



# **Cynulliad Cenedlaethol Cymru** **The National Assembly for Wales**

## **Y Pwyllgor Cymunedau, Cydraddoldeb a** **Llywodraeth Leol** **The Communities, Equality and Local Government** **Committee**

**Dydd Mercher, 10 Mehefin 2015**  
**Wednesday, 10 June 2015**

### **Cynnwys** **Contents**

[Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant](#)  
[Introductions, Apologies, Substitutions and Declarations of Interest](#)

[Bil yr Amgylchedd Hanesyddol \(Cymru\): Sesiwn Dystiolaeth 2—Cymdeithas Llywodraeth](#)  
[Leol Cymru](#)  
[Historic Environment \(Wales\) Bill: Evidence Session 2—Welsh Local Government](#)  
[Association](#)

[Penodi Cadeirydd Dros Dro](#)  
[Appointment of a Temporary Chair](#)

[Bil Amgylchedd Hanesyddol \(Cymru\): Sesiwn Dystiolaeth 3—Ymddiriedolaethau](#)  
[Archaeolegol Cymru](#)  
[Historic Environment \(Wales\) Bill: Evidence Session 3—Welsh Archaeological Trusts](#)

[Papurau i'w Nodi](#)  
[Papers to Note](#)

[Cynnig o dan Reol Sefydlog 17.42\(vi\) i Benderfynu Gwahardd y Cyhoedd o Weddill y](#)  
[Cyfarfod](#)  
[Motion under Standing Order 17.42\(vi\) to Resolve to Exclude the Public from the Remainder](#)

[of the Meeting](#)

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Christine Chapman	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Alun Davies	Llafur Labour
John Griffiths	Llafur (yn dirprwyo ar ran Gwenda Thomas) Labour (substitute for Gwenda Thomas)
Janet Finch-Saunders	Ceidwadwyr Cymreig Welsh Conservatives
Mike Hedges	Llafur Labour
Bethan Jenkins	Plaid Cymru (yn dirprwyo ar ran Jocelyn Davies) The Party of Wales (substitute for Jocelyn Davies)
Gwyn R. Price	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales

**Eraill yn bresennol**  
**Others in attendance**

Paul Belford	Cyfarwyddwr yr Ymddiriedolaeth, Ymddiriedolaeth Archaeolegol Clwyd-Powys Trust Director, Clwyd-Powys Archaeological Trust
Andrew Davidson	Prif Archaeolegydd, Ymddiriedolaeth Archaeolegol Gwynedd Chief Archaeologist, Gwynedd Archaeological Trust
Dr Chris Llewelyn	Cyfarwyddwr Dysgu Gydol Oes, Hamdden a Gwybodaeth, Cymdeithas Llywodraeth Leol Cymru Director of Lifelong Learning, Leisure and Information, Welsh Local Government Association
Andrew Marvell	Prif Weithredwr, Ymddiriedolaeth Archaeolegol Morgannwg- Gwent Chief Executive, Glamorgan-Gwent Archaeological Trust
Ken Murphy	Cyfarwyddwr yr Ymddiriedolaeth, Ymddiriedolaeth Archaeolegol Dyfed Trust Director, Dyfed Archaeological Trust
Stephen Smith	Arweinydd y Tîm Dylunio a Chadwraeth, Dinas a Sir Abertawe Design and Conservation Team Leader, City and County of Swansea
Peter Thomas	Uwch Gynllunydd Cadwraeth a Dylunio, Cyngor Bro Morgannwg Senior Planner Conservation and Design, Vale of Glamorgan Council

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Chloë Davies	Dirprwy Glerc Deputy Clerk
Matthew Richards	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Elizabeth Wilkinson	Clerc Clerk
Robin Wilkinson	Y Gwasanaeth Ymchwil Research Service

*Dechreuodd y cyfarfod am 09:15.*  
*The meeting began at 09:15.*

**Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant**  
**Introductions, Apologies, Substitutions and Declarations of Interest**

[1] **Christine Chapman:** Good morning, everyone, and welcome to the Communities, Equality and Local Government Committee. Can I just remind Members that, if they have any mobile phones, they are put on silent as it does affect the transmission? We've had apologies from Gwenda Thomas AM and Jocelyn Davies AM this morning. John Griffiths is substituting for Gwenda Thomas and Bethan Jenkins is substituting for Jocelyn. Could I ask whether there are any declarations of interest? No? Okay.

**Bil yr Amgylchedd Hanesyddol (Cymru): Sesiwn Dystiolaeth 2—Cymdeithas**  
**Llywodraeth Leol Cymru**  
**Historic Environment (Wales) Bill: Evidence Session 2—Welsh Local**  
**Government Association**

[2] **Christine Chapman:** The first item today is the second of several evidence sessions on the Historic Environment (Wales) Bill, and can I give a very warm welcome to our panel? Chris Llewelyn, director of lifelong learning, leisure and information, Welsh Local Government Association. We also have Peter Thomas, senior planner, conservation and design, Vale of Glamorgan Council, and Stephen Smith, design and conservation team leader, City and County of Swansea. So, can I welcome you all? As you know, we are scrutinising the Historic Environment (Wales) Bill. You have sent written responses, so Members will have read those, so we will go straight into questions, if you're happy with that.

[3] **Dr Llewelyn:** Okay, fine, thank you.

[4] **Christine Chapman:** I just want to start off. To what extent do you think the Bill is needed, given the protection already afforded to the historic environment by existing legislation and through the planning regime?

[5] **Dr Llewelyn:** Thank you, Chair. Can I just add that I'll maybe deal with the generality of some of these issues, but my colleagues from individual local authorities will probably be able to provide more operational detail and will add colour to what might otherwise be a grey presentation.

[6] **Christine Chapman:** Yes, that's fine.

[7] **Dr Llewelyn:** So, in terms of the generality of it, I think it brings clarity and coherence and draws some disparate threads together. We know there is a legislative

framework already in place. It does seem to work quite effectively, but I think the Bill provides additional clarity and coherence and, in that sense, I think, it's something that we would welcome, but there does appear to be some consensus around that as well.

[8] **Christine Chapman:** Okay. Well, obviously, we can look at some of the specifics now and obviously Peter and Stephen want to come in as well. So, Gwyn, you've got a question.

[9] **Gwyn R. Price:** Yes. Good morning. Can the WLGA expand on the comment that there could be a lack of resources directed towards the implementation of the new provisions in this Bill? What are the likely practical implications of this and how will it impact on the delivery of the Bill's aims?

[10] **Dr Llewelyn:** Well, I think our observation relates to the wider financial circumstances. We know that public spending has been under significant pressure over recent years. In the current financial year, local authority budgets, on average, have been cut by 3.5 per cent. Last year, it was 4.5 per cent. We've already heard about the prospect of the potential for in-year cuts, and also there's an emergency budget on 8 July. So, it's that wider context that local authority budgets are under considerable pressure, so any additional burdens, however modest they might be, will exacerbate that situation. But, you know, I don't know if colleagues maybe want to elaborate on their individual experiences.

[11] **Mr Thomas:** Yes, it's something that perhaps might come out in due course when certain aspects of the Bill are announced, but there are relatively limited numbers of conservation staff now, compared to the situation five or 10 years ago. There are probably very few authorities that have increased those numbers of staff. So, as the requirements of the historic environment and the duties of local authorities increase, there's a clash, if you like, between the desire and requirements of local authorities to discharge duties against the finite number of staff to carry those out. There's only so much work, with all the will in the world, that one or two people can do in a local authority area.

[12] **Mr Smith:** I can add very direct experience of that in Swansea. We're very shortly going to be going down from three officers dealing with front-line heritage issues to two, so whilst, obviously, we welcome the tightening of the legislation in the Bill in terms of protection, some of the additional requirements, such as local listings, would be harder for us to deliver in Swansea, given we're losing a third of our resource very soon.

[13] **Christine Chapman:** Okay. Thank you. Gwyn, do you want to—

[14] **Gwyn R. Price:** Yes, just to the WLGA, again: do you think the Bill would be easier to understand if it was a standalone piece of legislation rather than one that largely is going to be amending existing legislation?

[15] **Dr Llewelyn:** I think it's a judgment, I suppose. The existing legislation—what is in place—seems to work reasonably well. There is a general understanding of how the current legislative framework operates, so I think there is some merit in reducing the complexity, in a sense, and developing a framework that amends the current legislation rather than producing a completely new framework.

[16] **Gwyn R. Price:** Would you gentlemen agree with that?

[17] **Mr Thomas:** I'd echo that. My view is that the 1990 Planning (Listed Buildings Conservation Areas) Act isn't fundamentally broken. There are parts that perhaps need some clarity. There are issues around buildings at risk, if you like, that local authorities are perhaps reticent to use the powers that are there, and there are some measures put forward in the Bill

to try to address that. Whether they go far enough or not, I'm not sure. But to answer your question about whether a standalone piece of legislation would be better or not, it might add clarity, because, as it is, you're going to have the 1990 Act relating to England and Wales, and there are going to be various sections that relate to England only and to Wales only, so there are going to be an awful lot more sections within that Act, but it'll be fairly clear where they apply to England and where they apply to Wales. So, I don't think it's a fundamental issue that it's amendment rather than a standalone piece of legislation.

[18] **Mr Smith:** I'd agree with that, too. It's not going to be fundamentally different, so it's tweaking and refining what we've got, and making it distinctive to Wales.

[19] **Gwyn R. Price:** Thank you very much for that.

[20] **Christine Chapman:** Thank you. Janet.

[21] **Janet Finch-Saunders:** Thank you. What is the WLGA's view on proposed changes in relation to scheduled monuments?

[22] **Dr Llewelyn:** I don't know if colleagues want to—

[23] **Mr Thomas:** Sure. From a local authority point of view, it's probably very little, because it's Cadw who deal with scheduled monuments on the whole. They designate them, they deal with applications for consent to changes and alternations, and they deal with enforcement issues. Perhaps the biggest implication for local authorities is as a landowner, where, for example, the broadening of the definition of a monument is proposed under the Bill, which might mean that some land under local authority ownership might now be designated as a monument where it wouldn't have been previously. My understanding is that there are going to be very few cases of that across Wales that will meet the criteria of the new designation.

[24] **Mr Smith:** I would endorse that, too. Obviously, the changes to scheduled monuments led by Cadw and Welsh Ministers—the key thing for local authorities as landowners, like any landowner, is going to be the availability of Cadw staff in order to discuss what they want; maybe alterations or guidance on those sorts of things. So, it's actually help in doing the work that's going to be the key thing. And that's not just councils; that's all landowners.

[25] **Janet Finch-Saunders:** Okay. And what are the practical and financial implications of these changes for local planning authorities?

[26] **Mr Smith:** I think very limited. Local planning authorities won't really have much extra to do. Local authorities who own land might find these requirements a little bit more onerous, or the areas that are brought into scheduled monument consideration would be greater, but in terms of day-to-day planning, I can't see any changes.

[27] **Janet Finch-Saunders:** Okay. And what is the WLGA's view on the establishment of a statutory register of historic parks and gardens of special historic interest? What impact will this have on the work of local planning authorities?

[28] **Mr Smith:** Well, at the moment we have to consult Cadw anyway on works affecting historic parks and gardens. It just formalises that process. Certainly, in Swansea we would negotiate hard, in terms of schemes in these areas or the settings of these areas, to get the right design, the right development, that's sensitive to that historic context. It formalises, effectively, the recognition of that heritage asset. So, for us, it wouldn't be a major change in Swansea to formalise that process.

[29] **Janet Finch-Saunders:** Okay. The Welsh Government has—

[30] **Christine Chapman:** Peter, did you want to come in as well?

[31] **Mr Thomas:** No, I've nothing to add to that.

[32] **Janet Finch-Saunders:** Sorry, Chair. The Welsh Government has stated that it intends to amend regulations to direct planning authorities to consult with Cadw on all planning applications affecting grade I and grade II\* sites on registered parks and gardens. What would be the implications of this for authorities?

