

Written Response by the Welsh Government to the report of the Communities, Equality and Local Government Committee entitled *Inquiry into the Welsh Government's Historic Environment Policy*

17 April 2013

Protection of our heritage and encouraging public access, enjoyment and participation are priorities for the Welsh Government and as such I warmly welcome this report and the opportunity to discuss our proposals for the future vitality of the historic environment of Wales. I would like to put on record my appreciation of the hard work by the members of the Communities, Equality and Local Government Committee in gathering evidence and presenting its findings.

Most of the recommendations in the report chime with the Welsh Government's direction of travel in relation to historic environment policy and I am therefore pleased to accept the majority of them. Some require further consideration and research but I understand and support the reasoning behind them and will give these positive consideration.

Written and oral evidence was provided to the Communities, Equality and Local Government Committee by my predecessor, the Minister for Housing, Regeneration and Heritage and by the Minister for Business, Enterprise, Technology and Science in July 2012. I know that my Ministerial colleagues were pleased to provide evidence to the Committee's inquiry into the Welsh Government's historic environment policy and to read and hear evidence from the various bodies and individuals which contributed. Their comments have helped the Welsh Government formulate its Historic Environment Strategy, explore options for a resilient heritage third sector and to inform the development of the Heritage Bill and associated measures.

During 2012 the Welsh Government, through its historic environment service, Cadw, seized the opportunity to review the current systems and practices in place to protect our historic environment as well as looking at the wider social, environmental and other factors which could affect our heritage in the future. This was undertaken with representatives of a wider spectrum of historic environment sector bodies and interested individuals at workshops, community roadshows and a public conference on the Heritage Bill. The Welsh Government has made it clear that it intends to consider a system of protecting heritage assets which is more fitting to modern day issues as well as considering action to maximise the wider impact of the historic environment sector. As a result of this extensive consultation, the Historic Environment Strategy was published in October 2012 and this sets out the Welsh Government's aspirations for the sector, including commitments under the Programme for Government.

The workshops for the Heritage Bill revealed a good number of expectations and some competing aspirations for the future. Many of the issues raised would not require legislation to implement and are now being pursued in other ways i.e. strategy implementation, policy, guidance and promotion of good practice. The Historic Environment Strategy sits alongside the Bill, complementing its proposed measures, but facilitating implementation of some actions more quickly.

Our Strategy is supported by a number of more detailed thematic frameworks and plans, some of which are already in place such as the Heritage and Arts Framework – and others are to be completed within the next twelve months. The Headline Action Plan which was published alongside the Strategy is currently being developed further, mapping out the specific actions needed to fulfil the Strategy's aims, identifying partners and resources for taking forward the actions.

I note that the Committee received over 80 pieces of written evidence. The concerns raised by approximately half of these correspondents were regarding whether the Royal Commission could merge with Cadw. The issues raised were considered by the Working Group during the development of its report to the previous Minister. Before I come to a view on whether to alter organisational arrangements I am expecting to receive a business case. The Historic Environment Strategy articulates the need to analyse the current structure, resilience and capacity in the third sector and we are currently reviewing options for a membership based Wales Heritage Network to act as a focus for coordinated action across the third sector in Wales.

I fully endorse my predecessor's view that the historic environment is central to our culture in Wales and to our local, regional and national identities. It is a shared resource and part of our collective inheritance. I am excited by my new role as Minister for Culture and Sport and am looking forward to building on the good work started by my predecessor. And like my predecessor, I want to foster a better appreciation of the value and impact of local heritage to communities and to their sustainable development. There is so much for people to experience, enjoy and understand about the features and stories that give places special character and distinctiveness. In addition to promoting our iconic sites and engaging positively with the public and our partners, I will not lose sight of Cadw's important statutory role of protecting the historic environment for all of us.

I am grateful for the positive contribution from the Committee as we continue to develop proposals for our first Heritage Bill for Wales.

I have set out below my response to the Committee's individual recommendations.

