



**Ymddiriedolaeth
Genedlaethol
National Trust**

HE 09

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol
Communities, Equality and Local Government Committee
Bil yr Amgylchedd Hanesyddol (Cymru)/Historic Environment (Wales) Bill
Ymateb gan: Yr Ymddiriedolaeth Genedlaethol, Cymru
Response from: National Trust Wales

Introduction

National Trust Wales places great importance on the conservation and management of all aspects of the historic environment, including archaeological sites, designed and cultural landscapes, buildings, architecture and parks and gardens. We want the special places of Wales to be available forever, for everyone.

We care for 175 Scheduled Ancient Monuments and 381 listed buildings. We have three sites in guardianship – managed by Cadw on behalf of Welsh Government. We have 15 registered Parks and Gardens and own a significant part of Wales' registered historic landscapes. We work with many partners to protect and promote enjoyment of the historic environment, including Cadw, the Royal Commission for Ancient and Historic Monuments Wales, four archaeological trusts, Natural Resources Wales, the Institute of Historic Building Conservation, Wales Environment Link, the Campaign for the Protection of Rural Wales and the Council for British Archaeology. We are also an active member of the Historic Environment Group.

We welcome the Historic Environment (Wales) Bill as the first Wales-only legislation for the care and protection of our distinct historic environment. In many ways the Bill shows a willingness to build on and expand the current legislative framework for protection of our historic environment and as such it is a consolidation and enhancement rather than a radical new approach. We support the direction of travel and believe many of the provisions do represent a positive change for our historic environment. Our primary concern is around the implementation of the new measures, specifically those at Local Authority level, where resource pressures may lead to a lack of capacity to take work forward. Our hope is, that Welsh Government will go beyond this Bill to take a proactive approach to our historic environment and bring forward more radical solutions to reduce the number of historic buildings, monuments and landscapes at risk.

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Bill Formation Process

We have found the process of the formation of the Historic Environment Bill to be consultative and well-communicated.

The National Trust was part of process from the beginning and greatly welcomed the opportunity to participate. We support the open approach taken by Cadw when first exploring the potential opportunities provided by new legislation such as the horizon scanning workshops. It could be argued that such an approach will raise expectations beyond what can actually be achieved through any given piece of legislation. However, we feel this risk is more than justified by the engagement and ideas generated by such exercises.

We particularly appreciated working with Cadw on the specific aspects of the bill especially the 'Landscapes, Parks and Gardens and Battlefields' workshop at Stackpole which we jointly hosted.

Once the process was clarified we supported the steady progress through the legislative process and believe that the level of consultation was appropriate. Towards the end of the process the steps being taken and their justification was easy to understand. The connection between the Bill and the supporting documents such as changes to planning guidance and statutory guidance is clear.

The General Principles of the Historic Environment (Wales) Bill

Below we outline our views on individual elements of the Bill;

Greater Protection for Scheduled Ancient Monuments

We strongly support the measures in the Bill that will give greater parity to the protection of Scheduled Ancient Monuments. Provision of the same type of statutory care as Listed Buildings will provide better protection to much of our Welsh heritage.

Interim Protection and Temporary Stop Notices

National Trust Wales can see the value in introducing temporary stop notices in providing more effective protection to Listed Buildings and Scheduled Ancient Monuments. However, we believe that a major issue currently inhibiting the effective use of stop notices is that Local Planning Authorities are wary of the potential cost of delaying works which they might later have to compensate the owner for. This issue is not currently addressed in the Bill, but if it could be the use of stop notices would be more frequent and so heritage protection more effective.

We agree that interim protection is essential in preventing damage to a monument or building while consultation is being undertaken prior to designation. Interim protection should apply for all assets from when an application is made to throughout the consultation, decision-making and review period.

Control of Works Affecting Scheduled Monuments

National Trust Wales wholly welcomes measures outlined in the Bill which place a responsibility on the individual to take reasonable steps to find out whether there is a scheduled monument in the area where works are planned, in order to prevent damage and destruction of them. We agree that there has been a need to better defend our protected monuments and places and believe that the proposed measures will make a valuable contribution to this protection in the future.

Buildings at Risk

We are pleased to see the Bill's provisions to lend greater protection to Listed Buildings, however, we would have wished to see far greater emphasis on Buildings at Risk in the Historic Environment Bill. We wish to see greater monitoring, greater intervention, greater reporting, and far more emphasis on reducing the buildings at risk in Wales. The Bill needs to stimulate a far more proactive approach to partnership solutions to Buildings at Risk in Wales, and a greater dialogue on solutions to loss of heritage.

Landscapes

As an organisation particularly concerned with the protection and conservation of the Welsh landscape we feel that the proposals in this document which address landscape are weak. From our perspective this is an area in which the Historic Environment Bill has failed to deliver. We acknowledge the difficulties in registering and protecting large areas, but this legislation has failed to address the issue. In doing so misses the 'bigger picture' in terms of protecting our Historic Environment.

