

HE 34

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Communities, Equality and Local Government Committee

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

Ymateb gan: Y Sefydliad Cynllunio Trefol Brenhinol

Response from: The Royal Town Planning Institute

19 June 2015

e-mail response sent to: SeneddCELG@Assembly.Wales

Dear Sir/Madam,

Response to: Communities, Equality and Local Government Committee inquiry into the general principles of the Historic Environment (Wales) Bill.

The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 23,000 spatial planners. RTPI Cymru represents the RTPI in Wales, with 1,100 members. The Institute seeks to advance the science and art of spatial planning for the benefit of the public. As well as promoting spatial planning, the RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

Thank you for the opportunity to comment on the above consultation. The response has been formed drawing on the expertise of the RTPI Cymru Policy and Research Forum which includes a cross section of planning practitioners from the private and public sectors and academia from across Wales.

We have the following observations in response to the consultation.

RTPI Cymru welcomes the introduction of the Historic Environment (Wales) Bill and its aims which includes introducing greater transparency and accountability in decision making and more effective protection and management of the historic environment.

Establishment of an advisory panel for the Welsh historic environment

RTPI Cymru supports in principle the establishment of an advisory panel as proposed in the Bill, although prior to committing to the advisory panel a clear role which aims to enhance the service and fits in with existing historic environment and other relevant groups needs to be widely consulted upon to establish its value.

Paragraph 31 of the Explanatory Memorandum states “The panel is also likely to have a role in reporting to the Welsh Ministers on the delivery of the strategic plans for the Welsh historic environment.” Further information is required on the purpose of the Strategic Plans for the Welsh Historic Environment. How do they fit with other

policy documents, both existing – such as Planning Policy Wales (PPW), and those proposed under the various new Bills/Acts (Planning (Wales) and Environment (Wales) Bills and Well-being of Future Generations Act) – such as the National Development Framework (NDF). What role will the Strategic Plans for the Welsh Historic Environment play within the hierarchy of plans, statements and documents?

Introduction of enforcement and Temporary Stop Notices (TSN) for scheduled monuments

In relation to the proposed changes to the scheduled monument enforcement process, we are pleased to see that several different powers are being considered here, including planning enforcement notices, TSNs and injunctions. We also note proposed changes to limit the availability of the defence of ignorance in respect to prosecutions. These proposals are long needed and will bring scheduled monuments in line with powers already being used in respect of listed buildings.

Creation of a statutory register for historic parks and gardens

Para 111 of the EM states “Registered sites are given weight by *Planning Policy Wales*, which states that LPAs should take the register into account in preparing development plans and that the effect of a proposed development on a site included in the register, or on its setting, 'may be a material consideration in the determination of a planning application.'” Given this the creation of a statutory register is welcomed by RTPI Cymru.

Extension of the scope of urgent works to listed buildings and the recovery of costs through the introduction of local land charges

RTPI Cymru supports the proposal to extend the scope of urgent works to listed buildings and the recovery of costs allowing LPAs to take action even if deteriorating buildings are being used for storage or other non-residential purposes and make it easier for them to develop plans for buildings in partial occupation.

Introduction of TSN for listed buildings

RTPI Cymru welcomes the proposed introduction of a Temporary Stop Notice (TSN) process in relation to Listed Buildings, which provides a useful additional enforcement tool to LPAs.

We are unsure how widely the TSN will be used, as often the very fact an offence has been committed deters the owner/occupier from continuing with any further works, or the unauthorised works have already been completed. However it is useful to have a process like the TSN for situations whereby the unauthorised works are not extensive, are ongoing, and need to be stopped.

We also note there is the same compensation element as with general TSNs under the Town & Country Planning Act 1990. The possible payment of compensation may deter LPAs from using such a tool.

Requirement for local planning authorities to create and maintain Historic Environment Records (HER)

Paragraph 159 of the Explanatory Memorandum states, “the provisions require every LPA in Wales to create and keep up to date a HER and to make arrangements for information on the historic environment to be recorded, stored and made publicly available”.

Whilst we support the principle of historic environment records, we raise serious concerns over the ability of local authorities and others to adequately resource this activity, particularly in the context of significant cuts and difficulties in resourcing services, including conservation officers. At this time of budgetary pressures we have concerns that additional costs to LPAs may potentially place other elements of the planning service at risk.

Paragraph 162 of the Explanatory Memorandum explains that “the provisions also allow for the Welsh Ministers to issue guidance, following consultation, on the creation and maintenance of discharge of HERs, arrangements for the those functions, the publication of HERs and the setting of fees.” For the reasons given above we are pleased these matters will be consulted on and look forward to receiving further explanation and options on HERs.

Introduction of Heritage Partnership Agreements (HPA)

RTPI Cymru supports the proposal for HPAs, however we feel good practice notes would be useful for all parties involved in implementing these voluntary agreements.

If you require further assistance, have any queries or require clarification of any points made, please contact RTPI Cymru on 029 2047 3923 or e-mail Roisin Willmott at walespolicy@rtpi.org.uk

Yours sincerely,



Dr Roisin Willmott MRTPI

**Director
RTPI Cymru**