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Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth
Deputy Minister for Culture, Sport and Tourism



Llywodraeth Cymru
Welsh Government

Christine Chapman AM
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Dear Christine,

03 November 2015

Historic Environment (Wales) Bill

Thank you for your letter of 8 October forwarding the committee's stage 1 report. As I outlined in Plenary on 20 October, I am pleased to be able to accept the great majority of the committee's recommendations. I thought it would be useful to respond formally to each of the recommendations prior to the stage 2 committee meeting.

Recommendation 1

I welcome the committee's recommendation supporting the general principles of the Bill

Recommendation 2

I am pleased to accept the committee's recommendation that section 33(2) of the Bill should include a specific reference to historic place names. I will introduce an amendment during stage 2 to provide access to this aspect of Wales' heritage through the historic environment records.

Recommendation 3

I agree that it would be helpful to provide guidance on interim protection and the consequences of designation to owners and occupiers of monuments or buildings that are being considered for scheduling or listing. Guidance on understanding listed buildings and scheduled monuments is being prepared to coincide with the commencement of the new designation procedures. This guidance will set out the responsibilities of owners of historic assets. *Managing Change to Listed Buildings in Wales*, a new guidance document aimed at owners, was published as a pre-consultation draft when the Bill was introduced.

Recommendation 4

I agreed in Plenary to carry out further research into the feasibility of including statutory protection for historic parks and gardens in the Bill. During the scoping for the Bill, the introduction of statutory protection was, in fact, explored. It was not taken forward then because it would add a further layer of complexity for owners and decision makers. However, my officials will look again at the options for improving protection for historic parks and gardens. I shall report back to the committee no later than the completion of stage 2, as requested in your report.

Recommendation 5

Prior to the commencement of the provisions for temporary stop notices for listed buildings, guidance on their use will be issued to local planning authorities. In addition, during the latter part of 2016, we will publish, *Managing Listed Buildings at Risk*, which will give guidance on the positive management of buildings at risk and identify avenues of support. It will also contain information on the legal powers available to local planning authorities when all else fails to bring buildings at risk back into use.

Recommendation 6

Advice on the extended urgent works powers will be issued to local planning authorities prior to the commencement of the provisions. As noted under the previous recommendation, the guidance to be published in the latter part of 2016, *Managing Listed Buildings at Risk*, will also include information on the legal powers available to local planning authorities to deal with buildings at risk.

Recommendation 7

The policy intention for the introduction of local land charges in connection with urgent works is to encourage local planning authorities to use existing powers to halt further deterioration to listed buildings by giving them an effective mechanism to recover costs.

Recommendation 8

The provisions in the Bill mirror those in other legislation, including the Mobile Homes (Wales) Act 2013. By referring to the Law of Property Act 1925, it allows the local planning authorities to rely on certain powers and remedies to enforce the charge, including a forced sale. There is case law to support the position that the wording used in section 30 is sufficient to create a priority charge.

Recommendation 9

Local planning authorities already have a range of statutory powers to address the neglect of listed buildings by their owners — powers which the Bill will extend. However, we will undertake research into the feasibility of financial penalties for deliberate neglect. The issues are complex, so the results will not be available in time to inform the Bill's provisions.

Recommendation 10

I have written to the Welsh Language Commissioner to provide her with information about the content and operation of the historic environment records and my officials are in discussion with her officials about the appropriate application of the Welsh Language Standards.

Recommendation 11

The cost of placing a duty upon local planning authorities to create and maintain lists of historic assets of special local interest has been estimated at some £3.5 million. In the evidence given to your committee, a number of witnesses expressed concern at the adverse impact that such a duty could have on local planning authorities' ability to protect and manage the historic environment. I believe that local planning authorities should be able to set their own priorities. The guidance, *Managing Lists of Historic Assets of Special Local Interest* — published as a pre-consultation draft when the Bill was introduced — will support them in creating local lists with the full involvement of local communities.

Recommendation 12

Prior to commencing the provisions on heritage partnership agreements, guidance, drawing on experience gained from the use of similar agreements in England, will be published.

Recommendation 13

I agree that the Welsh Government should support local planning authorities and owners who are interested in developing heritage partnership agreements. Officials from Historic Environment Service (Cadw) will mentor and support local planning authorities entering into 'pathfinder' heritage partnership agreements.

Recommendation 14

I agree that the Advisory Panel on the Welsh Historic Environment should produce a publicly available report on their activities. However, as the panel will have a three-year work programme, I believe that a triennial report would be more appropriate.

Yours ever,



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