Recommendation 1

The Committee recommends that before proceeding with any merger involving the Royal Commission on the Ancient and Historical Monuments of Wales, the Minister should give full consideration to the concerns raised by expert witnesses during the course of our inquiry. (Page 13)

Response : Accept

The Working Group that reported to the previous Minister considered all the issues that were raised in evidence to the Committee. It concluded that there is a case for change compared with the status quo. The previous Minister requested the development of a business case on the option of merger of the Royal Commission with Cadw within Government. The business case is currently being prepared. The Royal Commission on the Ancient and Historical Monuments of Wales is engaged in the process to develop the business case and the concerns raised during the course of the inquiry will be considered before I come to a decision.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 2

The Committee recommends the Welsh Government should explore options to strengthen the status of the Historic Environment Records, including putting them on a statutory footing. (Page 29)

Response: Accept

Responsible management of the historic environment depends on detailed and reliable information that is readily available when decisions need to be taken. During the engagement exercise to inform the Historic Environment Strategy for Wales and the development of the Heritage Bill, the status of the Historic Environment Records was highlighted as an issue. The Headline Action Plan for the Strategy includes a commitment to review and revise the strategic framework for records relating to the historic environment of Wales.

As part of this work, proposals to strengthen the position and status of the Historic Environment Records (HERs) are being considered. I am considering whether there is merit in placing the HER on a statutory footing, as well as introducing guidance to local planning authorities and the Archaeological Trusts on the creation and maintenance of comprehensive local HERs.

Any legislative proposals to change the status of the HERs will be included in the consultation on the Heritage Bill which will be published this summer.

Financial Implications

The Welsh Government, the Royal Commission and the local authorities already fund the Welsh Archaeological Trusts to maintain the historic environment records. If the HER were to be placed on a statutory footing a full Regulatory Impact Assessment would be prepared as part of that process.

Recommendation 3

The Committee recommends the Welsh Government should explore options to simplify the listing system. (Page 29)

Response: Accept

A wide ranging engagement exercise was undertaken during 2012 to inform the development of the Heritage Bill. Generally no great appetite was apparent for radical change to the legislative framework for heritage protection. However Welsh Government is exploring options as to how the current system can be improved.

Consideration is being given to how the administration of the listing system can be enhanced, bringing more transparency into the decision making process, as well as promoting a more consistent approach to local authority decision making.

Consideration is also being given to how guidance may be improved to better explain the range of works that require Listed Building Consent and to guide local planning authorities, and applicants, towards proposals that respect the significance of such buildings. It is not the intention to prevent changes to historic buildings, but to promote changes that are sympathetic to and respect listed buildings.

The Committee reports evidence suggesting that the listing system was too restrictive and the "need for referring all the Listed Building Consent (LBC) applications to Cadw is questioned". Generally, the Welsh Ministers and, in practice, Cadw, are notified of an application for LBC by a local planning authority to consider if the application should be called in for determination by the Welsh Ministers. Cadw is only notified of applications for LBC where the local planning authority intends to grant consent - but this is subject to the position set out in the following paragraph.

Currently, the Welsh Government has directed that Cadw need not be notified of any application for LBC for internal works to a grade II listed building other than those buildings it has grant aided under Section 4 of the Historic Buildings and Ancient Monuments Act 1953, or where a decision on such an application is pending.

The Welsh Government is also able to direct that other categories of application for LBC need not be notified to Cadw. Currently, five Councils in Wales - Carmarthenshire County Council, Monmouthshire County Council, Pembrokeshire County Council, Pembrokeshire Coast National Park Authority and the Vale of Glamorgan County Borough Council - do not need to notify Cadw of the vast majority of applications for LBC involving external and internal works affecting grade II listed buildings. To achieve this delegation, authorities need to demonstrate that they have at officer level, appropriate professional expertise underpinned by clear policies and procedures to carry out historic environment duties. I would like to see more local authorities taking on these powers, and Cadw is exploring the most effective way of achieving this.

Financial Implications – There are no financial implications in exploring these options. Updating guidance and suggested good practice would be drawn from existing programme budgets. Any changes to legislation will need to be considered as part of the Heritage Bill process and a full Regulatory Impact Assessment would be prepared as part of that process.