[33] **Mr Smith:** I think we notify them already, so it's just a formalisation of that as consultation. I wouldn't see a major significant change for local authorities in terms of the actions.

[34] **Janet Finch-Saunders:** Okay. And just finally, picking up, certainly for this committee, lots of legislation is coming through. How achievable are the wider aims of this particular Bill, given the comments you made earlier about resource implications? Are they deliverable?

[35] **Mr Thomas:** It's always difficult unfortunately. There's an awful lot of historic environment out there, and where there are limited staff, it's not possible to manage all of the historic environment. We rely on current custodians an awful lot of the time to look after their properties, particularly where, for example, they're not designated. There are certainly aspects of the Bill that potentially empower local authorities, maybe not front-line heritage staff, but for re-enforcement colleagues and so on. It's difficult to tell unfortunately how achievable it is, given the amount of uncertainty perhaps in local government going forward.

[36] **Dr Llewellyn:** Can I just add that it is worth bearing in mind that there's a lot in the Bill, it seems to me, that formalises what is already happening and brings clarity to it? There's an element of bringing fairness to the current system as well. As I mentioned earlier, it brings a coherence to the current framework, so I think there is merit in all of those things.

[37] **Mr Smith:** What I would add is that, obviously, the tightening of the legislation is certainly welcome. I think what councils are going to need to do is work smarter across this. I think the WLGA evidence points out, I think, that there are two councils in Wales currently with no conservation specialist at all, so there's a need to share expertise or to upskill other officers in the council in order to be the lead in terms of heritage protection in the council. So, it's not just the legislation that's changing; councils also need to change about how they address these heritage issues.

[38] **Christine Chapman:** On that point, will it give a voice to people like yourselves within the big picture of local government in terms of the priorities? Do you think this will help give you the profile that's needed to address these issues, or an increased profile?

[39] **Mr Smith:** I think certainly reflecting on my experience in Swansea, heritage is a key aspect of the city centre regeneration and more widely, but there's very limited—. Ultimately, the legislation is there, but, really, it comes down to money in terms of a lot of this, which is the crux of it. So, this will give heritage a greater profile; obviously, heritage has got a huge draw in terms of heritage tourism and the wider benefits to the economy. In terms of councils, it will allow conservation officers to push that much harder where they exist and, as I say, there are some gaps in some councils. But I think it needs to be seen throughout the organisations because in the context of this a lot of heritage assets, such as galleries, are facing cuts in terms of funding as well. So, I think there needs to be a general rethinking of

how we value our heritage assets in terms of this.

[40] **Christine Chapman:** Thank you. I've got a couple of—. Alun, then. Sorry, Mike, did you want to come in?

[41] **Mike Hedges:** No, I'm coming in next.

[42] **Christine Chapman:** Alun, then John.

[43] **Alun Davies:** A oes modd i fi ofyn i chi sut ydych chi'n gweld y potensial ar gyfer ein treftadaeth? Rydych wedi bod yn trafod y Mesur yma yn nhermau dyletswyddau ac yn nhermau'r hyn mae'r ddeddfwriaeth yn ei dweud, sy'n ddigon teg, ond mae potensial fan hyn hefyd y gall y ddeddfwriaeth agor lan, ac mae hynny ar gyfer adnewyddu trefi, adnewyddu cymunedau. A ydych chi'n gweld bod y Mesur yma yn cynnig ffordd newydd i ni greu prosiectau lle y gallwn ni adnewyddu canolfannau trefi, er enghraifft, a defnyddio ein treftadaeth fel ffordd o wneud hynny?

**Alun Davies:** Could I ask you how you see the potential for our heritage? You've been discussing this Bill in terms of duties and in terms of what the legislation says, and that's fair enough, but there is potential here as well that the legislation could open up, and that's for renewing towns and communities. Do you see that this Bill offers a new way for us to create projects where we can renew town centres and so forth, and use our heritage as a way of doing that?

[44] **Mr Smith:** Certainly, the tightening of the urgent works powers would have—. A lot of Welsh towns probably have a large historic building in a very dilapidated state in the centre—often a chapel or a theatre or some kind of civic building—and that would allow councils to push harder to bring those buildings back into use, so that's very positive.

09:30

[45] And, possibly, the local listing. I can imagine that a lot of civic groups will be very interested in this, because that would allow potentially for a more bottom-up approach. There are lots of buildings in Swansea—the Elysium, for example, on High Street comes to mind—lots of locally listed buildings that aren't statutorily protected as being of national interest that certainly, at the local level, could be protected, potentially, on the back of this, and actually there's more engagement coming. So, I think that heritage buildings are key to regeneration. This does help us, for example, in Swansea.

[46] **Mr Thomas:** I would echo that, I suppose, and there are certain examples already of local authorities across Wales where they've had heritage-led regeneration schemes. Within the Vale of Glamorgan, we've had a big push on Barry Island and spent several million pounds to good effect reinforcing the 1930s heritage of the island, and trying to increase the tourism draw as well. It's a much broader attraction than just the historic environment. I think we have to see that it's not a standalone entity; it's fully entrenched in so many aspects of life, whether that's where we live in conservation areas, where we work, where we spend our free time—at Barry Island, for example. It cuts across so many aspects of life that you can't avoid it.

[47] Whether the Bill increases that or not—. It's something I welcome, actually, that Welsh Government and Cadw published a number of documents in draft—the policy guidance within 'Planning Policy Wales', the amended technical advice note and some other non-statutory guidance—and the publication of that entire tranche, although it's not directly related to the Bill, at least sees the direction that the Welsh Government and Cadw see the historic environment going in, and that's very encouraging. It's that whole suite of policy and legislation that hopefully can empower local authorities then to see heritage as a regeneration

primer.

[48] **Alun Davies:** Thank you. I appreciate that, and I think all of us in the south Wales Valleys appreciate and welcome the rebirth of Barry Island. In terms of this Bill as a tool in the way that you describe, are there any amendments that you feel would actually strengthen the Bill and make it a sharper tool, if you like, for regeneration?

[49] **Mr Thomas:** There's always more that can be done. In the ideal world, yes—

[50] **Alun Davies:** Leaving the ideal world—come on, you're from Barry. [*Laughter.*]

[51] **Mr Thomas:** I'm from the south Wales Valleys.

[52] **Alun Davies:** All right. [*Laughter.*]

[53] **Mr Thomas:** Ultimately, it's a question of resource. If we had unlimited resources, then, absolutely, we could spend as much as we possibly could on—

[54] **Alun Davies:** But, this is changing the law. What legal changes would you like or statutory change?

[55] **Mr Thomas:** It's difficult to say. Again, without infringing on, I assume, the human rights issue there of property ownership, and so on, it probably strikes a pretty good balance, really, in terms of intervention against personal rights.

[56] **Mr Smith:** What I would add to that is the changes to the urgent works powers. Previously, I think they would go on as a personal charge, which means effectively it would go on to, say, the directors of the company that owned the building that's at risk. That company could be then folded and then that money effectively, I think, would be lost. Because now the charges could go on as a charge on the land, which is a different approach, it would effectively allow the council, if they want to go that far, to enforce the sale. So, the mechanism there allows for—. Often with problem buildings, it's the owners that are the problem—I'm sure you've heard that before—and this allows us to move towards enforced sale and changing the ownership of these problem buildings. That's very positive, but it does, unfortunately, come down to money for councils to actually operate some of these powers.

[57] **Mr Thomas:** To expand on that, I think there is some reticence within local authorities to carry out the works in default where an urgent works notice is served, simply because there's potentially an awful lot of money—well, maybe not a huge amount of money in local authority budget terms, but £100,000 or £200,000 in a planning department's budget is fairly substantial—that could be tied up for a generation or more. There are the enforced sales opportunities, but I think there's a little bit of reticence to go down that route because of the resources required to even get to that stage in terms of time and money. That's perhaps something that local authorities need to deal with, rather than the Bill. The Bill is empowering them, but is it toothless or not?

[58] **Alun Davies:** Do you think that local authorities need to be a little less reticent in these matters?

[59] **Mr Thomas:** Ideally, absolutely.

[60] **Alun Davies:** The powers are there; if you don't use them that's your problem.

[61] **Mr Thomas:** I agree—



[62] **Alun Davies:** Or our problem, in fact.

[63] **Mr Thomas:** Well, yes. It's the local authority's issue, of course, if they won't use the powers that are there, and certainly on paper, the powers are excellent. How can we convince the local authority, then, that it is a useful power and it is meaningful?

[64] **Christine Chapman:** Peter wants to come in on this point.

[65] **Peter Black:** Just to clarify something Stephen Smith said: you said the charge is going to be on the land and that will enable you to force the sale. My understanding is that this is registrable as a land charge, not as a legal charge, and as such it won't have that power associated with it. Have I missed something?

[66] **Mr Smith:** My understanding is that as a land charge—. We're doing a similar thing in Swansea for a building called Danbert House, where the council has taken action through the environmental health legislation, and it's going to enforced sale in July.

[67] **Peter Black:** Yes, but that's not associated with the charge, though, is it? That's a different power.

[68] **Mr Thomas:** I believe, once the land charge is in place it's the Law of Property Act 1925 that allows the council to act as mortgagee, essentially.

[69] **Peter Black:** It's not a mortgage; it's a land charge, not a legal charge.

[70] **Mr Thomas:** Yes, but my understanding is that it allows the council to act as mortgagee as a result of the charge being on the property.

[71] **Peter Black:** Okay. I think we need to get some legal advice on that.

[72] **Christine Chapman:** The Minister is going to confirm some of this.

[73] **Ms Wilkinson:** Just to say, I think the Minister confirmed that at last week's meeting.

[74] **Peter Black:** Okay.

[75] **Christine Chapman:** We'll check if there are any issues here. Sorry, John, I think wanted—. Sorry, Alun, have you finished? Right, John, and then we can move on.

[76] **John Griffiths:** It's sort of following on from what Alun was saying, really, because it's about how achievable and practical the provisions of this legislation will be, in terms of us regenerating communities and tackling those buildings that have not been in use for a long time and have got into a state of disrepair. Sometimes they're listed, obviously; sometimes they aren't. But, when they are listed buildings, I think people want to see the protection in place, but they also want to see something constructive done to those buildings, and very often it's difficult to get them back to their original condition because of the resource required and private ownership and so on. And, even if the council took them over, would they have the resource to do it themselves? So, I think it's about arriving at practical and achievable ways forward, and I just wonder whether you think this legislation strikes that balance. Because, it's very often about finding an alternative use for buildings, isn't it? And, if you are going to regenerate an area, sometimes, you know, you have to be practical; it's not going to be possible to restore the building to its original use and condition, but, very often, a compromise can be arrived at. So, I just wonder whether you think the right sort of balance will be struck by this legislation.

[77] And, just one other thing, about heritage partnership agreements, when we talk about working smarter and use of resource, and working in a realistic way with the owners of buildings, obviously the heritage partnership agreements have some potential as far as that's concerned, but I think there are some reservations about how useful they will be in practice, and it would be useful to hear from you on that.

[78] **Mr Thomas:** With regard to heritage partnership agreements, clearly, they've just been introduced in England—the first one was signed off fairly recently. I can understand the rationale for having them: on face value, they would seem very appropriate for, certainly, large estates. My concern, perhaps, is in the drafting of them. In discussions we've had with Cadw as part of the evidence base for this Bill, it was suggested that there would be a tripartite arrangement in these agreements between the local authority, the landowner and Cadw, which, again, is very sensible. The concern, however, arises from the fact that it's likely to be quite resource intensive, drawing up that agreement, which means for me, as the sole conservation officer at the Vale of Glamorgan Council, that I'm taken out of all other heritage and urban design work for the amount of time spent on that agreement. So, whilst I can appreciate there might be longer term savings in terms of time, for that period of x weeks, months or whatever, I'm just creating a backlog for myself, then, on all other aspects of the work. So, there's a fairly large concern from that point. It'll be interesting to see how heritage partnership agreements do pan out. I can see some positives for them, particularly on large estates and perhaps things like the canals across Wales, where there are lots of bridges that need repairs that are beyond simply a repair that would need consent ordinarily. So, rather than having dribs and drabs of applications over several years, one agreement in place lasting five years would be ideal, certainly for the landowner. My concern is the amount of resource required upfront for the local authority and perhaps Cadw.

