

HE 23

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 Grŵp Sioraidd  
Response from: The Georgian Group

### **Introduction**

The Georgian Group welcomes the opportunity to make this submission to the committee. The Georgian Group is a statutory amenity society in England and Wales. We must by law be consulted on any planning applications affecting listed Georgian buildings, monuments, parks and gardens, of which there are about 6000 every year in (England and Wales).

There are a number of listed Georgian buildings in Wales, many of which are unwanted and unfortunately unsalable. We have identified around 50 Georgian houses in the Welsh countryside that are currently at risk. Local Authorities have a record of not using their powers, including never issuing CPO notices, and rarely using repair notices to save such buildings. In the recent past, even Grade I listed buildings (i.e. Gwrych Castle) have been lost due to Local Authorities not implementing their powers fully.

The County Councils are in 'pole position' regarding the administration of heritage legislation through the planning system. It is important that they implement new regulation uniformly across Wales. They exist in a difficult financial climate, which makes it impossible for them to perform at the best of their abilities. Austerity measures within County Councils have led to many skilled personnel to leave the public sector. Over the last few years, there has been a noticeable drop (over 35%) in the number of qualified Conservation Officers within the Local Authorities in Wales. Some Local Authorities have seen their conservation departments shrink by two thirds. We are concerned that the administrative responsibility by this legislation would fall upon the County Councils, who may not have the capacity to employ suitably qualified staff. The result could be simply to degrade the whole issue of heritage regulation. The Bill does not deal with the fundamental issue of resources. There is a strong probability that the new legislation is not properly administered, or that they are used by unqualified individuals who will have significant added powers at their disposal. Our concern is that listed buildings will become tainted, unattractive and unsalable if the new regulations are not implemented uniformly across Wales.

The recommendations of the Williams Commission will also have an effect on the implementation of any legislation arising from this Bill. The County Councils will be in a state of transition, the Bill does not address this important issue. In any case, placing significant additional levels of work on County Councils without having audited their past performances, and thus their abilities to take on new work could well result in the new regulations simply not being effective, and at worse causing endless hardship to members of the community when regulations are mis-applied.

Given the lack of available resources, the emphasis must not be on compulsion, but on the enthusiastic use of guidance notes. Detailed guidance notes across a range of issues should be issued in order to help preserve our historic environment.

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“(5A) Where the Welsh Ministers make a determination under subsection (4), the owner of the building or (if it is given notice under subsection (5)) the local authority may, within 28 days of the service of the notice under subsection (5), appeal to the county court against the decision.

There is a concern that the 28 days window in which to appeal any determinations will be inadequate. A time period of 60 days would be sufficient. The owner may be away on holiday or working abroad and would be unable to challenge any costs recoverable for urgent works.

(5B) In the case of a building in Wales, as from the time when the notice under subsection (2) becomes operative, the expenses which an authority may recover under this section carry interest at such rate as the authority may fix until recovery of all sums due under this section; and the expenses and any interest are recoverable by the authority as a debt.

The authorities will have the power to levy interest. This should not be over burdensome; it should be based on the base rate at the time.

#### **p45 - 37 Establishment of Panel and work programme**

(1) The Welsh Ministers must establish a panel of persons, to be known as the Advisory Panel for the Welsh Historic Environment (“the Panel”).

(2) The purpose of the Panel is to provide the Welsh Ministers with advice on matters relating to the formulation, development and implementation of policy and strategy in relation to the historic environment in Wales; and for this purpose “Wales” has the same meaning as in the Government of Wales Act 2006 (c.32) (see section 158(1) of that Act).

Having set up the Advisory Panel for the Welsh Historic Environment, the Welsh Ministers should have a duty to take up the panel’s recommendations, other than for compelling reasons in exceptional cases. Private owners and amenity societies must be represented.

Under Section 28- The Georgian Group welcomes the proposed Heritage Partnership Agreements. In reality, the Local Authorities may not willingly join into any partnership, particularly if the building/buildings are in divided ownership. The wording states ‘may’ enter into such an agreement rather than ‘will’. We are concerned that the Local Authorities, due to the potential extra workload, will decline to enter such agreements.

**Creation of a statutory register for historic parks and gardens** - The non-statutory register currently includes 386 parks and gardens of special historic interest. The new statutory status of the register will not be accompanied by additional legal restrictions on historic parks and gardens or the introduction of a new consent regime. However, the intention is to amend regulations to direct LPAs to consult with Cadw on all planning applications affecting grade I and II\* sites and with a nominated amenity society on all planning applications affecting registered parks and gardens. We are concerned that the new register will simply be too burdensome to the Local Authorities and to private individuals. What is the definition of works? Will there be consequences if an individual plants the incorrect species of plant? Additional legal restrictions should be limited to significant earth moving, any minor changes should not be subjected to over regulation.