We do not agree that the register of historic landscapes delivers the Welsh Government's contribution to the European Landscape Convention. An active and holistic approach is needed. In order to achieve this holistic approach it must be ensured that provisions relating to landscape in the Heritage and Environment Bill are integrated and the management and protection of the historic environment is firmly embedded in any ecosystems approach to landscape management.

The complexity of working with the Natural Resources Management Plan have not been considered by this Bill. Our understanding is that the proposed natural resources planning areas will be established through the Environment Bill. The strong suggestion is that these will be catchment based which will conflict with the boundaries of the registered historic landscapes. We are extremely concerned that how to marry these approaches has not been considered. Without evidence of real joined up thought and working we cannot feel confident that the historic environment will be given due consideration in what will be a complex and multi-stakeholder process. We would still like to see a formal process through which Cadw and other bodies with expertise in heritage and the historic landscape can provide input to the Natural Resource Management Planning.

Register of Historic Parks and Gardens

We very much welcome a statutory basis to the Register of Historic Parks and Gardens in Wales as provided in the Bill. We hope that the Welsh Government to commit the necessary resources to maintain and enhance the register.

However, we are concerned about the Minister's power of deletion of parks and gardens from the register. We would welcome clarification about the circumstances under which a park or garden might be deleted from the register and the process by which this would be judged in an open and

public manner.

Heritage Partnership Agreements

We strongly support introduction of Heritage Partnership Agreements and contributed to early discussions as to how this might work. We are encouraged to see that the proposal for Heritage Partnership Agreements has been based on pilot schemes in England and Wales which we hope have provided valuable lessons for implementation.

This approach could help to avoid duplication of work for us, for Local Planning Authorities and for Welsh Government. Such a system would benefit properties like Dolaucothi where large areas are protected but the significance of the archaeology varies. It would help us carry out routine tasks such as erecting signs and temporary structures and cyclical maintenance which is needed at such a property.

There will, however, be front-loaded resource implications if the establishment of such partnerships is going to be successful. If there are delays in establishing this process at LA level then take up of such agreements will suffer and potential for efficiency savings in the future will be lost.

Historic Environment Registers

We are pleased with the Bill's provisions which place a duty on LPAs to create and maintain HERs either within their own organisational or by a third party is being revisited. We view statutory footing for HERs as essential to effective planning. Organisations such as National Trust Wales are reliant on accessing sound HER data as are many other organisations. We would advocate learning from the Welsh Archaeological Trusts who have run a successful system up to this point.

Again we would like to raise the issue of resource in LAs for work on HERs. It may be the case that a service level agreement will allow the current arrangement to continue. If however, the work on the registers is to be bought inside LAs then resources need to be allocated to maintaining the registers and their conversion to SPG. Many of the staff who have a suitable skill set may find their jobs under threat due to cuts at Local Government level, making us question the feasibility of this role being performed by LAs long term.

Advisory Panel for the Historic Environment

National Trust Wales believes that the establishment of an Advisory Panel for the Historic Environment is a good idea. We support the Welsh Government taking a consultative approach to the historic environment in Wales and utilising expertise which sit outside of government.

However, we have previously raised concerns about the lack of differentiation between the role on the Advisory Panel for the Welsh Historic Environment and the Historic Environment Group currently in existence, and these concerns have not been addressed by the wording on the face of the Bill.

Duplication and overlap between the two groups will mean additional and unnecessary work for all involved. There is also a high cost associated with the creation of such a panel and given the stretched resources we refer to elsewhere in this document we feel consideration could be given to how else this money might be used.

Barriers to Implementation

1. Resource

The primary barrier to implementation will undoubtedly be resource at Local Authority Level. Existing arrangements do not work to their full potential where they are not properly resourced and this will be no different for the new provisions made in the Bill. Our concern is that, at a time when Heritage and Built Conservation staff are at the front line of staffing cuts at Local Authority level the Bill may place additional requirements on these individuals without provision of additional resource. The HERs, for example, if bought back into LAs will require staff time to create and maintain, and will need to be followed up with all the process requirements for converting the register to formal Statutory Planning Guidance. Again when it comes to HPAs Welsh Government must ensure that resource and training are provided to ensure that the Authority is capable of putting the provisions of the Bill are put into practice.

2. Prioritisation at LA level

Going hand in hand with this is the recognition of the importance the historic environment in Local Authorities. Where the Planning Bill addresses culture change in Local Authorities this is not addressed in the Historic Environment Bill. If the Bill is going to place extra requirements on local authorities at a time of resource reduction there may be a need to look into how local authorities prioritise and resource decision making in the historic environment.

3. Supporting Documents

Although the Historic Environment (Wales) Bill will make important legislative changes, it cannot stand alone. There is a need for new draft policy, advice and guidance documents to be brought forward alongside the Bill. We are aware that this process is being undertaken within Welsh Government, and that many documents are coming forward from Cadw currently, and would value the opportunity to comment on supporting documents as they are brought forward.

In order to discuss this evidence further please contact;

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