[79] **Mr Smith:** I was just going to say something similar. HPAs I think, in my mind, are very much more about the rural estate, where there are lots of features. You've also got the curtilage features, don't forget, which are ancillary to the listed buildings—lots are walls and pigsties and outbuildings on farms—where there's a lot of day-to-day management going on that local authorities probably aren't on top of. So, often, we just get a phone call: 'Do you know this is happening?' It allows us to work more productively with the landowners, more in partnership, as the name suggests. The Penrice estate in the Gower, for example, might be one that would benefit from the HPA approach. We've done something similar, working with the National Trust in Rhossili. If you know the Vile walls around the medieval field enclosures there, they're dry-stone walls and they're constantly falling down, so rather than asking for a listed building consent every single time and just blocking up the system, we've agreed an informal method statement with them for what is, effectively, like-for-like repairs. In Swansea, I suppose, we are working this informally on a couple of examples.

[80] I think HPAs are very different to the regeneration discussions that we were talking about. Although, as I mentioned, with urgent works, there's that ability to really threaten the owners and say, 'Look, we can now take you to an enforced sale if necessary', they can't actually force anyone to use their buildings. The urgent works is just about repairing the building, safeguarding the building, so making it wind and weather-tight and making sure that parts of the building don't fall down. There's nothing in any listed building or planning legislation to force people to use their buildings, so that's something wider, outside the legislation. As Peter said, it goes maybe towards the Human Rights Act and various other things. It needs to be joined up across Welsh Government, because recently, you may have heard about the use-it-or-lose-it funding opportunities, where various schemes were scored in Wales. I think a number of listed buildings were maybe put in for that, but I don't think there was any additional score for a heritage building, so the heritage wasn't recognised in that scoring for the use-it-or-lose-it consideration. So, I think it needs to be joined up across Welsh Government and councils to find other ways to supplement the legislation, to make that

regeneration work.

[81] **Dr Llewelyn:** I agree with what's been said. I think that, in terms of some of the cost recovery and the intervention powers that authorities have got, and in terms of the HPAs, the difficulty, I suppose, is that a lot of these issues, I think, everybody would agree with in principle. We somehow need to separate the current financial context from the principle. I think many of the things we've discussed are good and appropriate in principle, but it may be that, in the current climate, they'll be difficult to operationalise. Then, in terms of the HPAs, we haven't really looked at the experience in England yet, but it's still early days there as well.

[82] **Christine Chapman:** Okay. John, all right? Okay, Rhodri with a supplementary.

[83] **Rhodri Glyn Thomas:** Ie, diolch yn fawr iawn. Roeddwn i'n bwriadu mynd at y pwnc yma yn ddiweddarach yn y sesiwn gwestiynau, ond gan ei fod e wedi codi nawr—. Rŷch chi'n sôn am y ffaith y byddai diffyg adnoddau o fewn awdurdodau lleol ac adrannau treftadaeth awdurdodau lleol yn golygu y byddai'r math yma o bartneriaethau yn anodd iawn i'w gweithredu oherwydd y baich gweinyddol o'i wneud e. A ydych chi wedi ystyried beth yw'r potensial a'r posibilïadau o ran y partneriaethau yma? Rwy'n meddwl yn arbennig am y sefyllfa sydd yn mynd i ddatblygu yn fuan iawn yng Nghymru lle mae yna nifer helaeth o addoldai yn mynd i ddod i sefyllfa lle nad oes yna ddim defnydd ohonyn nhw, bod yna nifer bychan o'r henoed yn gyfrifol amdanyh nhw fel ymddiriedolwyr, ac y mae'r broses o geisio diogelu yr adeiladau hynny yn y lle cyntaf a symud i'w gwerthu nhw, yn enwedig pan fyddan nhw wedi eu cofrestru, yn anodd iawn, iawn. A oes yna botensial yn y fan hon i fynd i'r afael â'r broblem yma ac a ddylem ni fod yn edrych i roi pwysau ar Lywodraeth Cymru i edrych ar sefyllfaoedd fel hyn a sicrhau bod yna adnoddau ar gael i symud ymlaen?

**Rhodri Glyn Thomas:** Yes, thank you very much. I had intended to move on to this subject later in this questioning session, but as it has arisen now—. You're talking about the fact that a lack of resources within local authorities and within the heritage departments of local authorities will mean that these types of partnerships would be very difficult to implement because of the administrative burden of doing so. Have you considered what the potential is, and what the possibilities are in terms of these partnerships? I'm thinking particularly about the situation that will arise very soon in Wales, where there are a vast number of places of worship, which will come to a situation where they are not being used, where there will be a very small number of older people in charge of them as trustees, and the process of trying to safeguard those buildings and move towards sell them, especially when they are listed, will be very, very difficult. Is there any potential in this instance to tackle this problem, and shouldn't we be looking to put pressure on the Welsh Government to consider situations such as this and ensure that resources are available to move forward on this?

09:45

[84] **Mr Smith:** I think HPAs and chapels aren't going to go together, because, often, once a chapel becomes redundant, it's a different landowner—it's sold on out of the church or the chapel community. The one thing I would say about HPAs, in terms of resources, is the need for consultation. If you're going to set up an HPA, you need to engage with the communities, and it mentions it in the Bill, whether it has to be processed like a listed building consent, once, and then it's rolled forward as just a management agreement.

[85] In terms of chapels, I completely agree. We certainly see that in Swansea—dwindling congregations, a number of chapels that have become redundant, a number of chapels that have been damaged by fire. There needs to be an overall picture of this in terms of which chapels are the most significant and which ones have the greatest regeneration potential, in

terms of where they are, but also it fits in to councils as well, in terms of council facilities, community centres, and maybe co-locating certain activities in these chapels. So, some may be converted to housing and some may be community buildings—there are all sorts of different uses, but there needs to be some sort of strategy, and I know Cadw are working on something at the national level. It is clearly an issue that's coming to a head now, and it's only going to become more significant as congregations dwindle.

[86] **Rhodri Glyn Thomas:** Ond fe fyddwn i'n meddwl bod y math yma o bartneriaethau yn ddelfrydol ar gyfer y math yna o ddatblygiad, oherwydd fe fyddai awdurdodau lleol wedyn yn gallu edrych ar yr holl addoldai—ac rŷm ni'n sôn mewn sefyllfa fel un Abertawe, a phob awdurdod, am ddegau os nad cannoedd o adeiladau yn y sefyllfa honno. Fe allech chi edrych arnyn nhw, a dod i benderfyniad wedyn bod yna un neu ddau ohonyn nhw o werth treftadaeth, o werth hanesyddol a bod angen eu cadw nhw oherwydd hynny, ond bod y cofrestru sydd wedi digwydd ar nifer o gapeli eraill yn amherthnasol i'r sefyllfa bresennol, a symud ymlaen i edrych ar y posibiladau o'u haddasu nhw ar gyfer tai cymdeithasol.

**Rhodri Glyn Thomas:** But I would've thought that these types of partnerships would be ideal for this type of development, because local authorities could then look at all places of worship—and in a situation such as Swansea's, and every authority, you're going to be talking about tens if not hundreds of buildings in this situation. You could look at them, and you could come to the conclusion then that one or two of them are of value in terms of heritage and history and that we need to keep them because of that, but that the registration and listing that will have happened to many other chapels is irrelevant to this current situation, and then you could move forward to look at adapting them for social housing.

[87] Hynny yw, yn y sefyllfa bresennol, rwy'n derbyn yr hyn rŷch chi'n ei ddweud, ond a oes yna botensial yn y fan hyn? Mae hon yn broblem sydd yn mynd i wynebu Cadw a Llywodraeth Cymru, a hwyrach y byddai'n rhywbeth lle y gallem ni roi pwysau ar Lywodraeth Cymru i ddweud, 'Edrychwch, mae hon yn broblem rŷch chi'n mynd i'w hwynebu ar hyd a lled Cymru; oni ddylech chi fod yn sicrhau bod yna gronfa o arian ar gael i lywodraeth leol symud ymlaen â'r math yma o beth?'

That is to say, in the current situation, I accept what it is that you're saying, but is there any potential here? This is a problem that Cadw and Welsh Government are going to have to face, and maybe it's something that we could use to put pressure on the Welsh Government to say, 'Look, you're going to face this problem the length and breadth of Wales; shouldn't you be ensuring that there's a pot of money available for local government to move forward with this kind of thing?'

[88] **Christine Chapman:** Any thoughts on that? Peter?

[89] **Mr Thomas:** I agree that there is an issue, and it would be good to have a strategic view of this, whether that be at national level, local authority level, or whatever. I'm not sure that the HPA—the heritage partnership agreement—is the appropriate mechanism for that. That's intended, I suppose, for an estate, a large landowner, and I appreciate the church is that, but it's perhaps a single estate, rather than a disparate estate. That's not to say that your comments on having a strategic approach to the reuse of church buildings isn't valid; I wholeheartedly agree with you that, yes, it is. But, as Steve said, I understand that Cadw are looking at that. They have produced a guidance document before on the conversion of churches. I think what is important is that local authorities—local planning authorities—are pragmatic in looking at the reuse of churches and chapels.

[90] **Rhodri Glyn Thomas:** I wish they were.

[91] **Mr Thomas:** My experience is only within the Vale council, and I can think of an example in Barry—the former Porthkerry Methodist Church. It's been converted recently to

10 units, within the church and the former Sunday school. We've allowed fairly radical alterations to that. Firstly, if you put accommodation within a large galleried church building, you're making a significant alteration to that building immediately—you're changing the plan and how you appreciate the building. But, beyond that, we've allowed, for example, the insertion of doors beneath the existing windows. So, it's making pretty fundamental changes—

[92] **Rhodri Glyn Thomas:** Was that building listed?

[93] **Mr Thomas:** It was listed, yes. We've taken a pragmatic approach there, asking, 'What is significant about this building, and how much harm will the introduction of a door, for example, cause to the significance of that building?', weighted against the fact this building's been empty for several years and its condition isn't getting any better. If it remains empty for another decade, what condition will it be in then? And we just have a perpetuating problem then. So, being pragmatic, at this point, and allowing a small degree of harm—that's the measure that we saw it as—has allowed this building to be reused. It's provided 10 extra units of accommodation—which isn't huge, but it's providing accommodation in a sustainable location, near the town centre—and, from an historical environment point of view, it's ensuring that the building is maintained, is watertight and is preserved for future generations.

[94] **Dr Llewelyn:** Can I come in?

[95] **Christine Chapman:** Chris.

[96] **Dr Llewelyn:** I think that there is a bigger tension, I suppose, between the strategic policy on some of these issues. Because of the current financial context, everybody within the public sector is being driven towards co-locating services and streamlining as much as possible. If we look at the twenty-first century schools capital investment programme, authorities in partnership with the Welsh Government are trying to build schools that are fit for delivering learning in the twenty-first century but, as part of that process, are looking to locate as many public services within those new schools as possible. So, in many instances, that means locating public libraries, leisure facilities, swimming pools, police stations, meeting rooms, and a range of community facilities in new buildings that have a low environmental impact, and so on. The net result, of course, is that then the buildings that were previously used—in many instances, in the past, libraries were located in miners' institutes or similar buildings—. What you see, especially in Valley communities, is that it exacerbates the problem because, in a sense, you've got a tension between two policy drivers: the desire to squeeze as much value out of a new capital investment as possible to deliver the best value in terms of the way services are provided, but what that then means is that buildings that are currently used for those services are left empty, searching for a new purpose.

[97] **Christine Chapman:** Mike wants to come in and then we're going to have to move on because we've got some other issues to cover. Mike.

