

# Historic Environment (Wales) Bill

Evidence to the  
Communities, Equality  
& Local Government  
Committee

May 2015



WLGA • CLILC

## **INTRODUCTION**

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities and the three fire and rescue authorities are associate members.
  2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh local government and the communities they serve.
  3. The WLGA welcomes this opportunity to contribute to the inquiry into the general principles of the Historic Environment (Wales) Bill. As requested, the Association have framed our response in line with the terms of reference.
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### **General Principles of the Historic Environment (Wales) Bill**

4. The WLGA has been pleased to engage with the drafting of this Bill through its representation on the Bill External Reference Group and through more focused discussions with officials. In general, the Association welcome the Bill and the increased powers of protection of the historic environment afforded to local authorities.
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### **Giving more effective protection to listed buildings and scheduled monuments**

5. Local authorities and national parks, through their planning powers, are key players in managing Wales' historic environment. Local planning authorities have powers and responsibilities with regards to world heritage sites, listed buildings, conservation areas and historic features such as parks and gardens. Local planning authorities undertake a regulatory role for example by considering listed building consent applications through to a proactive role in securing external funding such as Townscape Heritage Initiative funding from Heritage Lottery Fund and implementing comprehensive schemes of heritage renewal.

6. Local planning authorities have significant powers relating to listed buildings including urgent works. The WLGA welcome the provisions in the Bill to extend the scope of urgent works to occupied and unoccupied buildings alike and the change to facilitate the recovery of expenses from urgent works through a legal charge upon the land. In this financial climate, difficult decisions will have to be made regarding the cost of urgent works against the potential recovery of costs and the timeframe for doing so. After all, if the building requires urgent works it is not likely to attract many buyers should local authorities use their new powers of sale or lease.
  7. The WLGA welcome the new provision to give local planning authorities the power to issue a Temporary Stop Notice to prevent the continuation of unauthorised work on a listed building.
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### **Enhancing existing mechanisms for the sustainable management of the historic environment**

8. This Bill places a statutory duty on local planning authorities to maintain a Historic Environment Record (HER). Currently this is a voluntary arrangement, discharged in most cases, to one of the four Wales Archaeological Trusts (WATs). The WLGA expect this arrangement to continue and are satisfied that the discharge of this function to the WATs is the most effective future arrangement. The Association also expects that existing funding arrangements to continue, in that Cadw will continue to grant aid the WATs and we are pleased that this is referenced in the Explanatory Memorandum Page 33 paragraph 161. Local planning authorities cannot accommodate any additional expenditure at the current time. A new statutory duty regarding HERs will require LPAs to ensure that the recognised standard of HER is achieved and a more formal service level agreement will be required between the LPA and WAT. The WLGA will comment on the guidance 'Managing Historic Environment Records in Wales' during the formal consultation period.
9. The Bill introduces Heritage Partnership Agreements to Wales. It is not expected that many HPAs will be put in place across Wales, however where they are requested they will take considerable time and resource to develop and agree. Local planning authorities do not have spare capacity to enter lengthy negotiations on HPAs and therefore there may indeed be future resource issues. Although these are voluntary agreements, it is not clear on what grounds LPAs can decline to be involved in a HPA and the repercussions of doing so.

## **Introducing greater transparency and accountability into decision taken on the historic environment**

10. The WLGA welcome the duty on Welsh Ministers to inform owners of a decision to list and the necessary interim protection. The Association also welcome the ability of an owner or occupier to request a review of the decision to list.
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## **Any potential barriers to the implementations of the Bill's provisions and whether the Bill takes account of them**

11. Over recent years the number of conservation staff in local authorities and national parks across Wales has declined; for example, a survey conducted in 2013 by the Wales Archaeological Trusts (WATs) found that there were forty-eight (FTE) conservation staff directly working for local authorities, with sixteen authorities having just one conservation/historic environment specialist. As this survey took into account external arrangements, such as fixed-term Heritage Townscape Initiative (HTI) grants and associated temporary officer posts, the Association now estimate that the number of (FTE) conservation staff stands at around forty-three, with two local authorities not employing any dedicated conservation officer/historic environment specialist.
  12. Although the Association recognises that LPAs have the desire and potential to play a more active role within the heritage sector, the Association does acknowledge that most LPAs can only concentrate on core statutory functions as a result of funding and capacity pressures, with many already struggling to fulfil current obligations. With the new Planning (Wales) Bill set to create an increased focus on performance and effectiveness of LPAs, in particular timeliness, many if not all LPAs will be forced to make difficult decisions regarding the prioritisation of work; this could hence result in a lack of resources directed towards the implementation of the new provisions in this Bill.
  13. Reasonable consideration also needs to be given towards differences and inconsistencies in capacity, resources and specialist staffing levels across LPAs, along with the potential implications such a variation will have on effectively and consistently delivering on the Bill's provisions across Wales.
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## **Unintended consequences of the Bill**

14. No comment

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## **Financial Implications of the Bill**

15. As it stands the additional cost to local authorities as a result of the provisions in this Bill is minimal; this is welcome and the Association would not want to see this change as a result of amendments.

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## **Appropriateness of the powers in the Bill**

16. No comment.

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