

HE 37

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 Ddinesig Cymru

Response from: Civic Trust Cymru

**i Civic Trust Cymru**

Civic Trust Cymru (formerly The Civic Trust for Wales) is a charity, core funded by Cadw. Civic Trust Cymru promotes civic pride as a means to improving the quality of life for all in the places where we live and work, and encourages community action, good design, sustainable development and respect for the built environment amongst people of all ages.

Civic Trust Cymru supports a network of civic and amenity societies across Wales. Societies are concerned with local character and sense of place. They engage with development and conservation issues. They recognise the need to think about the way places and communities are changing, and to ensure that what we build for the future respects the best of the past.

The Trust has developed a manual and toolkit 'Exploring your town' to guide communities as they explore the character of their streets and towns. It is closely allied to Cadw's urban characterisation initiative.

Civic Trust Cymru is a founding member, and the Secretariat, of the Wales Heritage Group. The Wales Heritage Group consists of 12 heritage organisations in Wales who meet quarterly to share information and discuss any issues of concern.

**ii Civic Trust Cymru response to the Communities, Equality and Local Government Committee**

Civic Trust Cymru thanks The Communities, Equality and Local Government Committee for the opportunity to provide evidence about the Historic Environment (Wales) Bill. Civic Trust Cymru welcomes the review of the heritage framework in Wales. The Bill, the accompanying documentation and draft TAN will have a significant impact upon future heritage protection and development.

The Deputy Minister, Ken Skates AM, has explained on various occasions the reason why the new Bill does not consolidate all heritage legislation. The result is a complex raft of legislation and policy. We have focussed our comments on the Heritage Environment Bill but have concerns about the potential for disconnection between the Bill and the draft advice in the accompanying documents such as the draft Technical Advice Note and the chapter for Planning Policy Wales. It would potentially be very easy for there to become a loss of coherence within the mass of documents during the various stages of drafting and consultation.

Resourcing and expertise are essential for Cadw, local authorities and the voluntary sector to be able to all work towards protecting and enhancing the historic environment. We are

concerned that continuing cut backs and the increasing loss of staff and funding across the breadth of organisations – governmental and voluntary - will have a significant negative impact upon the historic environment.

**1** We support the general **principles** of the Historic Environment (Wales) Bill with the following caveats:

**1.1 more effective protection to listed buildings and scheduled monuments;**

*1.1.1 creation of a statutory register of historic parks and gardens*

- The register needs to be complemented by strong planning policy to ensure greater protection for Wales's historic parks and gardens, as they represent an important part of our heritage, as well as our tourism offer.

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

- The Trust welcomes these clauses provided they are first charges against a property. If it is only one of many potential charges this new power may be of little benefit (e.g. if a mortgage takes precedence).

*1.1.3 introduction of temporary stop notices for listed buildings*

- Civic Trust Cymru welcomes these as a method of heritage protection.

*1.1.4 Heritage Partnership agreements*

- Civic Trust Cymru is broadly happy with these proposals but requests a mechanism to inform the wider public and community of an impending agreement, and consults on them in a similar way to current listed building applications.

**1.2 enhancing existing mechanisms for the sustainable management of the historic environment;**

*1.2.1 requirement for local planning authorities to create and maintain historic environment records*

- Civic Trust Cymru welcomes in principle the enhanced provision for the HER and accessibility of all historic environment records in one place
- The Bill appears to advocate (as does the draft guidance) that characterisation studies should be included in the HER. Civic Trust Cymru is supporting a number of civic societies to undertake characterisation studies and therefore welcomes this, though guidance needs to allow some data standard flexibility if this useful material is to be included.
- We understand from the Deputy Minister's evidence to the Committee on June 4<sup>th</sup> 2015 that local planning authorities could decide to maintain their own HER record, though the funding for doing so will be paid directly to the four Archaeological Trusts. Civic Trust Cymru endorses the good work of the Archaeological Trusts but it would seem more straightforward to clearly allocate who will undertake the HER, for example if the situation arose whereby a local authority decides to take up a different offer from an independent consultant or archaeological trust outside Wales there would be a significant risk of losing the local knowledge and expertise held by the Archaeological Trusts as well as a potential variation in the standardisation and diminution of the universal accessibility of these essential records.