[98] **Mike Hedges:** I've got three questions, very briefly. Can I just carry on from Rhodri Glyn Thomas on chapels? Yes, it's easy to do the small chapels, to turn the 300, 400, or 500 people chapels into flats—they'd be fairly easy to turn into flats. But take a look at the great chapels such as New Siloh, which has got 10 members at the moment, and Tabernacle in Morriston. I don't know how many members they've got in Capel Als in Llanelli, which is another one of the great chapels of south Wales, but I would guess that, which is part of the independent cause, is roughly in the same situation. Does this legislation do anything to help protect what are great buildings within the area—quite often, the greatest of the buildings in the area—from dereliction? Because that's what happens. The chapel closes, people move away, and it's left in the hands of a few very old—or sometimes very, very old—trustees.

They can't sell it and it just sits there until, like damp in a house, it reaches a stage where it falls down.

[99] **Mr Smith:** There's nothing in the legislation that changes that situation specifically with regard to chapels. I don't disagree that the bigger chapels—the 1,000 person upwards chapels—are going to be some of the more difficult ones, but there are also opportunities. Tabernacle in Morrision on Woodfield Street is the heart of that high street area, and it has a lot of potential to help regenerate the Morrision community there. The significance is recognised by the grade of listing. Obviously, Tabernacle is grade I, New Siloh's grade II\*. We know they're in the top 10 of chapels in Wales, and there will have to be close working between the local authority, Cadw and the trustees, or whoever's looking to take the building on, to find the right balance. As Peter mentioned, sometimes, it does come down to allowing possibly what some would consider to be harm in order to achieve a sustainable future there. So, those ones will have to have the resources put in against the background of dwindling local authority resources, but it's the plethora of all the grade II chapels—and I don't know how many there are across Wales; there are hundreds, possibly thousands of grade II chapels. How do we strike the balance there? On those ones—

[100] **Mike Hedges:** I can help you: there are 3,000 listed religious structures in Wales.

[101] **Mr Smith:** Okay, and we are very reactive to those. We deal with those in an ad hoc way, as and when they become empty or an issue, and then we have to react. We know the focus needs to be on the grade I and the grade II\* chapels, but this legislation doesn't change that because they are not at risk. The way I would say it is they've got an uncertain future, but they're not at risk of falling down and deteriorating at the moment—but that's the thing, we need to catch them now.

[102] **Mike Hedges:** I could say that St John's church in Morrision is, but we don't really want to have a discussion solely about Swansea and Morrision. *[Laughter.]*

[103] I know from a question I asked of the First Minister a few weeks ago that there are 30,000 listed structures in Wales. To what extent does the WLGA think that the change to the listing procedure proposed by this Bill constitutes the simplification of the system? Do you think de-listing should be made easier?

[104] **Mr Thomas:** I think, in terms of the simplification, it's perhaps talking about the designation of new listed buildings, where the biggest difference is—. Again, it's a formalisation process of entering into discussions and consultation with building owners prior to their listing. Again, the biggest change there is to convey some protection over those buildings prior to their being listed, if indeed they are. As for whether it simplifies the process, it perhaps makes it more clear, and it's formalising what already happens. So, it's probably the status quo, in fact, only on a more formal basis.

[105] **Mr Smith:** I would add to that that there's nothing in the Bill about de-listing, and quite rightly so. That isn't a recognised process. Effectively, it's looking at the right kind of change. A listed building doesn't mean that it can't change and often quite a significant change can happen to find that sustainable future, but the idea that de-listing a building would help it, I think, is completely the wrong approach, to be honest. But, what it does do is that there's clarification of the certificate of immunity from listing process. So, if you've got an unlisted chapel and you're thinking of doing something positive with it, you can ask Cadw whether they will or won't list it. Currently, you've got to put in a full planning application and then ask for a certificate, which is onerous and costs you money, but if you're looking at a speculative development on an unlisted chapel, you can ask for a certificate of immunity and Cadw have to respond. So, that gives people looking at the unlisted assets more clarity on how they can proceed in future. But, I don't think we should be talking about de-listing.

[106] **Mike Hedges:** If we don't talk about de-listing, what we have—and this is the last question—. You've got St John's church, which is another iconic building in the centre of Morriston; it has been left empty for the best part of 10 years, and it's got trees growing out of the top of it. It's still listed, no-one's done anything with it, and it'll keep on being left in that state, like Danbert House was left in that state, until it reaches a stage where it falls down.

[107] **Peter Black:** And Libanus.

[108] **Mike Hedges:** And Libanus. It either falls down or burns down. So, you've got a choice here, and I know it's a difficult one for people in your profession: do you think that we should, within this Bill, have a means by which, when these buildings reach that state, we just wait for that day when they catch fire or actually physically fall down and become so unsafe that bits of them have to be removed, or do you think we need to have a system through which we try to protect part of it by de-listing it?

[109] **Mr Smith:** I think the Bill allows councils to push harder in terms of urgent works and push these owners, but it's very much about that engagement with the owners on agreeing a suitable level of change. De-listing St John's won't help that building come back into use. It's also about regeneration funding, as I mentioned. A lot of this is outside of the legislation; it's the wider package of making these things happen. If you de-list buildings, then you've got very little protection to keep them standing at all. So, it's about being more flexible and that, as we've heard—. Obviously, you're talking to Cadw later, I think, and if you want to talk to them about the wider, national issue, that—. It's being more flexible and pragmatic and that certainly is the way, as conservation officers, we do work.

[110] **Mr Thomas:** To answer your question about whether there's anything in the Bill, then yes, there is—there's the urgent works notice, and the repairs notice, which is not part of this Bill but is already in the 1990 Act. So, there are mechanisms there. That, perhaps, harks back to our earlier conversation about local authorities using those powers to preserve buildings.

[111] **Mike Hedges:** But your colleague there will tell you about how you can split ownership. You have the outside owned by different people to the inside, and different bits of the building owned by different people—ownership all over the world.

[112] **Mr Thomas:** Yes, it's complex; absolutely. If it were an easy process, we wouldn't have the problem. Quite how we manage that, I don't know, I'm afraid. I have to confess that I don't have an answer for that particular set of circumstances.

[113] **Christine Chapman:** Okay, we've only got about 10 minutes left, so I wonder if we can have some other questions now. Alun, you've finished your questions, and Rhodri. Peter, do you have any questions?

[114] **Peter Black:** Yes, on the historic environment records. What do you think the impact will be of making historic environment records a statutory requirement and how is that likely to change the quality of the record?

10:00

[115] **Dr Llewelyn:** Chair, can I come in there? I think, in principle, it seems to formalise what is already in place and what appears to work effectively. There are issues, maybe, around the—. You know, some funding issues maybe we could come back on, but maybe in terms of the quality of the record-keeping, maybe my colleagues will have a view.

[116] **Mr Thomas:** Yes. The historic environment records are already in place. They're created—or curated, rather—by the archaeological trusts, and the reality is that the quality of them is improving every day. As archaeological reports are submitted to the archaeological trusts, they're added—whenever is fine, so, they're added. So, the quality of it improves and should improve as time goes on.

[117] In terms of putting it on a statutory footing, for practitioners, there's no change. For local government, there is that statutory duty on them, so the concern then is how that's discharged. The proposal is to do it through the archaeological trusts, because I think there are a very few—a handful of—local authorities in Wales with any kind of archaeological expertise in-house. So, we do rely on these archaeological trusts, so the risk there is that, for whatever reason, the archaeological trust is no longer able to provide that service for whatever reason. That is the fundamental change for local authorities, I believe.

[118] **Peter Black:** Whereas now, you have four archaeological trusts maintaining these records, the Bill is proposing that we now have 25 separate statutory duties in terms of each of the local planning authorities. Is that going to cause a problem?

[119] **Mr Thomas:** Provided they can be discharged by the archaeological trust—and my understanding is that it's the local authority that has the duty, but it's the local authority or a designated body who discharges that duty—providing that's the case, I don't see that being an issue.

[120] **Peter Black:** The Minister said last week that he had talked to the local authority about how they discharged that duty and they didn't have to discharge it through the archaeological trusts, and, yet, the funding is going to the archaeological trust and not to the local authority that has the duty. Is that a problem?

[121] **Dr Llewelyn:** Yes. If I can come in there. I think, in principle, I suppose it is, because I think the funding should follow the statutory responsibility, and I suspect the Wales Audit Office might have a view on it, but, in this instance, the amounts involved are relatively small, and there are arrangements in place that currently seem to work quite effectively, so this is, in a sense, formalising something that works reasonably effectively as far as I can see. There are other examples as well. Many authorities have shared archive services, so the idea of having a shared service isn't unusual. You could fund through a lead authority rather than through the trust, but, as I say, we've got an arrangement in place that does work effectively. So, although, maybe in other circumstances, we might object to the principle, in this instance, I think it would be okay.

[122] **Peter Black:** Yes. I think my concern is that the new statutory duty is going to start unpicking the effective arrangements you have there. Would it be better, for example—you've mentioned the lead authority—to just give that duty to the archaeological trusts?

[123] **Dr Llewelyn:** Give the statutory responsibility.

[124] **Peter Black:** Yes.

[125] **Dr Llewelyn:** I think a minimal, you know, streamlining and changing as little as possible is probably the best way forward. In the discussions we've had with authorities and with Cadw, I think there seems to be a consensus around what's being proposed.

[126] **Mr Smith:** I would just add, although, obviously, it gives local authorities the opportunity to run these services themselves against a backdrop of resources, I can't see local authorities setting up a historic environment record themselves, so I see it staying, as we're saying, and formalising, as we are. But, historic environment records are a fantastic resource.



My issue is making sure that they're actually used outside of the sort of specialist researchers, people writing books and local historians. We see very few references to historic environment records in design and access statements, which are changing, but it should form a cornerstone to any kind of context analysis in those kinds of documents. With listed buildings, we've now got heritage impact assessments and there needs to be a requirement that the HER is consulted for all those kinds of applications, so that they're used properly, because that is where everything is kept—in one place.

[127] **Peter Black:** The Minister's put in an extra £80,000 a year to meet this duty. Is that enough? That's spread over all 25 local planning authorities or four Welsh archaeological trusts. Feel free to say 'no'.

[128] **Mr Smith:** I suppose I would observe it's not necessarily about setting them up from scratch. If it's about maintaining the existing historic environment records, of which, I guess, there's four—one in each archaeological trust—then you split it down like that. So, it's just about adding and uploading records and making sure the databases are kept up to date. I don't know exactly, but that does sound reasonable.

[129] **Peter Black:** Okay.

[130] **Christine Chapman:** Okay. Are there any other questions? Bethan.

[131] **Bethan Jenkins:** Yes. I think Peter's mentioned most of what I was going to raise, but I think, on the costing issue, you say that you are happy with how the records are at the moment, but I've certainly received communication from actual practitioners, not managers, in the field who are saying that the records are patchy, that some of the data doesn't match up, and that there needs to be an independent auditing process before this legislation is put forward. My fear is that we've come up with a model before actually looking at how the situation is at the moment, and there may be a better model once the historical environment records have been fully assessed—i.e. you could have the statutory requirement and there may be problems with certain records and it would be your responsibility to correct them but you wouldn't have the finances around that. So, I know there will be benchmarking. The Minister has said that, but I'm just a bit wary at the moment of the model coming before the audit of the HERs. I just wondered if you had any further comments on that, really.

[132] **Christine Chapman:** Chris. Oh, sorry, Peter.

[133] **Mr Thomas:** Yes, it's an interesting situation, of course, where there is a duty on the local authority but it's discharged by a third party. There's an awful lot of trust involved, of course, between the two parties. They do seem to work fairly successfully at the moment. It's fair to say that the HER will probably never ever be complete because, you know, there's an awful lot, particularly of buried archaeology, that we don't know about and may never know about. So, they're never going to be complete. I think that we have to use that as a starting point. That said, they're always going to improve over time as more information is found.

