

STATEMENT BY THE WELSH GOVERNMENT

TITLE Historic Environment Policy and Legislation

DATE 4 July 2017

BY Ken Skates AM, Cabinet Secretary for Economy and Infrastructure

A little more than a year ago the first Wales-only legislation for the historic environment received Royal Assent and became law. Since then, the greater part of the Historic Environment (Wales) Act 2016 has been brought into force, and an impressive body of supporting policy, advice and best-practice guidance has been published. It is an appropriate time to take stock of what we have achieved and what lies ahead.

The 2016 Act has placed Wales at the forefront of the UK nations in the protection and management of the historic environment. For instance, following the commencement of the relevant provisions at the end of May, Wales alone can claim statutory historic environment records for each local authority area. They provide local authorities, developers and others with the essential information that they need to reach well-informed decisions on the management of the historic environment. They also play an important role in helping people to learn more about and engage with the local historic environment. The legislation has given these vital records a stable future and their importance has been underscored by statutory guidance for public bodies.

Wales also now boasts the only statutory list of historic place names in the UK, and perhaps the world. The list included nearly 350,000 entries at its launch in early May. It will raise public awareness of the importance of these elements of our national heritage and encourage their continuing use by individuals and public bodies. Specific instructions on the use of the list in naming and renaming streets and properties have been included in statutory guidance.

We are also leading the way in making the processes for scheduling a monument or listing a building more open, transparent and accountable. Owners and occupiers must now be formally consulted before a designation is made, and, importantly, historic sites are given protection during this period of consultation. Owners have also been given a right to request a review of that decision, which would be undertaken by the Planning Inspectorate.

The 2016 Act has also provided a range of new or refined tools to give increased protection to our precious historic assets. For example, we have made it easier for local planning authorities to undertake urgent works to deteriorating listed buildings and, crucially, have reduced the financial risk by making any costs a local land

charge. We have closed loopholes in existing legislation that hindered efforts to prosecute individuals who seriously harmed scheduled monuments through unauthorised works or malicious destruction.

Of course, it is far better to prevent damage in the first place, so we have developed alongside the legislation a new web resource, Cof Cymru — National Historic Assets of Wales, to give owners, occupiers and members of the public free, authoritative information on the description, location and extent of designated and registered historic assets across Wales.

From the outset of the legislative process, we recognised that the 2016 Act would need to be supplemented by up-to-date planning policy and advice for the historic environment that reflected not only the provisions of the Act but also current conservation philosophy and practice. I have worked with the Cabinet Secretary for Environment and Rural Affairs in the production of a revised historic environment chapter for *Planning Policy Wales*, and the first technical advice note, or TAN, for the Welsh historic environment. TAN 24 covers all aspects of the management of the historic environment within the planning system and has replaced a number of outdated Welsh Office circulars.

These measures are being complemented by best-practice guidance that will help local authorities, the third sector, developers and owners and occupiers to manage the historic environment carefully and sustainably for the benefit of present and future generations. The first nine titles appeared in May and are available from the Cadw website. They include the management of World Heritage Sites and historic parks and gardens and advice on the preparation of lists of historic assets of special local interest and tackling listed buildings at risk.

While we can be justifiably proud of our achievements in the year since the Historic Environment (Wales) Act became law, there is still work to be done. During the passage of the legislation, concern was expressed across the Chamber about listed buildings that had been allowed to fall into disrepair. This led to an amendment that will give local authorities the powers to take additional action to secure the proper preservation of such buildings.

However, any regulations that we introduce must be genuinely useful to local authorities and contribute positively to the resolution of the complex challenges presented by decaying listed buildings. We have commissioned research that will provide a sound evidence base for our proposals for regulations. This is an opportunity to find a way forward for many buildings that are blighting our communities, but we will need the input of stakeholders across the historic environment sector to shape effective legislation.

The Act's provisions for heritage partnership agreements also remain to be commenced. These agreements, which have been greeted with enthusiasm in the sector, will support the consistent long-term management of scheduled monuments and listed buildings. They will benefit both owners and consenting authorities by embodying the necessary consents for agreed routine works. Since these agreements will last for a number of years, it is important that the regulations and guidance are well-founded and practical. We are therefore seeking partners for pilot schemes to inform further progress.

Work to bring the statutory register of historic parks and gardens into effect is well underway. A review of the boundaries of the almost 400 parks and gardens on the existing non-statutory register has been undertaken. All known owners/occupiers of registered historic parks and gardens will be notified of the boundaries of the registered areas during the remainder of 2017 and early 2018. Once that notification process is complete, the statutory register will be brought into force.

Finally, we come to the Act's provisions for the Advisory Panel for the Welsh Historic Environment. Assembly Members will recall that at the end of last year I convened the Historic Wales Steering Group to undertake a review of heritage services in Wales. Following their recommendations, I asked for a business case examining the options for the future governance arrangements for Cadw, including potential legislative implications. Until I have received that business case and taken a decision on Cadw's future, it would be premature to consider the detailed arrangements for the Advisory Panel.

During the scrutiny of what was then the Historic Environment (Wales) Bill, many here voiced their desire to consolidate the legislation for the historic environment to give Wales a single, bilingual body of law accessible and comprehensible to practitioners and public alike. Therefore, I am delighted that, in recent evidence to the Constitutional and Legislative Affairs Committee, the Counsel General has identified the historic environment legislation as a suitable pilot for the Welsh Government's ambitious programme to consolidate and codify the law for Wales. Building on the work that we have already done, this represents an exciting opportunity to make Wales the envy of the UK nations.

The activity I have outlined here today will provide a coherent foundation for improved protection and management of the historic environment for generations to come. It recognises the significant contribution that the historic environment makes to the economic prosperity of our nation and the well-being of its citizens, and its importance in fostering the 'quality of place' and the pride and resilience of communities.