

HE 35

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 Gronfa Treftadaeth Bensaernïol

Response from: The Architectural Heritage Fund

- 1.0 The AHF is a registered charity, founded in 1976 to promote the conservation and sustainable re-use of historic buildings for the benefit of communities across the UK. We do this by providing advice, information and financial assistance in the form of early project grants and loans for projects undertaken by charities and not-for-profit organisations. Set up with £500K from the UK Government, the AHF's lending resources are now worth nearly £13M as a result of successive government grants, donations and accumulated surplus of income over expenditure. AHF grant programmes are financed by interest on loans and bank deposits, and Government grant-aid.
- 2.0 The AHF shares the vision of the Welsh Government that a well-managed historic environment makes a vital contribution to the creation of sustainable and distinctive places. Historic buildings and places play an essential role in our everyday lives, our cultural identity and our economy. Our historic environment can inspire creativity and enterprise, it brings communities together, and it makes people happier about where they live. For nearly 40 years, we have been supporting people achieve viable community-led solutions for the re-use of historic buildings at risk.
- 3.0 The AHF is unique in that we are able to offer support to local communities at every point in the life-cycle of their project – grants for early development work and project planning, through to loans for acquisition and as working capital for project delivery. Our experienced staff also offer help and advice, giving people the skills and confidence they need to realise their ambitions.
- 4.0 Since 1976, the AHF has awarded loans with a total value of £68M to over 500 projects across the UK and has disbursed more than 700 individual early project grants totalling over £8M.
- 5.0 Specifically in Wales, the AHF has recycled its £405K designated lending fund in Wales by a factor of 7, and we have now awarded loans totalling £2.75M to facilitate the repair and sustainable re-use of 20 historic buildings at risk in Wales. For example:
 - a. An AHF loan of £120,000 to Llandudno Seaside Buildings Trust to repair and refurbish the Grade II listed St. George's National School in Llandudno as an integrated learning centre, providing new training and employment opportunities

for the local community. The project won a design award from the Consortium of Local Authorities and is widely regarded as an exemplar as a forerunner of local authority asset transfer.

- b. A loan of £225,000 to Cadwgan Building Preservation Trust to facilitate the acquisition of Ty Castell, adjacent to Cardigan Castle. The loan proved to be the catalyst for the restoration scheme for the Castle itself. The recently completed £12M project has brought widespread community, tourism and economic benefits to the area. The AHF was the first funder to commit to the project, and we continued to provide advice and further financial support through to its completion.

6.0 The AHF has also disbursed more than £542K in grants to 94 projects in Wales, assisting with early project feasibility and development work to help find solutions for historic buildings at risk, such as:

- a. Early project grants of £20,500 to Penarth Arts and Crafts Ltd to fund a feasibility study for Penarth Pier Pavilion and to assist with project development and the preparation of the successful application to the Heritage Lottery Fund. Financial support early on was crucial for Penarth Arts and Crafts, a social enterprise, to realise their ambitions and to develop the pier pavilion as a multi-purpose entertainment venue for the benefit of the people of Penarth, particularly those from a disadvantaged background. The pavilion reopened in 2014.
- b. An early project grant of £3,000 to Carmarthenshire Heritage Regeneration Trust to fund an assessment of the financial viability of restoring the derelict Grade II former YMCA building in Merthyr Tydfil into a social and economic hub, housing new office and work space (which is estimated will create 70 new jobs). This assessment was a prerequisite for an HLF application to its 'Heritage Enterprise' grant scheme, and a first-round pass was awarded in February 2015 with £2.6M available subject to further applications. Stabilisation and emergency works were completed in January 2015.

The Historic Environment (Wales) Bill

7.0 The AHF welcomes the opportunity to respond to the call for written evidence on the Bill. Whilst the AHF is not directly involved in the operation of the planning system, we do have a strong interest in the conservation and sustainability of Wales's heritage, having allocated over £3.29M to historic building projects in Wales. We wish to see our investment protected through effective legislation.

8.0 We recognise that the principal tool for the conservation of Wales's historic environment is the legislative and regulatory planning system. Ultimately that system is about recognising a public interest in private property, and part of that public interest lies in the diverse values people attach to their heritage.