[134] In terms of how appropriate the model is, they are built to a standard. The name of that standard escapes my memory, I'm afraid, but I am aware of that, at least. There is an internationally agreed standard for historic environment data. I suppose that that is the fundamental benchmark that needs to be met. Providing that that is the case, there shouldn't be a major issue. Where you have hundreds of thousands of records, it's going to be difficult to ensure that there's adequate coverage and it's absolutely accurate. I suppose the issue is where discrepancies are found that they must be rectified in a timely manner. My experience to date is that that has been the case. Perhaps we're talking on a GIS mapping system where something is 100m out, and that's not a major issue in the grand scheme of things, perhaps, but, if you're a landowner on site A, and your red dot on the map is 100m away from your

land, it's easy to miss that. So, there are some discrepancies like that. They're fairly few and far between, to be fair, but I suppose that it's ensuring that there's—. It's done informally currently and, as long as that mechanism remains in place, where we can have that dialogue with the archaeological trust, we can ensure that that is rectified. That said, it would be the same if we dealt with the historic environment record internally. We still have to rectify those sorts of issues. So, I don't think that, for the local authority, it's going to be any more onerous than the status quo.

[135] **Bethan Jenkins:** Okay.

[136] **Christine Chapman:** Chris, did you want to come in?

[137] **Dr Llewelyn:** I think that Peter has more or less covered it. I was just going to say that it's a matter of putting something in place, which is proportionate, because, inevitably in these situations, you would get an imperfect solution. I accept that, in some instances, the records are patchy. My impression is that, on the whole, it seems to work. What is in place at the moment works reasonably well. And, as I say, I think we have to take a look at it and try and establish a regime that is proportionate to the demand, the need and the expectation.

[138] **Bethan Jenkins:** You'll be able to set fees for certain services relating to the historic environment records. Is that something that you envisage using or doing?

[139] **Mr Thomas:** My understanding of the fees is it's simply covering the costs of, for example, searching, photocopies and so on, so it's not a profit-making process—it's at cost. Clearly, there is a cost to searching, photocopying, and so on, so it's to recover those costs is my understanding of the principle, which, again, is in place currently within the archaeological trusts.

[140] **Christine Chapman:** Okay. Janet, did you have any questions?

[141] **Janet Finch-Saunders:** No.

[142] **Christine Chapman:** Okay, what about John—did you have any?

[143] **John Griffiths:** In terms of local heritage assets that are not on the national list, they can matter very much to local communities, be very much valued, and local people want to see them properly managed, and the local planning authorities obviously have a role there. Do you think that there should be a statutory duty on local authorities to create a list of local heritage assets and manage them?

[144] **Mr Thomas:** The Vale of Glamorgan Council has got a local list. It was first drawn up in the 1970s, and sort of left to fester a little bit and became very out of date until the turn of this century—about 1999—when the council, together with the civic society in Penarth and some other voluntary groups, applied and were successful in gaining a heritage lottery fund grant to revisit the local list. So, that took several years, and by 2006 the council were in a position to take over that database and come up with some criteria that would allow it to be meaningful in the planning process as well—so, to make it a meaningful document. I suppose it's useful in a planning sense, but also as an educational tool as well as a local history document. So, that's been in place now for nine years, and has been fairly successful. It's a pretty hefty tome—there are something like 1,500 entries in it—so there's clearly, as you point out, a lot of local heritage that doesn't meet the criteria for national listing, but is nonetheless of importance.

[145] Whether it should be statutory or not, despite me advocating local lists and singing their praises, I don't think they should be statutory. My rationale for that is that despite our

list being a bottom-up approach—it's the communities and members of the communities that did the bulk of the donkey work—there was still significant input from the local authority. And my fear there is that if a statutory duty is placed on all 25 planning authorities, then, whilst they're creating this list of locally important heritage assets, they're not looking after the nationally designated assets. This comes down to there is only so much work one person can do. So, if we look at heritage as having layers, we have monuments, listed buildings, locally important buildings, down to your mass build on housing estates somewhere below those. There's a real danger that, if local authorities must produce these lists, then that's a resource not being given then to managing conservation areas, listed buildings and so on.

[146] That said, even where a local list is designated, certainly currently there is no added protection to them. There is perhaps an implied protection, and we tie our local list into our design policies and heritage policies. We're saying that, you know, some extra consideration should be given to these. England, in their national planning policy framework, have gone further than Wales in that they talk about heritage assets, full stop, and, where development affects a heritage asset, then consideration should be given to that. That's in policy rather than legislation, though.

10:15

[147] **John Griffiths:** Okay, Peter. Thanks very much. That's very interesting.

[148] **Christine Chapman:** Sorry, Stephen, did you have—

[149] **Mr Smith:** I would just add that, in Swansea, we don't have a local list, and, while, like Peter, I think they are important tools and certainly allow that bottom-up approach, if it was to be made statutory, we'd have to decide what we weren't going to do instead. We've got 31 conservation areas and we're trying to review those, so they would be pushed back in the queue. We've got a lot of good work going on on listed buildings at risk at the moment in terms of safeguarding buildings like the Palace Theatre and repairing lots of other structures as well. So, effectively, it would eat into that reducing resource anyway. I think the way to do it might be—again, outside legislation—if there was some specific funding to blitz local lists across Wales or heritage lottery fund money to actually facilitate to get them started. You need your hook in your local development plan for a key policy there. It has to be supplementary planning guidance—there's a certain process to be used. And actually then it's keeping those local lists up to date as new buildings are added.

[150] So, we can see how they could be done. We can see the importance of them, but we've got to look carefully at how we spend our time and, with the conservation areas, it's very broad—I think we're required to review them from time to time; that's the actual wording. So, if local lists were made statutory, we'd need to look at whether conservation area reviews should be given a timescale of every five years or something to make sure that conservation area reviews always came above local listings. So, maybe we should make more things statutory, which is going to place even more of a burden on the reducing resource.

[151] **Mike Hedges:** I was going to say, you do know that Morryston, for example, has a heritage trail, where you actually identify a whole number of buildings, some of which are listed and some of which aren't.

[152] **Mr Smith:** Yes. We're doing blue plaques in Swansea as well, but that's not protection.

[153] **Alun Davies:** The Morryston example will stay with us.

[154] **Mike Hedges:** It is the centre of the universe. *[Laughter.]*

[155] **Christine Chapman:** I don't think there are any other questions. So, can I thank the three of you for attending today? We will send you a transcript of the meeting so that you can check for factual accuracy. Thank you for attending and, obviously, it's been very helpful to our scrutiny of this Bill. So, thank you for coming in.

[156] I'm going to suggest we take a short break now. So, could you come back by 10.25 a.m.? Our next panel will be in shortly.

*Gohiriwyd y cyfarfod rhwng 10:17 a 10:26.  
The meeting adjourned between 10:17 and 10:26.*

### **Penodi Cadeirydd Dros Dro Appointment of a Temporary Chair**

[157] **Ms Wilkinson:** Good morning and welcome back to the meeting. As the Chair has had to excuse herself temporarily from the meeting, under Standing Order 17.22, I invite nominations for a temporary Chair.

[158] **Gwyn R. Price:** I nominate Mike Hedges.

[159] **Ms Wilkinson:** Are there any other nominations? I see there are none, and therefore I declare that Mike Hedges has been elected as temporary Chair.

*Penodwyd Mike Hedges yn Gadeirydd dros dro.  
Mike Hedges was appointed temporary Chair.*

10:27

### **Bil Amgylchedd Hanesyddol (Cymru): Sesiwn Dystiolaeth 3— Ymddiriedolaethau Archaeolegol Cymru Historic Environment (Wales) Bill: Evidence Session 3—Welsh Archaeological Trusts**

[160] **Mike Hedges:** Thank you all very much. Hopefully, the Chair will be back for the next item.

[161] Can I welcome Paul Belford, trust director, Clwyd-Powys Archaeological Trust; Ken Murphy, trust director, Dyfed Archaeological Trust; Andrew Davidson, chief archaeologist, Gwynedd Archaeological Trust; and Andrew Marvell, chief executive, Glamorgan-Gwent Archaeological Trust? As I can't see that far, to read the names on the nameplates, I hope I've got them all right. Can I welcome you to the meeting? Would you be happy if we went straight into questions?

[162] **Mr Belford:** Absolutely, fine.

[163] **Mike Hedges:** Can I start by saying: to what extent do the trusts think that a Bill is needed given the protection already afforded to the historic environment by existing legislation and the planning regime?

[164] **Mr Belford:** Well, we do think the Bill is needed. It's a welcome measure that streamlines and strengthens a variety of legislation relating to the historic environment. It enhances the definition and protection of scheduled monuments and it makes the processes for dealing with listed buildings and scheduled monuments more coherent and aligned. So,

'yes' is the short answer.

[165] **Mike Hedges:** It's a very good answer. Gwyn.

[166] **Gwyn R. Price:** Good morning. To what extent do the trusts think the Bill would be easier to understand if it was a standalone piece of legislation rather than one that is largely amending existing legislation?

[167] **Mr Murphy:** I think it would have been easier if it had been a completely new Bill, but it would have taken a huge amount of work to have done that, and so the compromise, in a way, is to amend it, which is reasonably easy to understand. The amendments are very sensible and straightforward. I think it's a matter of time and money and everything that goes in to create a whole new Bill.

[168] **Gwyn R. Price:** So, do you really believe we can work within the Bill as it is, really?

[169] **Mr Murphy:** Absolutely, yes, there's no problem with it whatsoever.

[170] **Gwyn R. Price:** That's what I was thinking. Do you all agree?

[171] **Mr Belford:** Yes. I think the key to it working successfully is the strength of the detail of the underlying documents that accompany the Bill, and I think it's very important to get those right. But, yes, we can—

10:30

[172] **Gwyn R. Price:** You can work within that.

[173] **Mr Belford:** It will work, yes.

[174] **Mr Marvell:** And it builds on, and very much strengthens, the intent of the underlying legislation. But, you know, with the experiences, for example, of the Ancient Monuments Act 1979—36 years of it in practice—clearly, over that period of time, there have been a number of instances, which are reflected in the provisions in the amendments, where the legislation, in changed circumstances, isn't working as well as it might have originally been envisaged.

[175] **Mike Hedges:** Before you move on, Gwyn, I think Bethan's got a supplementary.

[176] **Bethan Jenkins:** Roeddwn jest yn moynd codi nad wyf yn gallu gweld hynny chwaith, fel roedd Ken Murphy yn dweud, ynglŷn ag amser ac a fyddai darn o ddeddfwriaeth ar wahân wedi bod yn well. Ond, rwyf wedi bod yn rhan o'r broses am ddwy flynedd bellach, ac rwyf wedi bod yn mynd i'r trafodaethau y mae Cadw wedi'u trefnu; roedd un ohonyn nhw yn Aberystwyth, er enghraifft. Pam mae amser yn broblem pan oedd y Llywodraeth a Cadw yn meddwl am y Bil yma sbel hir yn ôl nawr? Onid ydych yn cytuno gyda fi y gallai fod wedi bod digon o amser ar gyfer deddfwriaeth ar ben ei hunan yn sgil y ffaith honno ei hun?

**Bethan Jenkins:** I just wanted to raise that I can't see that either, as Ken Murphy said, about the timing and whether a separate piece of legislation would have been better. But, I've been part of the process for two years now, and I've been attending the discussions that Cadw has arranged; one of them was in Aberystwyth, for example. Why is time a problem when the Government and Cadw were thinking about this Bill a long time ago by now? Don't you agree with me that there could have been enough time for stand-alone legislation in view of that fact itself?

[177] **Mr Murphy:** It's been long dead—the Wales/England heritage Bill, proposed in 2008, I think it was; it was worked up at that point. So, there have been long, long discussions about modifying and changing legislation. That didn't make it to the statute book, unfortunately, so Wales then decided to do its own thing, which is very good, to suit Wales itself. But, this has been a long time in discussion, and it's taken, as I said, at least two or three years to get to where we are at the moment. I really don't know how long it will take for the legislators and lawyers to actually get a complete new Bill for Wales, but it's taken two years to get where we are.

