

HE 45

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 Bwrdeistref Sirol Wrexham

Response from: Wrexham County Borough Council

Dear Sirs

Historic Environment (Wales) Bill

Wrexham County Borough Council welcomes the opportunity to comment on the general principles of the Historic Environment (Wales) Bill through the terms of reference as set out for the Communities, Equality and Local Government Committee inquiry.

General Principles

The principles of the Bill, which seek to introduce greater accountability and transparency, provide greater protection to the historic environment and enhance existing mechanisms for its sustainable management, are generally welcomed.

Giving more effective Protection to Listed Buildings and Scheduled Monuments

The Bill sets out provisions which allow for immediate action to be taken in the event of unauthorised works to scheduled monuments and place less restriction on access to land in the event that damage has occurred. In light of the recent destruction of a section of Offa's Dyke near Chirk, these provisions, in addition to limitations placed on the defence of ignorance, are welcomed and bring legislation in line with listed building controls.

The Bill proposes the creation of a statutory and comprehensive register of historic parks and gardens. The publication of specific guidance on the protection and management of these sites, as referred to in paragraph 332 of the Explanatory Notes, is welcomed and considered essential to increasing awareness, understanding value and ultimately care of these often neglected assets. However, maintaining the register does not bring any additional statutory protection which would have been a more desirable outcome of the Bill.

Provisions in the Bill to extend the scope of urgent works and provide a mechanism for the recovery of expenses are wholly supported and provide an additional tool in tackling the issue of buildings at risk. However the requirement that urgent works should 'not interfere unreasonably with residential use' will undoubtedly be open to interpretation and could lead to higher incidence of appeal cases.

The Bill makes provision for the introduction of temporary stop notices. As demonstrated through our own experience of court proceedings, written

instruction to stop work is insufficient whilst a court injunction is often time-consuming. A temporary stop notice provides a much needed mechanism to bring a swift halt to unauthorised works and is therefore welcomed.

Enhancing Existing Mechanisms for the sustainable Management of the Historic Environment

In placing a statutory duty on local authorities to maintain the Historic Environment Record, this brings potential cost implications of approximately £6,000 per annum relating to formal monitoring of the resource. Provision of the service through the Welsh Archaeological Trust and ongoing funding from the Welsh Government is essential in ensuring that no additional burdens are placed on an already stretched service. There is a need to ensure consistent standards in the active management of the resource and integration with existing local authority systems.

Provision for the introduction of Heritage Partnership Agreements is supported. Whilst time consuming in their formulation, they offer many longer term benefits. The potential use of such agreements is under consideration in relation to the Pontcysyllte Aqueduct and Canal World Heritage Site.

Introducing Greater Transparency and Accountability

Interim Protection of assets is considered an essential component in a more transparent designation process. The potential for demolition at consultation stage and need for such protection has been evidenced in the attempted destruction of the Former Mines Rescue Centre, Wrexham. Interim protection eliminates the risks of compensation placed on the local authority in serving Building Preservation Notices as an alternative means of protection during the interim period.

Potential Barriers to Implementation

A reduction in the number of Conservation Officers in addition to planning and support staff presents one of the greatest threats as well as a general lack of resources in terms of both time and money.

Measures proposed such as the use of urgent works notices will require political support at local level to ensure they are used to their full potential.

Unintended Consequences of the Bill

No significant consequences are foreseen other than as already referenced above.

Financial Implications

Financial implications are not considered to be significant with the exception of the potential increase of duties in relation to the maintenance and operation of the historic environment record.

Appropriateness of the Powers for Welsh Ministers

The proposed measures seem appropriate.

Additional Points

It is unfortunate that the Bill fails to make any provisions for strengthening the management and protection of conservation areas.

I hope you will find these comments useful in your consideration of the Bill.