9.0 In order to be effective, it is essential to have in place a regulatory system that is clear, transparent, democratic, consistent and pragmatic. With this in mind, we welcome all of the legislative amendments in the Bill and the supporting complementary documentation. We believe the amendments comprise a straightforward series of sensible steps that effectively harmonise the legislative processes of the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990 whilst also recognising the different objectives and mechanisms required for the conservation and sustainable management of ancient monuments and historic buildings.

Improved heritage protection controls

10.0 The AHF considers that the proposed amendments will achieve a more robust system of heritage protection, by introducing interim protection measures, by replacing the ‘defence of ignorance’ with a ‘due diligence’ defence and by the introduction of enforcement and stop notices. We recognise these measures are in effect additional bureaucratic controls, but ones that will only impact upon those whose actions are considered to be damaging to the conservation of Wales’s irreplaceable historic environment. We consider that the proposed amendments are likely to introduce additional financial costs, but again only for those who contravene the legislation or who wilfully neglect statutorily protected historic buildings.

Measures for consultation on designation applications

11.0 The AHF supports the measures introduced to ensure owners of historic assets and other appropriate persons are given an opportunity to comment on applications for designation. It is an important principle that all of those with an interest in an historic asset are able to express their views on its value and how it should be looked after.

12.0 It is not clear whether the definition and scope of ‘appropriate persons’ as drafted extends to representatives of the local community in which the heritage asset proposed for designation sits. Indeed, it is difficult to ascertain the degree to which the Bill and supporting complementary documentation empowers local communities to have a meaningful role in the identification of heritage assets that are worthy of protection. In his introductory statement, the Deputy Minister for Culture, Sport and Tourism referred to new secondary measures designed to allow communities to recognise historic assets that are important to them. However, the draft guidance on historic assets of special local interest does not *require* Local Authorities to maintain such lists, the lists do not confer any statutory protection to recorded assets, and there are no specific provisions for communities to nominate heritage assets for inclusions on such lists.

13.0 As a consequence, the AHF recommends that (subject to the current review of local government) the Committee might wish to consider whether it is either desirable or practicable to include Community Councils and/or Area Boards within the definition of “appropriate persons” that are invited to comment on applications for

designation. We also suggest the draft guidance on heritage assets of special local interest could be improved by including specific provisions for communities to nominate heritage assets for inclusion. Such a measure would help ensure historic environment policy keeps in step with proposed improvements for local devolution, democracy and delivery as set out in the White Paper, *Reforming Local Government: Power to Local People*.

Historic Environment Records

- 14.0 The AHF considers Historic Environment Records (HERs) as one of the most important ways of recording, maintaining and disseminating knowledge about the historic environment. Therefore, we strongly endorse the introduction of a statutory obligation for local authorities to create and keep up to date HERs and provide access to them, and we welcome the encouragement of outreach programmes to promote their wider use (as advocated in the complementary guidance document). This is a very progressive step by the Welsh Government that will help ensure HERs can both serve as an effective heritage protection and planning service tool and provide a unique resource for people to understand and find out more about their local historic environment.

Complementary guidance

- 15.0 The AHF welcomes the publication of the draft complementary guidance documents. On the whole, these are very clear and straightforward and they provide a useful understanding of the policy, advice and guidance that will complement the legislation after its enactment. We look forward to commenting on them further when they are released for formal consultation.
- 16.0 However, the AHF believes there is a potential gap in the suite of complementary documents, as there is currently no specific guidance provided for local communities and not-for-profit organisations that may wish to transfer heritage assets from public ownership. The AHF has been pleased to contribute to the preparation of such a document in England, *Pillars of the Community: The Transfer of Local Authority Heritage Assets*¹, and we recommend the Welsh Government consider introducing a similar document in Wales.

Conclusion

- 16.0 In summary, the AHF is very supportive of the new legislative measures introduced by the Bill and the guidance set out in the complementary documents subject to the comments above.

¹ <https://content.historicengland.org.uk/images-books/publications/pillars-of-the-community/heag032-pillars-of-community.pdf/>