[178] **Mr Belford:** I think another issue, in actually going forward in a practical sense, is that the existing legislation we're amending, or that is proposed to be amended, is already well understood by the heritage sector, and so to introduce whole new legislation, it would take a long time for everyone to get up to speed, whereas here we're amending existing legislation that people are familiar with, and so there's less of a potential for a transitional period to encounter problems.

[179] **Bethan Jenkins:** All I'm thinking is that a lot of it is to do with guidance. A lot of it isn't just in this legislation and I don't think Government want to legislate for the sake of it, but, surely, if Government are going to legislate, there would have been an opportunity to have done it now, as opposed to amending previous legislation. But, if you're saying that it's the best way forward in terms of the sector understanding this legislation, then I can sympathise with that. It's just trying to see, perhaps, if there were missed opportunities and the Bill not being as radical as it could be because of this time issue, which I don't really have sympathy with.

[180] **Mr Murphy:** I think you touched there about the underlying guidance and other documents that are going to come after the legislation. I think that's where the detail and the actual key working documents are going to be. They're very thorough and very good, so I think that's where a lot of time has been spent; they're the working documents you'll actually use practically on a day-to-day basis. And, obviously, the Bill is the overriding thing that informs all those. So, I think that's extremely good guidance and it's long overdue to actually have that in place.

[181] **Mike Hedges:** Thank you. Gwyn.

[182] **Gwyn R. Price:** Just going on to the monument part of it, really. Why do the trusts support the Bill's extension of the definition of 'monument' and what impact do they think it will have on the management of the historic environment in Wales?

[183] **Mr Marvell:** Perhaps if I could just pick up on the extension of definition. It's not expected that this will result in a large number of new monuments, but there are certain registers of human activity, and particularly early human activity, in the prehistoric period, where the current legislation doesn't allow scheduling. An example of this particularly is lithic scatters, dating to the Palaeolithic and to the Mesolithic, where the scatters may be over a number of fields, and they're not contained within a boundary, as you would get, say, with a medieval moated site or a prehistoric hill fort. So, that will allow those early registers of human activity in Wales to be better protected and so we welcome that, but there are only going to be maybe a handful of some of these coming through—

[184] **Gwyn R. Price:** But it gives them the opportunity to extend it—

[185] **Mr Marvell:** And to protect things that are not now possible to protect within the existing legislation. So, that's why we clearly welcome that.

[186] **Gwyn R. Price:** Thank you, Chair.

[187] **Mike Hedges:** Alun.

[188] **Alun Davies:** I'm interested in you giving us a definition of what you've just mentioned. I found myself nodding, but I didn't know what you were talking about [*Laughter.*]

[189] **Mr Marvell:** I'm sorry. By preference—. My speciality is in Roman archaeology rather than prehistory as such, but inevitably we come to be slightly generalists. Lithic scatters are the results of people doing flint working, sometimes in areas without boundaries et cetera; sometimes it's ritualistic and sometimes it's just where local source materials are. My colleagues may be able to explain better though.

[190] **Mr Belford:** In terms of the legislation, the current Act talks about buildings and works as being things of schedulable quality and these sorts of sites that Andy's talking about don't have buildings or works or structures; they are simply people making stone tools in an open area, but they're a very valuable and important record of very, very early human activity and that's something that will be possible to be protected under the new—

[191] **Alun Davies:** So, this Bill will extend that and enable us to do more.

[192] **Mr Belford:** Yes, to protect the more ephemeral—

[193] **Mr Davidson:** So, there may be no structures involved whatsoever, but there are still indications of human activity there, with all the environmental evidence that goes with that as well, and so it's absolutely vital that they're protected.

[194] **Alun Davies:** Well, thank you for that and excuse my ignorance on these matters. In terms of where we are—I think we were discussing with the Chair at a previous session the chapels of Morriston—I'm interested as well in terms of the industrial architecture and the position of places that I represent in Blaenau Gwent. If you look at some of the most important buildings in our town: in Tredegar, you've got the old company truck shop and you've got the old town hall and the general hospital; a number of different buildings—what they have in common is that they are all in different stages of disrepair and what my concern is to understand how this legislation can actually enable those buildings to be brought back into the public domain as useable buildings—protected for the future and also ensuring that they don't actually collapse. Do you believe that this Bill provides tools that will enable that to happen? And, a second question, if you like: do you believe that this legislation provides a means or a context—if you like, a legislative context—by which the heritage that we have, as a part of all of our different communities, can be used as a tool for the regeneration of those communities?

[195] **Mr Belford:** Yes. [*Laughter.*] I think our area of expertise is less strong on the listed buildings side, but I think, broadly, all of the measures on the listed buildings front enable us—

[196] **Alun Davies:** I use those buildings as examples in Tredegar—

[197] **Mr Belford:** Exactly.

[198] **Alun Davies:** —but it could be almost anything else, anywhere else.

[199] **Mr Belford:** But the Bill does allow greater flexibility, transparency, accountability and openness, really, and a similarity in dealing with listed buildings and scheduled

monuments that will promote and encourage sustainable development.

[200] **Mr Davidson:** It will help with a baseline; it'll help with the preservation, but it's got to work with, not necessarily other Bills, but certainly other organisations. The whole thing has got to be a partnership, working with local authorities and across all the heritage sector, in order to achieve that sort of aim.

[201] **Alun Davies:** But you're confident that this Bill creates the statutory structures within which this can happen.

[202] **Mr Davidson:** Yes, in the sense that it's providing that base level of preservation and protection at the bottom level. Once you've got that, it helps to improve understanding and protection. Provided that you've got that, then you can build on it.

[203] **Alun Davies:** What do you think of the enforcement powers in the Bill?

[204] **Mr Murphy:** There are two aspects to this: there's listed buildings and scheduled ancient monuments, which are related. We felt that there are a couple of weaknesses there. We were discussing earlier about that, Paul.

[205] **Mr Belford:** Yes. We welcome them, generally; I think they're good. I worry that the process of appeal on the scheduled monuments side is potentially damaging to the historic environment, because a 'stop' notice can be issued, but then a landowner can appeal against that to the magistrates' court, and as soon as that appeal is made, the 'stop' notice is not in effect. And I don't know how long a magistrates' court will take to consider an appeal, but, even if it's just a matter of a week, the monument could be bulldozed in that time, because the 'stop' notice no longer has effect. So, I personally would prefer to see the legislation framed the other way around, in that the 'stop' notice takes effect, an appeal doesn't alter the effect of that 'stop' notice—works are stopped until the appeal is heard. That's a weakness I see in the Bill.

[206] **Alun Davies:** And you'd like to see an amendment to that effect.

[207] **Mr Belford:** Yes, I would.

[208] **Mr Murphy:** Just on that issue, the other thing we were disappointed to see was that the defence of ignorance is still there for scheduled ancient monuments. It's been changed, and it's been strengthened, but it's still there, and we feel there's sort of wriggle room for people to escape, when they use that particular clause, any prosecution.

[209] **Bethan Jenkins:** So, you think there should be no defence of ignorance.

[210] **Mr Murphy:** Yes.

[211] **Mike Hedges:** Bethan, John wanted to come in first, and then I'll come to you. John.

[212] **John Griffiths:** I think Bethan was asking whether there should be an absolutely strict liability, really, then, that there should be no possibility of ignorance being used as a defence. Is that what you would like to see?

[213] **Mr Belford:** Yes.

[214] **John Griffiths:** Okay. I was going to go on, Chair, and staying with Alun's concerns, we've heard from previous witnesses as well that, in terms of regenerating communities, and trying to get buildings back into use, rather than just being left to decay, being practical and



perhaps more sensible about it, that there's a wider picture, which I think you referred to—you know, this legislation can do certain things, but there's a wider picture and there's a need to work with others. I just wonder whether you think the advisory panel that is proposed would facilitate the pulling together of different players in this area of activity, to effectively take forward partnerships and joint working to address that wider picture, particularly around regeneration, and practically getting buildings that have perhaps decayed for a long time back into use. Do you think the advisory panel will deliver something more effective in those terms, compared with the existing historic environment group?

[215] **Mr Marvell:** Shall I pick up on that? I'll take this one, as currently I represent my colleagues on the historic environment group.

[216] I think that, broadly, we welcome the proposal for the panel, and also that it will be recruited under Nolan principles. We would hope that, as well as having historic environment specialists within the panel, it will also have the ability to challenge the sector, and that it could bring in people with wider expertise and knowledge on, for example, sustainability, access, inclusivity, and perhaps also, then, promotion of the historic environment. It will obviously have a different role to the historic environment group, which is mainly made up of bodies within Wales, which, in one way or another, to differing extents, deliver the strategies that are set through their works, and their funding. But, I've found that the historic environment group has been a—. It's admired from outside Wales as being an effective communication route. It has been made able to put suggestions into strategy, and then also it has the buy-in, and helps the sector work—and it's a small sector—in a more cohesive way in delivering policies where organisations can—I'm trying to articulate this a little bit better—have buy-in, and follow and deliver common betterment.

[217] **Mike Hedges:** Bethan, do you want to come in?

10:45

[218] **Bethan Jenkins:** It was just on an issue that I received saying that the Chartered Institute for Archaeologists are not currently on the historic environment group. Is that something that you think should be reflected on the panel or do you think that that's something, because you're there, that reflects the industry in general?

[219] **Mr Belford:** That's an interesting question. I think probably they would be more appropriate on the historic environment group rather than on the new panel. But, I think a voice from the Chartered Institute for Archaeologists in discussions about the strategic direction of the historic environment sector in Wales would be very welcome, but where it sits, I don't know.

[220] **Mike Hedges:** Rhodri, we seem to have drifted into your questions. Do you want to finish them off?

[221] **Rhodri Glyn Thomas:** That's the second time we've drifted into my questions.

[222] **Alun Davies:** Rhodri, cyn i ti—. **Alun Davies:** Rhodri, before you—. Could I allaf i ddod i mewn ar rywbeth? just come in on something?

[223] I was interested in your answers to my colleague, John Griffiths, in terms of potential for this Bill to act as a regeneration tool, if you like, not simply to protect and enhance, but actually to be a positive contribution to the wider wellbeing of the community. I was pleased to hear that you think it can act as that tool. But, I was going to ask you if you felt that the Bill required any further amendment to sharpen up what it is able to do. Are there things that it could do in terms of regeneration that it isn't doing at the moment, or are you content with

what is proposed by the Government here?

[224] **Mr Davidson:** My own feeling is that the regeneration aspect lies outside the Bill and that there's plenty of scope to take that forward without enhancing it within the Bill and that the Bill is providing that bottom level of protection, which is absolutely vital so that one can build on it. That would be my view.

[225] **Mr Belford:** I think an important element in this Bill, although notwithstanding what Andrew has just said, is the provision for statutory historic environment records, because they are a tool that enables sustainable development to happen; they're part of the planning and development process. I think putting them on a statutory footing is an important element in delivering the sorts of regeneration outcomes that you're describing.

[226] **Alun Davies:** Okay, that's fine.

[227] **Mike Hedges:** Do you want to finish off your questions, Rhodri?

[228] **Rhodri Glyn Thomas:** No.

[229] **Mike Hedges:** No. Janet.

[230] **Janet Finch-Saunders:** Sorry, can we just move on to another—?

[231] **Mike Hedges:** Certainly. So, it's a move on to me, then.

[232] **Janet Finch-Saunders:** I'm taking Mark Isherwood's—yes?

[233] **Mike Hedges:** Yes.

[234] **Janet Finch-Saunders:** Right, okay.

[235] **Mike Hedges:** That's where we were.

[236] **Janet Finch-Saunders:** Smashing. What are the trusts' views on the provisions in the Bill relating to historic parks and gardens?

[237] **Mr Murphy:** I think that's again to be welcomed, to have a statutory obligation to maintain a register of parks and gardens. At the moment, it's a voluntary register, which means that landowners can insist that their park or garden doesn't appear on the register, which, of course, has omitted many important parks and gardens from the current register. To actually make it statutory means that they will appear on the register, which is to be welcomed. It then affords them some protection within the planning process.

[238] **Janet Finch-Saunders:** Thank you. What impact do the trusts think the introduction of heritage partnership agreements is likely to have on the historic environment in Wales?

