to individual sites so as not to impede the varying requirements of day-to-day management and maintenance on living sites.

- 6.3 In the absence of compelling evidence of need, it might be considered unreasonable to proceed with Options 3 and 4— with the attendant additional cost of a regulatory system – at this stage. The estimated cost of introducing regulatory controls is estimated to be in the region of £1.34 million over 5 years (that is £1.25 million plus the £90,000 for the review process), and subsequent annual costs of approximately £70,000, and this is unaffordable at the moment. The need for such a costly system of controls is at present unproven.

Historic Environment Service (Cadw), November 2015

Annex 1

Extract from the Regulatory Impact Assessment accompanying the Historic Environment (Wales) Bill

Costs — Placing the *Register of Historic Parks and Gardens* on a statutory basis.

The Welsh Government

The primary costs for this option would fall on the Welsh Ministers and arise from the duty to notify all owners and occupiers of inclusion on the register. There are currently 382 sites included on the *Register of Historic Parks and Gardens* in a variety of types of ownership as summarised, based on Cadw's current knowledge, in Table 5.

Table 5 — Ownership of historic parks and gardens in Wales.

County	Ownership type								
	Single						Divided	Multiple	Totals
	WG	LA	CB	HO	IO	PO			
Gwent	1	12	4	11	5	22	8	1	64
Clwyd, excl. part of Conwy/Powys	2	5	6	24	3	24	2	3	69
Conwy, Ynys Mon, and Gwynedd	1	5	6	12	7	25	6	3	65
Powys	1	4	4	14	6	20	2	1	52
Glamorgan	4	36	4	5	4	8	5	4	70
Carms, Cere, and Pems	4	5	10	12	5	17	10	3	66
Totals	13	67	34	78	30	116	33	15	386

Key:

WG: The Welsh Government or other government bodies, e.g., NHS.

LA: Local authority, primarily urban and country parks.

CB: Charitable bodies, largest number with the National Trust.

HO: Hereditary owners who have held the estate for 100 years or more.

IO: Institutional owners, mainly hotels, schools and golf courses.

PO: Private owners who have held the site for less than 100 years.

Divided: Where a park and/or garden is held by two owners.

Multiple: Sites with more than two owners.

Cadw estimates that the notification procedure, plus any necessary follow-up site meetings to resolve queries, will require an annual staff cost of some 0.5 whole time equivalent (WTE) at Management Band 2, plus a similar level of administrative support at Management Band 1. It is proposed that the process will be carried out over a two-

year period giving staff and travel costs of some £21,200 in 2016–17, rising to some £22,200 the following year. Once this phase of work has been completed there would be no additional ongoing costs.

The Welsh Government is also developing a publicly available, searchable, online mapping portal that will show the location and boundaries of registered historic parks and gardens. This will help to make successive owners aware of the registration of a historic park or garden. The development of this tool is independent of the Bill, so the development costs are not included here.

Local planning authorities and owners

The addition of 14 complete sites and 7 additional parts to existing entries on the register will mean that national planning policies for the protection of historic parks and gardens will thereafter apply to them. Additional consideration will consequently be needed when making and determining any planning application. Should a planning application be made for any of the additional sites to be included on the register, the LPA will need to include Cadw and any nominated advisory body in its list of consultees.

Benefits

Placing a duty on the Welsh Ministers to compile and maintain the *Register of Historic Parks and Gardens* will ensure that the arrangements established under the current voluntary regime will be sustained for the future. The inclusion of all historic parks and gardens, including the small number for which owners withheld permission when the county volumes were published between 1994 and 2007, will ensure equal treatment under the development control system. A duty on the Welsh Ministers to notify owners and occupiers that sites have been included on the register, together with up-to-date guidance and online mapping, will ensure that all are fully aware of the potential constraints on their land under the development control system.

Summary

Placing the Register of Historic Parks and Gardens on a statutory basis would ensure that the *Register of Historic Parks and Gardens* is a comprehensive and sustainable resource for the appropriate management of Wales' historic environment in the future. It would also result in a transparent and equitable system of constraints for the owners and occupiers affected. The notification process would involve additional costs for the Welsh Government, but these will be achievable within existing programme budgets.

Table 6 — Additional costs to the Welsh Government

	2016/17	2017/18	2018/19	2019/20	2020/21
Staff costs	£18,700	£19,700	–	–	–
Travel	£2,500	£2,500	–	–	–
Guidance	£5,000	–	–	–	–
Total	£26,200	£22,200	–	–	–