



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 17TH SEPTEMBER 2013

**SUBJECT: WELSH GOVERNMENT CONSULTATION DOCUMENT
'THE FUTURE OF OUR PAST' HERITAGE BILL**

REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

1.1 The purpose of the report is to:

Advise the Regeneration and Environment Scrutiny Committee on the contents of the Heritage Bill *The future of our past* – A consultation on proposals for the historic environment of Wales, issued by the Welsh Government (WG) on 18th July 2013.

2. SUMMARY

2.1 This report summarises the key considerations proposed in the consultation document and most pertinent to Caerphilly County Borough Council.

2.2 The document outlines the measures under consideration to improve the protection of the historic environment in Wales. It includes a variety of policy interventions, improvements to guidance and legislative proposals (including amendments to secondary legislation).

2.3 Following the closing date (11th October 2013), all responses are to be analysed and considered by WG along with any other available evidence to further develop the proposals for the Heritage Bill. The WG intends to introduce the Bill to the National Assembly for Wales before the end of this Assembly term, i.e. 2015. The provisions of the Bill will be informed by a detailed consideration of the consultation responses.

3. LINKS TO STRATEGY

3.1 In its strategic plan for 2011-16, the *Programme for Government*, the WG sets out its vision for the nation:

Healthy people living productive lives in a more prosperous and innovative economy; safer and more cohesive communities with lower levels of poverty and greater equality; a resilient environment with more sustainable use of our natural resources and a society with a vital sense of its own culture and heritage.

3.2 The Programme also makes it clear that there are links between the Heritage Bill and the three other pieces of emerging Welsh Government legislation, i.e. the Natural Environment, Sustainable Development and Planning Bills. Throughout the development of these Bills the legislative teams intend to work closely to ensure a cohesive and joined-up approach.

- 3.3 The importance of the historic environment in realising that vision for Wales is acknowledged in the *Programme*, with one of its specific aims being to ‘enrich the lives of individuals and communities through culture and heritage.’ Amongst the key actions it identifies to deliver that aim is the introduction of the Heritage Bill with ‘supporting policy activity and public engagement.’ The First Minister included the Heritage Bill in the five-year legislative plan that he announced in August 2012.
- 3.4 The WG’s approach to the promotion of the sustainable management of the historic environment in line with the objectives of the *Programme for Government* is detailed in the *Historic Environment Strategy for Wales* and its associated ‘Headline Action Plan’.
- 3.5 The goal of the *Strategy* is a well-protected and accessible historic environment that will contribute to the quality of life and quality of place and enhance people’s life chances. Central to its achievement is the drafting of the Heritage Bill, which is planned for introduction to the Welsh Assembly in 2015.
- 3.6 The WG’s vision is that:
- The Welsh historic environment should be sustainably managed so it can continue to deliver meaningful social, economic and environmental benefits to the people of Wales.*
- 3.7 The historic environment is also recognised as an important factor in regeneration. This role is highlighted in *Vibrant and Viable Places*, the Welsh Government’s regeneration framework, published in 2013.
- 3.8 The Key Objectives relevant in the Caerphilly County Borough Local Development Plan up to 2021 (Adopted November 2010) are to: -
- 22 Maintain the vitality, viability and character of the County Borough’s town and village centres and re-establish them as a focus for economic activity and community pride.
 - 23 Maintain, enhance and develop a hierarchy of town and village centres which are easily accessible, and which meet the needs of all sections of the population.
 - 24 Protect and enhance the overall quality of the historic natural and built environment of the County Borough.

4. THE REPORT

Background

- 4.1 The Welsh Government (WG) issued ‘The future of our past - A consultation on proposals for the historic environment of Wales,’ on 18th July 2013 for public consultation purposes. The document outlines the measures under consideration to improve the protection of the historic environment in Wales. It includes a variety of policy interventions, improvements to guidance and legislative proposals (including amendments to secondary legislation).
- 4.2 Following the closing date of the 11th October 2013, all responses are to be analysed and considered by WG along with any other available evidence to further develop the WG proposals for the Heritage Bill. The WG intends to introduce the Bill to the National Assembly for Wales before the end of this Assembly term, i.e. 2015. The provisions of the Bill will be informed by a detailed consideration of the consultation responses.

