

Ken Skates AM  
Deputy Minister for Culture, Sport and Tourism

10 July 2015

Historic Environment (Wales) Bill

Dear Minister,

Thank you for attending the evidence session on the Historic Environment (Wales) Bill on 8 July.

As time did not allow Members the opportunity to cover all the relevant issues with you, could you now consider and respond to the questions listed in the annexe.

I would be grateful to hear from you by **Friday 24 July**.

Yours sincerely,



**Christine Chapman AC / AM**

Cadeirydd / Chair



# Annexe 1

## General

1. How do you respond to concerns from stakeholders that the recovery of expenses for urgent works is not comparable with the recovery of mortgage debts (as the Bill suggests), as the latter is reliant upon a contractual arrangement, which does not apply in the case of urgent works?
2. What are your views on the proposals from stakeholders that heritage partnership agreements should be broadened to cover other heritage assets, such as historic landscapes, parks and gardens, battlefields and historic environment record entries?
3. Could you provide clarification of the grounds on which it would be reasonable for local authorities to choose not to enter into a heritage partnership agreement? Will decisions not to enter into such an agreement be subject to any form of review/appeal process?
4. Will the statutory Historic Environment Records need to be available bilingually and, if so, what assessment he has made of the practical and financial implications of this?
5. What will be the composition of the Advisory Panel, and how will you ensure that it reflects the diversity of those with a stake in the Welsh historic environment?
6. To what extent will third parties be able to feed into the agenda of the Advisory Panel?
7. What consideration have you given to including a reporting requirement on the Advisory Panel in the Bill in order to provide transparency and the opportunity for public scrutiny?
8. Why the power for a statutory register of historic parks and gardens is necessary, and why the legislation does not allow for statutory registers of other historic assets, such as landscapes and battlefields?
9. We have heard that an audit of the Historic Environment Records is currently underway. To what extent do you believe that the summary of predicted costs for statutory HERs included in the Bill's Explanatory Memorandum could change, depending on the results of this audit?



10. Will the results of the audit of Historic Environment Records be made publicly available, or available to the Committee?

11. To what extent the provisions in the Bill relating to Historic Environment Records will improve the accuracy and consistency of the information contained in these records?

12. What consideration have you given to expanding and developing the remit of the Historical Environment Group rather than establishing the new proposed Advisory Panel, to ensure that duties are not duplicated?

## **Human Rights considerations**

When you appeared before the Committee on 4 June, we asked you a number of questions in relation to the human rights implications of the proposed powers in the Bill to:

- authorise a person to enter land without the consent of the owner in cases where a monument is in immediate danger of damage or destruction; and
- enable local planning authorities to recover costs of damage to listed buildings through sale or lease of the land.

In response to these questions, your legal official told us that a balance had been struck between the aims of the Bill and the human rights implications.

13. Could you provide further details about your reasoning in coming to this decision, including details of the factors that you considered in deciding that the correct balance had been achieved?

In addition to this, you told us during the session on 8 July that you consider it would be inappropriate to undertake public consultation on decisions for scheduling monuments and listing buildings.

14. Could you expand on the factors that you considered in deciding not to consult with the public in these instances?

## **Meeting action points**

Finally, during the session on 8 July you agreed to provide the following:

15. Further information about the basis of your estimated costs of placing a statutory duty on local authorities to create and maintain local lists of historic assets;



16. The timetable for the report of the Expert Panel on the review of future delivery and sustainability of museums;
17. An update on the progress made against the Committee's recommendation in its 2013 report on the Welsh Government's Historic Environment Policy; that the Welsh Government should explore options to introduce a system so that, where local authority searches show that a building is listed and/or in a conservation area, the new owner is provided by the local authority with clear guidance concerning restrictions and responsibilities associated with the listed status.
18. Details of the analysis of the eight heritage partnership agreements which have piloted in England.