[239] **Mr Belford:** I think they're a good idea. And, in principle, it's a sensible measure for landowners dealing with several monuments in a particular area. I've got no idea how likely they are to be used and how—. I mean, once they're in place, I think they'll be very effective and very helpful; I don't know what the take-up will be.

[240] **Mr Davidson:** There's probably a fairly limited number of cases in which they could be satisfactorily used.

[241] **Janet Finch-Saunders:** In what kind of circumstances do you think they could be

used?

[242] **Mr Davidson:** A large landowner—it could possibly be the National Trust, or NRW. If there's a collection of monuments together in which they can treat it all as one, then I think it could be very satisfactory and could work well, but other than that, I think there would be difficulties in getting it to work.

[243] **Mr Murphy:** It's a useful tool to have, but as we say, probably rarely used.

[244] **Mike Hedges:** According to an answer I received from the First Minister a couple of weeks ago, there were 30,000 listed structures in Wales. What are the trusts' views on the proposed changes to listing arrangements under the Bill, and what impact do you think these changes are likely to have on the trusts?

[245] **Mr Murphy:** Shall I answer this generally? I think the impact on the trusts will be relatively small. We don't tend to deal with listed buildings, as such. We do tangentially, but Cadw lists buildings and local authorities have some delegated powers to administer that list. Therefore, we tend to deal with them if there is another historic environment aspect of listed buildings we feel we should deal with. I think, generally, we welcome the increased intervention available if damage occurs to listed buildings and putting 'stop' notices on listed buildings if damage is occurring, to consider the next step forward. I think, generally, we're supportive of that.

[246] **Mike Hedges:** Both Dyfed and Gwynedd archaeological trusts question why the Bill does not provide powers to enter a listed building believed to be at risk to carry out an archaeological investigation. Why do you think such powers would be justified, and how would they be used?

[247] **Mr Davidson:** The proposal is to make scheduled ancient monuments accessible and to have a right of entry there for recording. The same should really go with a listed building as well. It probably is covered in other forms of legislation, but it's difficult to get around it sometimes. If it's explicitly stated that that right of entry is there for recording, then it avoids that loss of evidence if any destruction is occurring within a building.

[248] **Mike Hedges:** Okay. Bethan.

[249] **Bethan Jenkins:** Rwy'n symud ymlaen nawr i'r cwestiynau ar y *records*, y gwnaethoch gyffwrdd arnynt yn gynharach. Felly, rydych chi i gyd yn cytuno y dylen nhw fod ar lefel statudol. Beth a fyddai hynny'n ei wneud i helpu'ch gwaith chi? Rwyf wedi cael cyfathrebiad gan bobl yn dweud bod angen gwella'r safon gan fod y *records* fel y maen nhw yn *patchy* mewn nifer o lefydd, cyn efallai symud ymlaen gyda model penodol, ond maen nhw'n cytuno y dylai fod yn statudol. Beth yw eich barn chi ar hynny?

**Bethan Jenkins:** I want to move on to the questions on the records, which you talked about earlier. So, you all agree that they should be on a statutory basis. What would that do to help your work? I have had communication from people saying that the standard of the records as they are needs to improve, as the records are patchy at the moment in many areas, before perhaps moving on with a specific model, but they agree that they should be on a statutory basis. What is your opinion on that?

[250] **Mr Belford:** I don't know who wants to start. I've opened my mouth, so I shall—

[251] **Mr Marvell:** You go ahead; you make a start, Paul.

[252] **Bethan Jenkins:** You start.

[253] **Mr Belford:** We feel that the HERs are certainly fit for purpose and done to a high standard. They represent the result of 40 years of work by the trusts. They are internally and externally audited on a regular basis and found to be of a high standard—

[254] **Mr Davidson:** Of the appropriate standard, yes.

[255] **Mr Belford:** So, I don't know where that concern is coming from, because they are in use every day to inform planning decisions and to—

[256] **Bethan Jenkins:** Mae'n dod gan bobl sy'n gweithio yn y sector, sy'n gweithio arny'n nhw ond sy'n dweud nad ydynt yn cael digon o bobl i—. Nid yw'n tansailio'r records na beth maen nhw'n ei wneud, ond maen nhw'n dweud bod angen mwy o adnoddau i gadw nhw lan at y safon os bydd y sefyllfa yn newid. Nid ymgais yw hwn i geisio dweud nad yw'r gwaith yn digwydd nag yn effeithiol; consyrn o fewn y sector yw hwn.

**Bethan Jenkins:** It's coming from people who work in the sector, who work on these but who say that they don't have enough people to—. It doesn't undermine the records or what they're doing, but they're saying that they need more resources to keep them to a particular standard if the situation is going to change. They're not trying to say that the work is not happening or is not effective; it's a concern within the sector.

[257] **Mr Belford:** Well, I think we would welcome any additional resources that can be brought to bear to support the work of the HERs, frankly. [*Laughter.*]

[258] **Mr Murphy:** I think 'patchy' is wrong; there are variations in the records between the four trusts, which reflects, to some extent, the work that's taking place in the different regions. But, overall, they are very consistent records, and they're far more consistent in Wales than elsewhere in the UK. So, to have actually at least four very good records is a real asset to Wales. There is work to be done. We always recognise there is going to be more work to be done on the records; they're not static entities. As people's perceptions change of actually what's important to the historic environment in Wales, then we actually develop the record to reflect that. So, there's never going to be a complete record, and there are going to be slight differences between the records, but that's perhaps to be expected when you consider the different nature of the historic environment across Wales as well.

[259] **Mr Davidson:** But it is a unified coherent record that goes right across the country, as Ken says—it doesn't happen elsewhere in the UK—which allows everybody access to it. It is very adaptable. We're adapting it all the time, adding new sites all the time because it's the result of 40 years' work that people are constantly using in different ways, so it's adapting to the way in which it's needed most.

[260] **Bethan Jenkins:** A ydych chi'n credu mai'r ffordd i fynd yw yr hyn sydd yn y Bil; hynny yw, mai chi fydd yn gyfrifol am y records, ond bydd yr elfen statudol ar bob awdurdod lleol? Dyna'r hyn yr oeddwn yn ei ofyn i lywodraeth leol. Y nhw a fydd yn cael y cyfrifoldeb statudol, ond y chi a fydd yn cael yr arian gan y Llywodraeth i gario ymlaen â'r gwaith, er bod yna ryw beth hefyd yn y Bil yn dweud y gallai'r awdurdodau lleol gael rhywun arall neu gorff arall i wneud y gwaith. Beth yw eich barn chi ar y model yn hynny o beth?

**Bethan Jenkins:** Do you believe that the way to go is what is included in the Bill; that is, that you will be responsible for the records, but the statutory element will be on each local authority? That is what I asked local government. They will have the statutory responsibility, but you will have the funding from the Government to carry on with the work, even though there is also something in the Bill stating that local authorities could have someone else or another body to do the work. What is your opinion on the model in that respect?

[261] **Mr Belford:** I think it's inevitable because we are charitable trusts. So, it's not possible to place a statutory obligation, I don't think, on us as independent trusts.

[262] **Mr Marvell:** That's my understanding: that the courts have ordered in the past, obviously, that charitable organisations can undertake statutory functions provided those functions are consistent with the objects for which they are established. In our case it's to educate the public in archaeology, and those records that have been created assist us in that key purpose. But they also then assist in planning purposes as well.

[263] **Bethan Jenkins:** Do you think that there should be—. The WLGA suggested that, potentially, there could be one lead council on this, or would you be happy with there being a statutory duty on them as long as they obviously continue to use your services?

[264] **Mr Belford:** I think it would be very difficult for any individual local planning authority to withdraw from the existing historic environment record and set up their own from scratch. I think that the practical issues with that, and the resourcing issues, would just make it utterly wasteful of public funds, frankly. At the moment they get very good value for money by this economy of scale of having regional HERs. So, I think it would be unlikely for any local authority to choose to do that. So, I'm fairly comfortable with the system as it's set out in the Bill.

[265] **Mr Marvell:** As I read the Bill, it allows one or more authorities to join together to discharge the duties. So, presumably by extension you could have the 12 authorities in south Wales and one leads on that, either in connection with the trust or on its own. That provision is there.

[266] **Bethan Jenkins:** Do you think that the additional finance that comes with it—I think it's £80,000—is sufficient enough for you?

[267] **Mr Davidson:** We've always argued that we need the very minimum of one person to maintain and run that record. At the moment the funding isn't sufficient for that. That additional funding would allow that to occur.

[268] **Bethan Jenkins:** That additional funding would allow it?

[269] **Mr Davidson:** It would allow that to occur.

[270] **Mr Murphy:** One full-time HER—

[271] **Mr Davidson:** One full-time HER person. That's the absolute minimum that it needs. So, yes, it would allow that.

[272] **Mr Marvell:** In the case of the trust that I work for, in our written submission to you, we made the point that we already derive funding from local authorities in south Wales to support our historic environment record and planning casework. That represents, actually, also the needs because of the large amounts of planning casework that happen in south Wales by nature, more than anything else, of the sort of concentrations of population and economic development. The records have value outside just the planning role; that's where our key relationships are with local authorities, but it's this wider role of education and community engagement. That's one of the reasons why, back in 2005, we worked together to put them onto a common digital platform, and then also provide online access to key information, and to top information within the records. Obviously, that serves to help to deliver our charitable object, but it means that Wales now has a set of historic environment records that are unified in structure and purpose.

11:00

[273] **Mr Murphy:** Can I just add as well that many local authorities in England are having difficulty supporting their HER simply because of the economies of scale that they encounter, and they are looking very much to the Welsh model to do this. In fact, the south-west England heritage trust has been set up, and one of their focuses is to run the HERs for Somerset and for Devon, so very much on this sort of regional basis that the Welsh trusts have established. So they're creating economies of scale for them to have regional HERs rather than individual local authorities.

[274] **Bethan Jenkins:** Thank you.

[275] **Mike Hedges:** Peter.

[276] **Peter Black:** The Bill gives the Welsh Ministers the power to amend the definition by regulation of a historic environment record, subject to consultation and by a vote in the Assembly. I am just wondering: what are your views on the meaning of a historic environment record provided in the Bill, and do you think these powers are appropriate?

[277] **Mr Marvell:** The definitions—I don't see the relevant section, but there are eight, I think, from (a) to (h)—we would agree with those as forming the core parts of the record. There is a slight concern that the power to make regulation wouldn't actually then change those, or shouldn't be allowed to change those, but I suspect that you're on the areas of what might be thought of as intangible heritage and cultural association, and whether the historic environment records could, in due course, be broadened out to include those kind of aspects. I don't see why not.

[278] **Peter Black:** So, you're comfortable with that?

[279] **Mr Marvell:** I'm comfortable with that, provided that the regulations weren't there to undermine those key things, and actually reduce what was in the record by unintended consequence.

[280] **Peter Black:** Okay. Fair enough. In the evidence from the Glamorgan-Gwent trust, you talk about particular controls on the provision of data from the historic environment records. I was wondering if you could expand on that.

[281] **Mr Marvell:** Well, the records themselves, obviously, were set up by the trust, and—

[282] **Peter Black:** You say you believe there should be particular controls on the provision of data?

[283] **Mr Marvell:** Oh, in terms of large data sets being issued out?

[284] **Peter Black:** Yes.

[285] **Mr Marvell:** Yes, that's a matter that would have to be looked at in detail further on. But, occasionally, we get requests where somebody might want the data for half a county, and so, when we issue it, we issue it under quite strict licensing terms. The issue is it's a public record, it's an open record, but it's then how that record is subsequently used by parties that have access to it.

[286] **Peter Black:** Are you concerned about misinterpretation of the data?

[287] **Mr Davidson:** It's the interpretation of the record that's vital, and obviously it needs to be interpreted by people who are qualified to interpret it.

