



· INSTITUTE · OF · HISTORIC ·
BUILDING · CONSERVATION

Making Heritage Work

Committee Clerk
Communities, Equality and
Local Government Committee
National Assembly for Wales
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Dear Sir

HISTORIC ENVIRONMENT (WALES) BILL

The Institute of Historic Building Conservation (IHBC) is the professional body for building conservation practitioners and historic environment experts working in England, Northern Ireland, Scotland and Wales, with connections to the Republic of Ireland. The Institute exists to establish, develop and maintain the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

Thank you for inviting us to participate in this consultation. We welcome the broad objectives of the Bill but have a number of points that we feel are worthy of consideration. Our comments on the Bill are as follows:

1. We note that the Bill is in the form of amendments to the Planning (listed Buildings and Conservation Areas) Act 1990. We appreciate that there is a technical need to separate the new measures from those applying to England. However, the Planning Acts are already far too complex and this approach makes them more inaccessible to the public than ever. We would prefer to see the Bill presented as a completely new document. Failing that, a consolidation Act should follow immediately. As the legislation in England is similarly afflicted a concerted effort to achieve this would be welcome there too.
2. We welcome the creation of the Advisory Panel for the Welsh Historic Environment to advise ministers. However, we do think that splitting

responsibility for HE functions across three or more bodies needs careful management and the Advisory Panel needs to avoid duplicating the role of the existing Historic Environment Group, which we also support because of its function as a cross-sector forum.

3. Our support for the proposals for the Advisory Panel is dependent on its being structured to further the interests of the historic environment. To do this it must be completely transparent in the way appointments to it are made, to ensure all relevant competencies and interests are covered; and in its programme and reporting so that the public can fully understand the advice that is given to ministers.
4. We support the proposal for consultations on proposed listing and scheduling subject to the provisions for interim protection during the process.
5. We support the other provisions proposed for extending the protection of Scheduled Monuments and aligning them with those for LBC. However we note that the proposals do not do this completely as they omit a duty to preserve and enhance the setting of the monument when applications for SMC are made. We think the proposals should be amended to do this to bring the SMC application process fully into line with that for LBC.
6. We also support the proposals to allow for an application for a Certificate of Immunity to be made at any time.
7. We would also like to see an amendment to the provisions for the setting of conservation areas (s72(1)). There has been much debate over the years about the exact implications of the wording "...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area..." - the problem lying in the word "or". We think that the opportunity should be taken to clear up the ambiguity by amending "or" to "and".
8. We support the creation of a statutory register of historic parks and gardens (s18). However we do not see these as being the most important aspect of Welsh built heritage needing special protection. Non-conformist chapels and isolated farm buildings are more indicative of Welsh heritage and need a more coherent conservation approach than being rescued from dereliction by routine conversions to new uses.
9. We welcome the proposals for the widening of powers in relation to urgent works to listed buildings and for temporary stop notices which we think will address some of the procedural difficulties in undertaking urgent works. But procedure is only part of the problem and we consider that the Bill should include a methodology for

actually tackling the huge backlog of Welsh listed buildings at risk and for funding a remedial programme. Without a funded programme the proposed provisions are unlikely to be of significant effect.

10. We agree with the consultation paper about the importance of the Historic Environment Records (HERS). However, we do have concerns about the structural detachment that the existing arrangements have from the day-to-day decision-making on planning and heritage issues by LPAs and that this results in HERs being less influential than they should be. Nevertheless we are not convinced that shifting legal and financial responsibility for them to LPAs is a sound move. Making each LPA responsible for its own HER might seem a way of promoting more engagement in its use on the part of the LPA. But we think there are inherent difficulties:
 - ◆ in fragmentation of approach, where LPAs set up their own HERs, possibly compounded by future LA mergers.
 - ◆ in the funding of shared resources and the output expectations that each partner has, where joint arrangements are maintained.
 - ◆ in creating a statutory requirement for record-keeping which would compete for resources with the actual care of heritage assets through the work of LPA conservation sections.

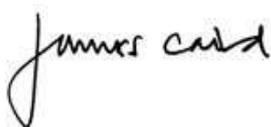
Consequently we think that the existing centrally funded model remains the optimum arrangement for Wales.

11. The mode of record-keeping for HERs in Wales is considered to be more consistent than in England and, especially as it is online, potentially more accessible in theory. But greater consistency of approach should be possible by retaining the present model, particularly as there are only four repositories needing to agree standards.
12. But we also agree that, in practice, HERs are not used enough in relation to listed building and conservation area applications by either applicants or LPAs. This should be promoted as routine and the Government is urged to build into the processes better practice so that the hidden histories of Wales's built fabric that lie behind façades and their formal listing descriptions can be better understood and conserved. To do this better practice is also required in the uploading of new data into the HERs when it is discovered in surveys and works. This should be as near routine as possible. It can be achieved in part by requirements such as recording conditions attaching to consents but it also requires a new emphasis on the value, availability and accessibility of HERs which we think should be promoted at National level in line with the objectives of 'community

engagement, learning and access' set out in previous consultations on Heritage.

13. We acknowledge the need for Heritage Management Partnerships in some circumstances. However we feel that, as this is a relatively new concept, there should be some process for reviewing their effectiveness against the Welsh Government's objectives for the historic environment. Again, we suggest that the Government sets a timescale for doing this.
14. We have considered the financial implications of the proposals. But whether the costs and impacts to LPA's, not just for now, but in the medium term have been properly considered we are unsure. The proposals are ambitious. The financial resources to deliver them need to be realistic.

Yours faithfully

A handwritten signature in black ink that reads "James Caird". The signature is written in a cursive, slightly slanted style.

James Caird
Consultant Consultations Co-ordinator