Recommendation 4

The Committee recommends the Welsh Government should ensure that Local Authorities are applying and enforcing rules around listings consistently.
(Page 29)

Response: Accept

Guidance for local planning authorities on listed building legislation, policy and procedures is available. However there is a need to update this guidance which will assist local authorities in interpreting it consistently. This will be undertaken as part of the package of measures to support the delivery of the Heritage Bill.

Welsh Government and the Welsh Local Government Association (WLGA) have been working in partnership on developing proposals for additional collaboration in the delivery of historic environment services through the Simpson Compact work. In addition, in implementing the Historic Environment Strategy Action Plan an option appraisal on the delivery of local authority historic environment conservation services is being undertaken. The outcome of this work will assist us in achieving greater consistency across Wales in the delivery of services.

Furthermore, the role of the Cadw regional inspectors of historic buildings seeks to foster a consistent approach across Wales in terms of enforcement. Cadw hosts the Built Heritage Forum which brings together local conservation officers from local authorities across Wales. This forum provides an opportunity for the exchange of views on subjects/issues and to agree future actions for partners; imparting examples of good practice; and updating partners with information on relevant changes to legislation and guidance – this is an invaluable forum for collaborative working.

Cadw is also represented at the regional conservation officers' fora and again this enables good practice and ideas to be shared and helps foster a more consistent approach to issues such as enforcement action.

Powers of enforcement already exist for local authorities, and the above measures will help local authorities apply these rules consistently.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets

Recommendation 5

The Committee recommends the Welsh Government should explore options to introduce a statutory timescale for the review of listed properties or buildings, taking into account sustainability and usage. (Page 30)

Response: Accept in Principle

Criteria set out in Welsh Office Circular 61/96 are used to identify buildings of special architectural or historic significance. There is no immediate plan to change the listing criteria. If a listing is queried or if a listing is suggested to a previously unlisted property then Cadw will carry out an assessment via its spot-listing arrangements and take forward any necessary changes to the list as a result. In addition both the LBC and enforcement appeal procedures give appellants the right to argue that a building is not of special interest and should be removed from the list.

Over the next three years Cadw is undertaking an all Wales condition review of listed buildings. Through this survey Cadw will be able to promote greater awareness of buildings which are at risk and encourage their re-use, particularly in regeneration investment programmes. The intention is that the survey will extend to an assessment of conservation areas so that we can get a better indication of the condition of historic assets across Wales, rather than focusing only on those that are designated.

The data will be used as a tool to support the positive management of the historic environment and, through the survey, Cadw and local planning authorities will be better informed on the condition of listed buildings, which will enable them to address issues of sustainability and usage.

Financial Implications – None. Exploring options will not incur additional costs.

Recommendation 6

The Committee recommends the Welsh Government should explore options to introduce a system so that, where local authority searches show that a building is listed and/or in a conservation area, the new owner is provided by the local authority with clear guidance concerning restrictions and responsibilities associated with the listed status. (Page 30)

Response: Accept

The Welsh Government will explore options with local authorities to provide clear guidance on restrictions and responsibilities to new owners about listed properties or those in conservation areas. I should say however that on the whole, our historic buildings are well cared for by their owners. There are instances when things go wrong and buildings are sadly lost to decay or specific features are removed because not all owners are aware of their responsibilities.

The Built Heritage Forum and regional meetings of the local planning authorities will be good mechanisms to explore such options. A number of local planning authorities already have extensive information available to new listed building property owners and it would be helpful to share this good practice across Wales. We are also looking to update Cadw's information booklet "What is Listing" which sets out the basic responsibilities associated with owning a listed building.

The Built Heritage Forum is well attended by local planning authorities and has been instrumental in achieving beneficial outcomes on many issues, for example initiatives such as Building at Risk surveys have been formulated and completed following debate and agreement at the Forum.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 7

The Committee recommends the Welsh Government should introduce a system to ascertain, at the point of sale/transfer, whether there has been any violation of listed building regulations and to gather information on the condition of the building. (Page 30)

Response: Accept in principle

There are already mechanisms in place to enable local planning authorities and Welsh Ministers to ascertain whether there has been any violation of listed building regulation. Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives a right of entry onto land to any authorised person to survey the land with regard to any proposal to issue or serve specified notices or orders under the Act or with regard to ascertaining whether an offence has been committed or with regard to ascertaining whether the building is in a proper state of repair.

