

HE 12

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Communities, Equality and Local Government Committee

Bil yr Amgylchedd Hanesyddol (Cymru)/Historic Environment (Wales) Bill

Ymateb gan: Ymddiriedolaeth Gerddi Hanesyddol Cymru

Response from: Welsh Historic Gardens Trust

Overall, we very much support the initiative of the Welsh Government in bringing forward the Bill to address concerns about safeguarding the heritage of Wales by strengthening the protection, mechanisms for support and public awareness of our historic environment. We welcome the creation of an expert panel to advise the Minister and trust that this will include persons with specific skills and knowledge of historic parks and gardens, particularly since the decision by Cadw not to continue the post of Inspector of Parks and Gardens. We also support the strengthening of the basis of the Historic Environment Records by making it a duty for Local Authorities.

Naturally, our particular concern and interest is with Part 4, Section 18 of the Bill: 'Register of historic parks and gardens' and with the amendment to regulations to enable Welsh Ministers to issue directions to LPAs to consult Cadw on all planning applications affecting grade I and II* sites and with a nominated amenity society on all planning applications affecting registered parks and gardens.

We especially support the proposed statutory status of the register which is long overdue and essential to fulfil the ambitions of the Bill. However, we note that it will not be accompanied by the introduction of a new consent regime. This appears to be at odds with the new Section 41A subsection (3) to be inserted in the Ancient Monuments and Archaeological Areas Act 1979 where Welsh Ministers take powers to modify the register by adding, amending or removing an entry. Does this mean that the Minister's decision is subject to the consent of the owner of the site?

The Welsh Historic Gardens Trust (WHGT) was set up in 1989 in response to the very real threat to many historic parks and gardens in Wales. It is the only amenity organisation based in Wales specifically concerned with the protection and conservation of historic parks and gardens. Its main aims and objectives are to conserve, document and promote the historic parks, gardens and designed landscapes of Wales and to campaign for their protection. The Trust gained charitable status in 1994 and consists of a central body with county branches throughout Wales. WHGT has long and wide-ranging experience in helping to conserve and enhance the historic parks and gardens of Wales and in responding to planning applications concerning them and welcomes the opportunity to become the amenity body required to be consulted by LPAs in relation to planning applications. The thresholds for consultation on historic parks and gardens that we would like to be applied are that the Trust be consulted on all grades (I, II* and II) of registered parks and gardens and their settings. WHGT believes that since many of the major threats in the past have been to Grade II listed landscapes and gardens these sites should also come under the jurisdiction of the new heritage legislation.

Initial discussions with staff of Cadw earlier this year suggest that WHGT might be the amenity society appointed to this task. Taking on such a responsibility would, of course, involve many implications for our organisation and we would like some indications included in the Bill both of the policy intentions behind the legislation and how this might work in practice. For example, who will nominate the amenity society; how will they do so and when is this likely to take place? Would the amenity society be consulted about this?

We are also concerned about the nomenclature used, in connection with the absence of the word 'statutory' in the Bill. We understand that other amenity societies who undertake such work (e.g. The Garden History Society, The Georgian Group, The Victorian Society, The Twentieth Century Society, The Society for the Protection of Ancient Buildings etc.) are classed as 'statutory consultees' which gives the Local Planning Authorities a statutory obligation to consult with them and therefore they are Statutory Consultees. Why would this not be the situation in relation to the historic parks and gardens of Wales?

If the WHGT is to undertake such work it would wish to seek parity with the other amenity societies and sufficient funding to be able to support a part-time case-worker. It cannot fund an operation of this magnitude and complexity on its own. However, we note that in the Voluntary Sector Impact Assessment for the Bill it is stated that 'the Bill does not contain any provision which will impact directly on the voluntary sector other than those with a significant landholding containing historic assets'. This is not realistic in relation to this consultation process especially in relation to the time consuming but productive role that pre-application discussion can play in influencing applications concerning these listed sites. Although some consultation does occur already this is inconsistent and partial and falls far short of the Wales wide standard you would expect.

Finally, we see the new responsibility in Section 41A (6) to publish the up to date register as a significant step forward especially since the intention is for this to be available on line and in a map format.

Jean Reader, PhD.,

Chairman.

Direct e-mail contact: jeanreader@btconnect.com