

HE 40

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Communities, Equality and Local Government Committee

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

Ymateb gan: Cyngor Sir Powys

Response from: Powys County Council

Historic Environment (Wales) Bill

Please find below a consultation response, submitted on behalf of the Local Planning Authority at Powys County Council.

1 Introducing greater transparency and accountability into decisions taken on the historic environment

1.1 Establishment of an advisory panel for the Welsh historic environment (sections 37–38)

While we understand and support the need for an advisory panel, it is unclear at this time how it will represent or assist the statutory duty of the LPA. The opportunity for all LPAs to feed into agenda items would be welcomed and would afford greater involvement and transparency.

1.2 Consultation, interim protection and review for designations (sections 24–26)

It will put in place a transparent system of designation and a straightforward process of review.

Consultation is supported as it is important to draw out all relevant evidence as early as possible in the designation process in order to arrive at an informed decision.

Interim protection is supported, although this will have resource and logistical implications for local authorities e.g. to ensure responses to local searches are accurately completed. There should also be provision for the body responsible for listing to visit a site quickly if requested if legitimate works are underway to prevent removal of features before full consideration of the building can be given.

The interim protection would address the issues where buildings are altered post survey and before the owners have been notified that they have been included on the statutory list, therefore we support this.

An opportunity to review existing listings would also be welcomed and would provide clarity in situations where curtilage buildings have been divorced from the principal building post listing i.e. Barn conversions.

2 Giving more effective protection to listed buildings and scheduled monuments

2.1 Extension of the definition of a scheduled monument (section 22)

2.2 Amendments to the offences and defences relating to scheduled monuments (sections 15–17)

2.3 Introduction of enforcement and temporary stop notices for scheduled monuments (sections 12–13)

2.4 Power of entry for the archaeological excavation of monuments in imminent danger of damage or destruction (section 19)

Despite the above four provisions being outside the scope of LPAs, with scheduled monuments being administered by Welsh Government, support is given. The proposals would help to increase the protection of archaeologically important sites while ensuring that archaeological information from a nationally important site is not lost. It also makes sense that there are similar or the same powers to protect SAMs as listed buildings, with more formal mechanisms in place.

2.5 Creation of a statutory register for historic parks and gardens (section 18)

We are fully supportive of a more comprehensive and sustainable resource for the appropriate management of historic parks and gardens. Inclusion of all historic parks and gardens will ensure equal treatment and consistency within the development control system.

We would raise the issue whether registered historic parks and gardens should be afforded the same protection as AONBs or Conservation Areas.

On-going sustainable management and maintenance of historic parks and gardens following designation is a potential issue not addressed adequately. Training, advice, and support - potentially financial support - are required to ensure the longevity of gardens and parks. It would be beneficial over time if Welsh Government could assist in preparing management plans alongside or following designation.

2.6 Extension of the scope of urgent works and enabling the recovery of costs through a land charge (section 30)

Would go a considerable way to addressing the problem of serious neglect by removing some of the obstacles in the way of LPAs taking action. The introduction of the mechanism to recover costs is greatly welcomed as this has been a huge deterrent to LPAs using urgent works.

We would seek clarification as to why the scope of urgent works has only been extended to residential use. Difficult to quantify in some cases when barns are un-occupied as opposed to partially occupied. We would support the rationale in the Explanatory Memorandum and would support that the bill be worded along similar lines.

However Urgent Works Notices are a stop gap to secure long term repair and this does not seem to be addressed fully. When a person installs upvc windows into an otherwise untouched listed building, there is the option of prosecution. However when a person deliberately permits a building to fall into disrepair the threat to the fabric is significantly greater with loss of internal plaster and timberwork, yet only temporary resolutions are available.

Despite the proposed mechanisms to recover the costs – both the financial and officer time is potentially a higher outlay than most LPA's could realistically commit to and even when they can it only addresses one building at a time, which will never address the issue. A national pot that LPA's can tap into would be a possible solution.

2.7 Introduction of temporary stop notices for listed buildings (section 29)

Fully supported as this would help to prevent unnecessary damage occurring to listed buildings.

3 Enhancing existing mechanisms for the sustainable management of the historic environment

3.1 Requirement for local planning authorities to create and maintain historic environment records (sections 33–36)

We acknowledge the wealth of information within the HER and support its retention, however, we disagree that the LPA's are the most appropriate body for managing the HER. We would question the relevance of non-statutory designations within the HER to the majority of LPA duties. The LPA's already hold the statutory records of relevance to their day to day decision making.

In becoming a statutory duty we are taking on responsibility for a record of significance that we haven't really had any previous involvement in and this could lead to either LPA's delivering the service in-house to a lesser quality than it is currently, or managing the service inappropriately due to a lack of understanding or knowledge.

To potentially devolve the responsibility of the HERs to the LPA's could fragment the HER that is currently on a regional basis. It is considered that this would be a retrograde step and records of such significance should be on a national or regional level. At present the four trusts manage it consistently and devolution to the LPA's could inevitably lead to an

inconsistency of record keeping, which would be a dilution of the current record.

3.2 Introduction of heritage partnership agreements (sections 11 and 28)

We welcome the use of HPA's as it would be helpful when dealing with lots of repeat applications of a simple nature, particularly repairs or rectifying past inappropriate works or reinstatement of lost features e.g. highway bridges, canal works etc or for single estates.

There is also the issue of whilst there may be perceived time saving benefits, in reality the increase in the workload to the case officer within the LPA is usually far more significant than the usual procedure of submitting an application. Given the increased workloads of Local Authorities it may not be possible to offer this time consuming service.

3.3 Reform of the scheduled monument consent process (sections 5-10)

Although outside of the scope of the LPA, we can fully see the benefits of modernising and streamlining the SMC procedures and harmonising them with those for LBC and planning controls.

3.4 Relaxation of the conditions for an application for a certificate of immunity from listing (section 27)

While we understand and agree that this would sever the link between applying for a COI and the need for a prior application for planning permission, offer savings to owners/developers and LPAs and therefore enhance the opportunities of creating new uses for unlisted buildings. Precaution needs to be taken as there is the potential for undiscovered historic elements to be revealed in the course of any works to the building that cannot possibly be seen prior to their exposure. Consideration of these buildings for a certificate of immunity should therefore be extremely robust, possibly with higher levels of assessment than for listing - i.e. dendrochronology - or thermal imaging, and to potentially exclude buildings of a multi-period where there is a higher potential for some elements to be hidden.