Welsh Government is aware that some local authorities will visit listed buildings with potential buyers to provide reassurance that the correct authorisation for any works has been received. We will look at whether there is merit in advocating this across local authorities in Wales as good practice. Further consideration would need to be given to how this could be funded, and whether local authorities could charge for this service.

Finance Implications. Exploring the recommendation does not have any financial implications, but requiring local authorities to undertake such surveys would incur costs and consideration would need to be given on whom those costs should fall.

Recommendation 8

The Committee recommends the Welsh Government should explore the introduction of a mechanism so that, following work to a listed building, a listed building appraisal should be undertaken within a specified timeframe.

(Page 30)

Response: Accept in principle

There are already mechanisms in place that allow for a listed building appraisal to take place following work for which consent was obtained. Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives a right of entry on to land to any authorised person to survey the land with regard to any proposal to issue or serve specified notices or orders under the Act or with regard to ascertaining whether an offence has been committed or with regard to ascertaining whether the building is in a proper state of repair.

There is no duty requiring local authorities to exercise these powers, although the Welsh Government is aware that some local authorities in Wales do undertake informal appraisals where resources allow. Welsh Government will explore whether there is merit in recommending such a system to local authorities. To place a duty on local authorities to undertake an appraisal following work on every listed building could have significant resource implications. Further consideration would need to be given to how this could be funded, and whether local authorities could charge for this service.

Finance Implications. Exploring the recommendation does not have any financial implications, but requiring local authorities to undertake such appraisals would clearly incur cost and consideration would need to be given on whom those costs should fall.

Recommendation 9

The Committee recommends the Welsh Government should take steps to introduce a statutory register for historic parks and gardens, so that they are fully protected within the planning system. (Page 30)

Response: Accept in principle

Following extensive stakeholder engagement to inform proposals for the Heritage Bill, I am currently considering the merits of placing the historic parks and gardens register on a statutory basis.

Cadw has undertaken a comprehensive survey of historic parks and gardens in Wales. Those thought to be of national importance have been included on a non-statutory Cadw / International Council on Monuments and Sites (ICOMOS) Register of Parks and Gardens of Special Historic Interest in Wales. The Register was compiled to aid the informed conservation of historic parks and gardens by owners, local planning authorities, developers, statutory bodies and all concerned with them.

The protection and consideration of the potential effects of development on sites within the register is provided through planning policy.

Financial Implications: There would be some financial implications for Welsh Government from placing the Register on a statutory basis as we would need to review the current entries on the Register, including consulting with each owner. These costs will be found from existing departmental running costs and a full Regulatory Impact Assessment will be prepared as part of this process.

Recommendation 10

The Committee recommends that the Welsh Government should put in place mechanisms to ensure better collaboration in promoting the historic environment.

Response: Accept

Last October my predecessor launched the Historic Environment Strategy for Wales. The Strategy, which I fully endorse, sets out a clear commitment for the Welsh Government to work with key partners and organisations to deliver the Headline Action Plan. The Strategy identifies two foci for promotion: understanding of our monuments and buildings and how they benefit the people of Wales. The second focus is on the tourist value of our monuments and how that translates into economic benefit to communities and Wales as a whole.

Inside Government, my officials are developing relationships particularly with Visit Wales to progress heritage tourism, and also with the Department for Education & Skills, the Department for Communities & Tackling Poverty, the Department for Local Government, the Department for Housing & Regeneration and with Natural Resources Wales.

We are fortunate in our partners in the historic environment sector and our key partners, such as Amgueddfa Cymru-National Museum Wales, the four Welsh Archaeological Trusts, the Civic Trust and the National Trust, all add significantly to making the historic environment accessible and stimulating to visitors; and they – with the WLGA, a lively Third Sector and a variety of specialist groups and charities – form my (advisory) Historic Environment Group (HEG) and the Built Heritage Forum. The work programme of the HEG contains a standing item on collaboration of the representative organisations at shows and events and shared key messages.