*1.2.2 relaxation of the conditions for an application for a certification of immunity from listing*

- Civic Trust Cymru’s concerns remain (as expressed in The Civic Trust for Wales’s consultation response in September 2013): “that exclusions might inadvertently remove protection from hidden features that are later exposed through investigation, alteration or demolition.”

### **1.3 introducing greater transparency and accountability into decisions taken on the historic environment.**

#### *1.3.1 establishment of an advisory panel for the Welsh historic environment*

- Civic Trust Cymru has concerns about the extra costs associated with establishing this advisory panel at this time of limited public funding.
- We are also concerned about the potential for conflict between the view of such a Panel and the HEG, which should continue as a valuable feedback mechanism between policy and implementation.

#### *1.3.2 consultation, interim protection and review for designations*

- In the interests of greater transparency Civic Trust Cymru would welcome publication of any changes to the schedule or list (e.g. as a part of a local authorities planning application list).
- Civic Trust Cymru welcomes the introduction of ‘Interim Protection’

## **2 Any potential barriers to the implementation of the Bill’s provisions and whether the Bill takes account of them**

2.1 The Bill appears to assume that most decisions (apart from those relating to scheduled monuments) will be taken by local authorities. Civic Trust Cymru considers that the Bill needs to make provision for consideration of the Heritage Environment in relation to decisions currently being taken by UK Ministers on Nationally Significant Infrastructure Projects under the Planning Act 2008.

2.2 In relation to the Independent Advisory Panel Civic Trust Cymru suggests that a potential barrier will be the ability to find truly ‘independent’ expertise.

2.3 Whilst protection of the historic environment is being granted a higher profile by the Welsh Government, simultaneously there is the real threat of diminished resources, both in terms of appropriate staff and finance, in local authorities and at Cadw.

## **3 Unintended consequences arising from the Bill**

3.1 In relation to Lists of Historic Assets of Special Local Interest in Wales, Civic Trust Cymru welcomes the proposal to identify historic assets of concern to local communities, and the link to Civic Trust Cymru (formerly The Civic Trust for Wales) in the draft guidance on ‘Managing Lists of Historic Assets of Special Local Interest in Wales’. However, we reiterate our previous consultation response *“if lists are to be non-statutory there should nonetheless be a positive approach through planning guidance that promotes local listing as good practice with the aim of encouraging Wales-wide take up; (and)...there should be clarity about the weight to be attached to local listing in the context of planning decisions”*. This later point is important in order to avoid the wider public from having unrealistic expectations about a building placed on the local List of Historic Assets.

3.2 Civic Trust Cymru wishes to draw the Committee's attention to our regret that the opportunity to review the effectiveness of Part II of the 1990 Planning (Listed Buildings and Conservation Areas) Act and/or its guidance has been missed. Civic Trust Cymru as part of its own consultation process received one individual concern over the apparent policy of ceasing the engagement of area conservation groups in the process of evaluating planning applications in Conservation Areas. Since they were set up (originally for each designated conservation area) their input in support of the LPA's officers in determining applications for planning approval or listed building consent has been invaluable. Their value is increased where authorities do not have conservation officers in post. The rectification of defects in the Historic Environment (Wales) Bill in terms of carrying out public consultation exercises in respect of declaring or re-designating a Conservation Area or in ensuring that LPA's produce Design Guides or Conservation Enhancement Plans also benefit from it being mandatory that Conservation Groups are consulted - which begs the question as to whether it should be mandatory that advisory conservation groups should be established for each Conservation area?

#### **4 The financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum)**

Civic Trust Cymru has serious concerns, in the light of current and anticipated resources available to local authorities, of their ability to resource preparation of Lists of Historic Assets of Special Local Interest in Wales.

We reiterate our previous statement that resourcing and expertise are essential for Cadw, local authorities and the voluntary sector to be able to all work towards protecting and enhancing the historic environment. We are concerned that continuing cut backs and the increasing loss of staff and funding across the breadth of organisations – governmental and voluntary - will have a significant negative impact upon the historic environment.

#### **5 The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1of the Explanatory Memorandum)**

No comment