



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Consultation on proposals for secondary legislation to support the Historic Environment (Wales) Act 2016 and various best-practice guidance documents

DATE 11 July 2016

BY Ken Skates, Cabinet Secretary for Economy and Infrastructure

The Historic Environment (Wales) Act 2016 received Royal Assent and became law on 21 March 2016 in the closing days of the Fourth Assembly. This ground-breaking legislation has placed Wales at the forefront of the UK nations in the protection and management of the historic environment.

From the outset of its development, the Act was conceived as the cornerstone of a wider package of policy, advice and guidance — all informed by the *Conservation Principles for the Sustainable Management of the Historic Environment in Wales* published by the Welsh Government's Historic Environment Service (Cadw). Taken together, these will support the careful management of change in the historic environment, so that it can continue to deliver its many economic, social and environmental benefits to Wales while remaining responsive to the needs of our modern nation. Well-protected and sustainably managed, the historic environment will contribute to the attainment of the goals set out in the Well-being of Future Generations (Wales) Act and help to shape the Wales we want in the future.

During the remainder of this year and running into early 2017, we shall be holding a series of consultations to gather the views of historic environment stakeholders and members of the public on various measures framed to complement and support the provisions of the Act. The first of these consultations will be launched today, 11 July 2016, and will run for twelve weeks to finish on 3 October.

The first part of the consultation poses questions on four proposals for secondary legislation. Three relate to the introduction of procedural regulations specified in the Act. These cover:

- the interest rate on outstanding costs of urgent works to listed buildings,
- the compensation claim procedure for temporary stop notices to halt unauthorised works, and
- a simplified scheduled monument consent procedure.

The fourth proposal for secondary legislation merits more attention. During the consultation and research that informed the development of the Act, many stakeholders expressed support for the introduction of heritage impact assessment as an integral component of the application process when consent is sought for works to designated historic assets. Heritage impact assessment is a structured process to make sure that the significance of a historic asset is taken into account when developing and designing proposals for change. It will include the consideration of design and access issues as part of the wider evaluation of the impact of the planned works.

The proposed regulations will make a heritage impact statement, summarising the results of the assessment, a required element of any application for listed building or conservation area consent.

It is important that a heritage impact assessment is proportionate both to the significance of the historic asset and to the degree of proposed change. A guidance document, *Heritage Impact Assessment in Wales*, has been produced to help owners, occupiers and agents understand the assessment process and prepare a heritage impact statement. This guidance document is also part of the consultation.

The second part of the consultation seeks views on five more best-practice guidance documents:

- *Managing Change in World Heritage Sites in Wales*
- *Managing Change to Listed Buildings in Wales*
- *Managing Lists of Historic Assets of Special Local Interest in Wales*
- *Managing Conservation Areas in Wales*
- *Setting of Historic Assets in Wales.*

During the preparation of the Historic Environment (Wales) Act 2016, Assembly Members, stakeholders, and members of the public raised a wide range of issues affecting the Welsh historic environment. Some could be addressed through that legislation. In many cases, however, new policy, advice and guidance, shaped by current conservation philosophy and practice, offered a more appropriate and effective response.

Concurrently with this consultation, the Cabinet Secretary for Environment and Rural Affairs is seeking views on new planning advice for the historic environment contained in a draft *Technical Advice Note 24*. This follows a public consultation on an updated historic environment *Planning Policy Wales* Chapter 6, which closed on 13 June.

These consultations mark the first phase of a programme that, over the next two years, will give Wales an integrated body of policy, advice and guidance for the historic environment. Building upon the legislative foundation provided by the Historic Environment (Wales) Act 2016, this will put in place up-to-date and proportionate mechanisms for the careful and consistent management of change, so present and future generations can continue to enjoy, appreciate and be inspired by our precious historic environment.

<http://gov.wales/consultations/cultureandsport/proposals-for-secondary-legislation-to-support-the-historic-environment-wales-act-2016/?lang=en>

<http://gov.wales/consultations/planning/proposed-technical-advice-note-24-the-historic-environment/?status=open&lang=en>