To deliver some of the major projects within the Strategy, we will work with a number of additional organisations. For example, we have developed a strategic partnership with the Arts Council of Wales and the arts sector generally to advance the Heritage and Arts Framework; we are working with the construction skills sector to deliver a training programme for the traditional building skills. And at a more specific level, we will work with the organisations in the youth sector and the office of the Children's Commissioner for Wales to

develop a young people's historic environment strategy; and with Gwynedd Council to develop their World Heritage Site bid.

Successful collaboration will lead to people will caring about the historic environment, participating in actions that help their community and developing skills and confidence. This can then lead to sustainable development, improved life chances and better opportunities. Successful collaboration will encourage more visitors to our monuments and more spend. At a strategic level, this will lead to economic well-being and sustainable development.

Financial Implications None. Any additional costs will be drawn from existing programme budgets.

Recommendation 11

The Committee recommends that the Welsh Government should explore options to transfer the responsibility for promoting local authority sites to Cadw.

Response: Reject

It is for Local Authorities to decide they spend their budgets. Some authorities invest a great deal in marketing and promoting their historic buildings; others do not. Cadw does not have the capacity or the resources to take on the responsibility for promoting all local authority sites in Wales. In addition, it is not just Local Authorities which "own" sites. Some are managed by trusts, or owned by third sector organisations, and the vast majority of scheduled monuments and listed buildings are on private land or are people's homes.

That said, 15 of Wales's 22 local authorities are eligible for EU Convergence funding under the Heritage Tourism Project (HTP). The HTP is a £19m project administered by Cadw to maximise the economic value of heritage to Wales. Through the HTP, work has already been undertaken with a number of Local Authorities specifically to refurbish visitor facilities and help visitors to make interpretative connections between historic places.

The Tourism Sector Panel has identified Wales's Heritage and Culture as a key tourism product which will feature in the coming new tourism strategy for 2013-2020. Wales's cultural and heritage assets can help tell an informative and entertaining story about Wales that sets us out from others. We continue to enhance the experience of visitors to all our heritage attractions and Cadw, National Trust and National Museum Wales are working with Visit Wales to achieve this.

I am aware of a perception in the Inquiry's responses querying whether Cadw has an all-Wales remit to promote ancient and historic sites and monuments. This is arguably the case, and it should be noted that the Cadw's Pan-Wales Interpretation Plan is for use across Wales's whole historic environment, not just at Cadw sites; and is testament to how we strive for consistency and quality interpretation across the board. There is no lack of ambition to promote all of Wales's historic environment. However, in the current difficult economic

circumstances, it is important that marketing monies are allocated appropriately. It may appear that our best-known sites get the majority of this money at the expense of more modest buildings, but in using these iconic sites as a "hub" in our interpretation plans, we seek to encourage visitors to related sites – and not just Cadw sites – which may be less well-known but are often no less important.

Furthermore, Cadw, facilitated by the Civic Trust Wales, opens the doors to hundreds of historic sites and buildings across the country, which are either usually closed to the public or normally charge for admission. There are a variety of local-authority owned sites across Wales and many of these participate in the Open Doors weekends in September each year.

Financial Implications. There is no capacity in the budget to support significant additional pressures.

Recommendation 12

The Committee recommends that the Welsh Government should explore the possibility of establishing a national membership-based heritage organisation, in order to promote historic sites.

Response: Accept

At a sector level, my Historic Environment Group (HEG) was formed in 2004 to advise the Welsh Government on action to benefit and promote the historic environment. Membership includes other Government departments such as Visit Wales and CyMAL; the Welsh Local Government Association; Welsh Government Sponsored Bodies such as the Royal Commission on the Ancient and Historical Monuments of Wales and the Welsh Archaeological Trusts, and bodies such as the National Museum Wales: Amgueddfa Cymru, National Library Wales. Others include large, national, asset owners such as the National Trust, Glandŵr Cymru; the National Park Authorities and the Third Sector. The HEG meets quarterly and its terms of reference include a requirement to promote the historic environment - this is a standing item on the agenda. The Group's aims are to promote the sector, engage the public, benefit local groups and museums; enable mutual support and cross-promotion; and provide leadership and advocacy. At national shows and events, HEG members collaborate as much possible on joint messages and in terms of locating stands in close proximity to showcase the historic environment sector presence.

