

HE 43

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 Gymdeithas Diogelu Adeiladau Hynafol  
Response from: The Society for the Protection of Ancient Buildings

Committee Clerk  
Communities, Equality and Local Government Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

18th June 2015

To: SeneddCELG@Assembly.Wales

Dear Sir or Madam,

**HISTORIC ENVIRONMENT (WALES) BILL: consultation response**

The SPAB is the UK's oldest building conservation organisation, and has had an interest in Wales since its earliest days. Today we have a formal advisory role in the secular and ecclesiastical consent systems that influence work to Welsh listed buildings. We are also involved with 'buildings at risk'. The Society employs two part-time staff members whose responsibility it is for historic buildings in Wales. In addition we have many members in the country and involve them in our work as volunteers. The Society therefore welcomes the opportunity to comment on the Historic Environment (Wales) Bill. We form part of the Joint Committee of the National Amenity Societies and Welsh Heritage Group, and have had some input into the separate responses to the consultation made by these bodies, but the Society also wishes to offer its own view on the proposals, following consideration by our committee of expert members.

The SPAB strongly supports the bill's introduction. The changes it proposes have the potential to amend some of the flaws in existing listed building and scheduled

monument legislation. Ideally we would have hoped to see even greater change, including a duty of care placed upon the owners of designated structures. Nevertheless, the bill as drafted still offers a significant step forward and has the potential to set Wales ahead of other UK nations in terms of historic environment protection. We particularly applaud the proposals to provide interim protection where a structure is being considered for listing or scheduling, the introduction of stop notices, and the allowance of local authority urgent works to occupied parts of listed buildings. Inevitably there are some issues of detail that demand comment and we offer below thoughts on matters that might be explored further at committee stage.

**Urgent Works** – while the extension of powers to cover occupied parts of properties is extremely welcome, it will be important for local planning authorities that costs incurred can be recouped. We urge that such costs are made a first charge on the property.

**HERs** – the formal requirement to maintain HERs is very welcome. Their role within the consent system perhaps needs to be further defined. Local planning authority will no doubt have some concern about the cost of managing HERs. Charges for use by professionals and the public must not be so substantial as to be a deterrent.

**Parks and Gardens** – we welcome the requirement to maintain a register but we would prefer to see a separate consent regime introduced alongside it.

**Scheduled monument enforcement** – we question whether an appeal by the owner should be heard in a magistrate's court since our experience is that magistrates may not have the expert knowledge needed to deal with a specialist issue of this kind.

**Buildings enjoying the ecclesiastical exemption** – these lie beyond the scope of the bill, but we consider it important that exempt denominations maintain control regimes for listed buildings that have an equivalence to those provided by the secular system. The Assembly may need to consider how this is ensured after the bill's reforms take effect.



**Advisory Panel for the Welsh Historic Environment** – we support the Panel’s creation. Its role will need to be clarified in due course, with the full breadth of the historic sector properly represented.

**National Amenity Societies** – we would welcome a specific reference in the Act to the requirement that that National Amenity Societies should be notified of listed building applications involving demolition, and that they have 28 days in which to respond.

We hope that these comments can be considered, but wish to reiterate our support for the primary aims of the bill.