

Huw Irranca-Davies MS - Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
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17th August 2022

Dear Huw,

Scrutiny of the first Welsh Consolidation Bill – the Historic Environment (Wales) Bill

Firstly, thank-you for providing Historic Houses with the opportunity to contribute toward the scrutiny of the Consolidation Bill that the Welsh Government recently introduced to the Senedd. In-Principle as far as the impact assessment is correct in assessment and that our members will not be negatively impacted in a significant way by consolidating Wales's historic environment legislation we are broadly satisfied with its competence.

Our primary interest lies with Part 3, Chp 1 to 6. In particular, we are broadly satisfied that the same procedures will be in place for owners of listed buildings who need to undertake works as would have been previously covered by the historic instruments which this will now replace. We are also assured that the management regimes for designated historic assets and their associated consent processes will not change significantly to warrant further amendment at this stage.

We are therefore satisfied:

- i. that the scope of the consolidation is appropriate;
- ii. that the relevant enactments have been included within the consolidation;
- iii. that the Bill correctly consolidates the enactments or changes their substantive legal effect only to the extent allowed by Standing Order 26C.2;
- iv. the Bill consolidates the law clearly and consistently

However, we do agree with our colleagues at the CLA in relation to the use of the word 'Preservation' rather than 'Conservation'. As this word will be enshrined in law it in effect carries precedent above policy where Cadw and the Welsh Government utilise the principle of 'Conservation'. Therefore, under this Bill, the "duty to preserve" will be utilised in planning decisions and in the courts over conservation.

A "duty to preserve" arrests the ability of owners and managers of historic properties to sensitively change a building. Preservation can mean that owners merely abandon buildings to the elements unable to return a building to an accurate, often subjective interpretation of a building as it was at a particular point in time. Strict application of preservation over conservation principles blights resale and the asset can cease to exist, financially and ultimately then physically.

It seems a shame that this change cannot be made now, as the alternative is to either insert a new clause when the opportunity arises or it will need to be consistently explained that the words 'preservation' and 'conservation' hold the same and inter-changeable meaning. However, complications such as this are what has gradually given rise to the need for simplification and consolidation, which is why this Bill has been drawn forward.

Yours sincerely,

Phil

Phil Godsal - Chair
Historic Houses (Wales)

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