There are therefore mechanisms already in place to promote historic sites in Wales. However, I accept the Committee's recommendation and agree that more could be done to promote the historic environment. I am happy therefore to explore the possibility of a body to do this and will ask my Historic Environment Group to review of options for the establishment of a membership-based heritage "alliance" or similar. Recommendations will be forthcoming later this year.

Financial Implications None. Any additional costs will be drawn from existing programme budgets.

Recommendation 13

The Committee recommends that the Welsh Government should ensure that Cadw's prioritises accessibility to its sites, and ensures its approach is consistent.

Response: Accept

Heritage sites were not generally built with ease of access in mind, and castles were built specifically to resist access. Consequently there are instances where universal physical access to all parts of a site cannot be achieved. Cadw is currently finalising its programme of conservation, safety and physical access works, based on an audit of conditions at all 128 of its sites during 2012.

Cadw's access programme will provide improvements for visitors with sensory as well as mobility impairments, introducing induction loops and tactile interpretation in addition to ramped access and places to sit and rest. The Committee will wish to note that access to all Cadw sites is free for people with disabilities and their carers.

Potential visitors to heritage sites can experience a number of barriers to access, not least awareness of the sites and what they have to offer and a perception that such sites might be of limited appeal or relevance. The Historic Environment Strategy and the ground-breaking Pan-Wales Heritage Interpretation Plan emphasise the importance the Welsh Government places upon people visiting heritage sites for leisure and learning.

Through the Heritage Tourism Project, Cadw is enhancing public access, understanding and enjoyment by providing modern visitor facilities, contemporary interpretation, using new technologies, art and living history re-enactments. The new interpretation is focused primarily on family visits and activities, with additional provision for school parties and specialist interests. Over 80,000 educational visits are made annually to Cadw sites and the Learning Team was increased from one to three officials in 2012. Access for learning activities is free of charge.

This work is supplemented by the work of a Community Archaeologist, a new post, seeking to use the appeal of archaeology and excavation to engage with new audiences, including those not typical of the mainstream visitor profile. Recent projects include work with prisoners at HMP Parc Prison and YOI, Bridgend and excavations undertaken with Operation Nightingale, an organisation that supports the rehabilitation of soldiers returning from active service through archaeology.

Cadw's programme of events is intended to appeal to and attract additional visitors to the sites. While many events are targeted at tourism visits, many others are specifically focused upon a local audience. This includes the Cauldrons and Furnaces project which culminated in 2012, having involved

over 26,000 young people in creative activity and performance at eight sites across Wales. The Heritage and Arts Framework, launched last year, outlines the approach to using the arts to engage with new audiences, particularly young people.

Financial Implications **Financial Implications** None. Any additional costs will be drawn from existing programme budgets.

Recommendation 14

The Committee recommends the Welsh Government should explore the possibility of establishing a representative umbrella body, such as English heritage, to represent non-Government organisations in the third and private sectors. (Page 58)

Response: Accept

The Welsh Government's Historic Environment Strategy includes a commitment to undertake an analysis of current structure, resilience and capacity of the third sector in Wales. The Strategy signals an intention to commission a review of options for:

1) the establishment of a membership-based Wales Heritage Network to act as a focus for coordinated action across the third sector in Wales. A similar organisation to the Heritage Alliance in England is one option but there are other models that merit further consideration. It should be noted that "English Heritage" is not an umbrella organisation in this sense, it is a Non-Departmental Public Body (with statutory functions) sponsored by the Department for Culture, Media and Sport.

2) the establishment of a Welsh Heritage Trust either to coordinate the actions of individual building preservation trusts or a new body to take on ownership and management of buildings and act as an advisory body:

- This work is being taken forward via an options appraisal and consultants will be appointed shortly to take this forward.
- Partnership working also ensures a coordinated approach. Local authorities, Welsh Government and other stakeholders are already working together to deliver effective local heritage-led regeneration initiatives.

Financial Implications: There are no additional costs associated with exploring the possibility of establishing a representative umbrella body as any additional scoping costs will be drawn from existing programme budgets. However, establishing and maintaining a new body will require some additional resources and consideration would need to be given as to where those costs would fall, and how they would be met.

John Griffiths Minister for Culture and Sport