Comments

- 4.3 The consultation report contains 57 proposals set out (as P1-57) under the following headings:

- P1-P19 Identifying significance: Identifying and protecting historic assets of national significance
- P20-25 Identifying significance: Identifying and designating historic assets of local significance
- P26-P46 Sustaining significance: Managing change in the historic environment, and
- P47- P57 Reviewing the organisational framework for historic environment services in Wales.

A summary of proposals is attached at Appendix 1.

- 4.4 The majority of the proposals seem sensible and are therefore supported however a number of proposals require comments to be made.
- 4.5 P2 seeks to allow new List Description entries to state definitively that a part or feature of a listed building, structure or within its curtilage is **not** of special architectural or historic interest. It may be more useful, however, if each description begins with the comment: this description is for identification purposes only, and the building in its entirety, including all fixtures and fittings, is listed. The description would then go on to point out the features 'of particular interest' and leave out those that are not.
- 4.6 P21 seeks to merge Conservation Area Consent (CAC) with planning permission (PP). This will hope to simplify the processes for applicants and LPAs and is not intended to reduce levels of protection for these areas. This would be welcomed but it should be confirmed that a detailed planning application would be invited not an outline application. It is agreed that merging CAC with PP would simplify the process and avoid duplication, although, there may be occasions where consent for demolition alone will be required and planning permission would not be required for any replacement development.
- 4.7 P22-24 seek to explore ways of identifying, formulating and publishing guidance on the preparation of local lists in respect of historic assets of local significance, and develop model Local Development Plan (LDP) policies and Supplementary Planning Guidance for their protection and management. P25 meanwhile proposes guidance to support the use of characterisation studies of historic assets at a local level. It is important to recognise that there are significant resource implications associated with this work and this is not recognised in the consultation document. It is difficult enough to protect and manage statutorily protected historic assets, such as listed buildings and scheduled ancient monuments. Buildings of local interest could only be protected if there are sufficiently robust protections in place through the provision of local planning policies and supplementary planning guidance.
- 4.8 P26 proposes to enable the establishment of heritage partnership agreements (HPAs) between consenting authorities and owners for a programme of permitted works within a fixed period. These may be useful in some limited applications although they may give rise to time and resource issues.
- 4.9 P32 consideration is to be given to streamlining the Listed Building Consent approval procedure for works that have no adverse effect on a listed building, its setting or any features of special architectural or historic interest that it possesses. This would complicate matters, as an applicant would need to first establish whether or not the procedure is considered to have such an impact. At present, the impact of proposed works is each considered on its own individual merits on the receipt of sufficient information about a proposal. This is an effective way of dealing with such works.
- 4.10 P44 – Extending the scope of urgent works notices to include non-domestic buildings in use could provide a mechanism for dealing with some vulnerable underused buildings. However, it is not the intention in the consultation to extend these powers to buildings in use as residential accommodation. There is no clarification as to why occupied buildings in residential use should be exempted in future from such notices.

- 4.11 A copy of the Heritage Bill – i.e. the WG Consultation document ‘The future of our past’ - A consultation on proposals for the historic environment of Wales, together with Annex 2 identifying the structure of the Consultation response form, is available for members to view in the Resource Library.

5. EQUALITIES IMPLICATIONS

- 5.1 There are no specific equalities implications arising as a result of this report.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising as a result of this report.

7. PERSONNEL IMPLICATIONS

- 7.1 None.

8. CONSULTATIONS

- 8.1 Comments received are covered in the body of the report.

9. RECOMMENDATIONS

- 9.1 That members note the proposed measures under consideration to improve the protection of the historic environment in Wales.
- 9.2 That members recommend to Cabinet and thereafter Council that a formal response on ‘*The future of our past*’ as reflected in this report be submitted to Welsh Government.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To make members aware of the Welsh Government’s Consultation document that will inform the Heritage Bill 2015.
- 10.2 That a formal response as outlined be made on behalf of Caerphilly county borough council by the 11th October 2013 deadline.

11. STATUTORY POWERS

- 11.1 As part of key objectives set out in the CCBC LDP up to 2021, Adopted November 2010.
- 11.2 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 11.3 Welsh Government’s Planning Policy Wales, Ch 6, Edition 5, November 2012.
- 11.4 Local Government Act, 1972.
- 11.5 Local Government Act, 2000.

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Appendices:
Appendix 1 The future of our past – A consultation on proposals for the historic environment of
Wales