[288] **Peter Black:** I thought the whole point of history is that people interpret it differently. *[Laughter.]*

[289] **Mr Davidson:** It depends, perhaps, on the reason for interpretation. If one is conducting research then, obviously, yes, you can—. But if it's there for planning purposes, then, perhaps—

[290] **Peter Black:** Can you give me an example of what would concern you? I'm not quite following—

[291] **Mr Marvell:** I think, in terms of our own concerns, it's actually in terms of where it's taken on as a commercial enquiry for commercial use. Consultants, for example, make a series of enquiries to use records in a certain way. So, it tends to go out with a licence to control the volume of data that have gone out, and we've done that in a number of circumstances.

[292] **Peter Black:** You're concerned that someone might profit from the data that you've studiously put together?

[293] **Mr Marvell:** That's a possibility.

[294] **Peter Black:** Yes. Okay.

[295] **Mr Marvell:** The other point, I think, to make about the record is that, obviously, when records go out, particularly where it's for research or where it's in respect of studies in respect of proposed land use change, under the terms and conditions they go out under, the returned data, the new data that are acquired from the results of the use of that record and the particular activity, come back to the record and so the record then is improved, the knowledge base is improved, and particularly, not just the core records and new core records established, but events data as well.

[296] **Peter Black:** As a matter of interest, if someone was putting together an impact assessment as part of a major planning application and they made use of your data, would you charge them for the use of those data?

[297] **Mr Marvell:** We don't charge them for the specific use of the data, but we do charge them for the time in preparing those data for release to them. We don't charge them for the use of the data, but there's a staff resource and time—

[298] **Mr Davidson:** There's an hourly charge for providing the data.

[299] **Peter Black:** They're obviously putting together a commercial venture, which they're using the data for, so you would charge them for the use of that.

[300] **Mr Marvell:** We have some funding through grant aid from Cadw that allows us to provide time data for people who are doing research, whether that's principal searches, right the way through the whole spectrum of society.<sup>1</sup> We can provide that information freely other than nominal costs, if there's photocopying, for example, involved.

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<sup>1</sup> Andrew Marvell wishes to note the following: *Cadw currently provides the trusts with grant-aid that covers the time for trust staff to supply data to anyone carrying out research (for non-commercial purposes), who needs to access the record.*

[301] **Peter Black:** Okay, thanks.

[302] **Mike Hedges:** John?

[303] **John Griffiths:** Yes. I think you have expressed, or at least some of you have expressed, a view that this legislation might have usefully extended protection for world heritage sites and, indeed, registered landscapes. Would you be able to tell the committee how you think that greater protection would best be achieved within this legislation? What amendment would you like to see?

[304] **Mr Belford:** This was something that was discussed in 2013 and 2014 in the original consultation, and the process seems to have moved beyond that opportunity, to some extent. I think it would certainly be helpful for Ministers to consider enhancing the status of world heritage sites through legislation, but I suspect the opportunity to do that is no longer with us, perhaps. I don't know—albeit you've opened the possibility there by asking that question. I don't know.

[305] **Mr Murphy:** I think, technically and legally, it's very difficult to get that into legislation, but I would hope to see it appearing in some sort of guidance, in documentation that comes below the main legislation, for both those particular aspects of landscape: registered landscapes and particularly world heritage sites. I'd say it's technically very difficult to do, I suspect, but we'd like to see it there at some point, at least recognised.

[306] **Mr Davidson:** New guidance is being issued as part of the Bill.

[307] **John Griffiths:** So you'd be quite happy for—

[308] **Mr Davidson:** Yes. Our understanding was that it was very difficult to fit it into the Bill, other than that, but the guidance is certainly a welcome step.

[309] **John Griffiths:** Okay. In terms of the unified register of areas of special interest, which was mooted at one stage, is that something that you would like to see again in this legislation?

[310] **Mr Davidson:** Do you mean by that a single designated type?

[311] **John Griffiths:** Yes, a single register, bringing the registers together. You'd like to see that?

[312] **Mr Davidson:** No. Well, I can see the advantage of bringing the registers together, certainly, but as regards the actual management of them, I think it would be very difficult. One can recognise what are the different categories, and that they lie behind, obviously, different legislation as well, and so to bring them together from the point of view of management, I think, would be extremely difficult. To provide a single unified point of access probably wouldn't be that difficult, and I'm sure that, to a certain extent, we've already achieved that anyway through the records that we've got. So, I'm not sure that there's any advantage in taking it any further.

[313] **John Griffiths:** Okay, and is that a view that you'd all share, is it?

[314] **Mr Belford:** Yes.

[315] **Mr Murphy:** Yes.



[316] **John Griffiths:** Okay. Finally—from me, anyway, Chair—in terms of local lists, I know very often local communities feel very strongly that there are buildings that are very valuable, in their view, in terms of local heritage and people identifying with them. These buildings don't meet the criteria for national listing but nonetheless, as I say, they are very important. There is a view that local authorities might usefully have a statutory duty to compile those local lists and manage them. Is that something that you would support?

[317] **Mr Belford:** I think a statutory obligation to maintain a list wouldn't necessarily make any change to the status of what was on that list, but it might be useful in enabling consistency between different local authorities in terms of what they put on that list or not. Local lists are an important consideration for local communities in the development of local development plans, and I'm conscious that there are inconsistencies between different local authorities in how they manage and populate their local lists, so that would certainly encourage greater consistency, I think.

[318] **John Griffiths:** Yes. So, some local authorities have basically got much better, more comprehensive lists of those local heritage buildings than others.

[319] **Mr Belford:** Well, it's not just buildings, but buildings and monuments and archaeological sites and all sorts of things—and perhaps, even, as we mentioned earlier, intangible aspects of heritage as well. If there were a statutory requirement, there would obviously be guidance on how to do that, and so there would be greater consistency, I think.

[320] **Mr Murphy:** My only slight concern is the great expectations that these assets on local lists have a greater degree of protection than those that aren't. In fact, that's probably not the case. There's very little difference between a site on a local list and an asset listed on the HER, but the expectation is, perhaps from local people, that actually it does have greater protection. That's perhaps a danger that you could drift into—that this expectation is raised, and then can't be met. For instance, it wouldn't stop a building being demolished if it's on a local list. There'd be no consultation.

[321] **Mr Marvell:** The interests, obviously, that are registered on the historic environment records are a material consideration in planning, and as you'll be aware, contain both designated and undesignated assets. So a local list, where they're incorporated into the historic environment record, would at least become a material consideration in planning. On the other side of things, what they are useful for is thinking about forward planning, strategic planning, local development plans, as well as reactively having to deal with these through casework.

[322] **Mr Davidson:** I think it's important that, if you are going to be roped into these, to be consistent throughout Wales, and that it's not patchy between the different local authorities, because I don't think that would benefit anyone. One could imagine one local authority putting in a fair amount of work to create a record, and that record, then, if it's not maintained, becomes redundant, is put to one side, and all the work that's gone into it is—. So, I think there has to be a level of consistency right throughout if that obligation is going to be based on them.

[323] **Mr Marvell:** It touches on the points that I think Alun made earlier about communities recognising their own heritage. This is one of the reasons why we think the route through local authorities, with adopting historic environment records, is quite an important one. It's about getting our communities in closer touch with their heritage, which obviously you hear about as AMs, and we do as well, and providing good local democracy, good local involvement.

[324] **Mr Davidson:** The HERs aren't selective; there's no selection process there. Even

those local lists that currently the local authorities hold, there is an element of selection there, and it's still a top-down process. Really, we're looking for a bottom-up process, aren't we? We want one that the community itself is saying, 'This is important to us'. Those sites are almost certainly going to be on the historic environment record—or one would hope that they are. They wouldn't necessarily be on the local list, because somebody had been looking at it from the top and deciding whether it's important or not.

[325] **Mr Marvell:** The local lists tend to be—if I'm right; I'm happy to be corrected—related more to buildings also rather than buried and archaeological heritage, which obviously is a particular sensitivity and concern for ourselves.

[326] **Mike Hedges:** Bethan.

[327] **Bethan Jenkins:** I just wanted to ask, coming back on the matter of people's expectations of, if it's there, it doesn't make it so they're not demolished—and I have experience of that. Do you have any ideas as to how something in legislation could make it so that not only is it there listed, but it's more meaningful? I think, for me, that's where this Bill falls down, in the sense that a lot of it relies on moneys from the lottery or regeneration activities via guidance for all this to come together. Perhaps if there was something set out in writing in a piece of legislation that would potentially stipulate what could be done in a local listing situation, more than what you've described in terms of the local development plan, would that be more helpful or not to those people who are going to be civically interested, but then be let down at the end of the process?

[328] **Mr Belford:** Well, I think we've got to strike a balance between protecting the historic environment and enabling regeneration. I think that there may be cases where you might prefer to have local lists of interest that confer no additional statutory protection on particular buildings, to enable more creative solutions to be arrived at in regenerating communities, which is fundamentally what it's all about. I think adding another tier of statutory listing might—. Either the building is of national importance, in which case it should be on the list, or it isn't, but it can be of particular importance to a local community, and that association can be taken into account. If it's on the HER, it would be a material consideration in any planning application that would be associated with that sort of regeneration, so I suspect the balance is probably about right, I think. That's my view.

11:15

[329] **Mr Davidson:** Was the question partly from the point of view that a building can be demolished without planning permission? And so the building can be demolished, then it goes for planning permission and it's too late by then. I agree there probably is a gap there that needs to be filled and I think it is an issue that needs to be looked at.

[330] **Mike Hedges:** Can I throw a last question in at you? Going back to the advisory panel, how can we ensure that it doesn't duplicate the work of existing bodies? I think one of the things that concerns many of us is that, every time something comes in, we get a new body, which sometimes does the work of other bodies, and there's a serious danger of duplication. How can that be stopped? I think all of you expressed some concern over that in your evidence.

[331] **Mr Murphy:** It wasn't so much concern, just to express that that's got to be carefully designed—the advisory panel's got to be carefully designed so that it doesn't duplicate current work. It is designed as an advisory panel to the Ministers, and therefore it should constitute people who are not currently on the historic environment group, which is very much a sectorial panel or group, and, therefore, it should include not just experts, but also experts and other people from outside Wales, even outside the UK, on that panel to get a

wider perspective of what's going on the wider world, to advise the Minister at that sort of level. So, I think it could be constituted correctly and give good advice.

[332] **Mr Belford:** Also, it's appointed differently and has different terms of reference for the people who are on it. The important distinction is that HEG, for example, consists of people representing organisations, whereas, as I understand it, this panel will consist of individuals bringing expertise to bear to inform the decisions being made by Ministers at a strategic level. So, I think we share your concerns that there could be confusion and duplication and too many bodies running around and such, but I think that that won't happen; I don't think there will be that degree of overlap, because of the way the two bodies are constituted—and populated, indeed.

[333] **Mr Davidson:** In general, I think we welcome it and we welcome that level of strategic advice that will be brought in by such a body. I think it will be very useful.

[334] **Mr Marvell:** But, as we've indicated, and as indicated earlier, it would be useful if parts of that panel included people who were from outside the sector, who can bring wider perspectives and necessarily challenge the sector in its thinking.

[335] **Mike Hedges:** If there are no more questions, can I thank you for coming along? Is there anything that you'd like to say that we haven't asked a question on as yet, that you'll feel, when you leave, 'I wished we'd been able to tell them that'?

[336] **Mr Belford:** We haven't left yet, so we don't know whether—[*Laughter.*] From my point of view, there isn't, but we do have an opportunity to make written submissions subsequently.

[337] **Mike Hedges:** I was going to say then, if you do make some additional written submissions, they will be taken as part of it, and to say that you've almost left. [*Laughter.*] Again, can I thank you very much for coming along and please send any further written evidence you wish?

[338] **Mr Belford:** Thank you very much for the opportunity to contribute.

11:18

### **Papurau i'w Nodi Papers to Note**

[339] **Mike Hedges:** That takes us on to item 4, papers to note. Paper 6—are you happy to note it? And paper 7? We'll let the crowds leave—[*Interruption.*] I think they've actually pre-empted us, haven't they?

### **Cynnig o dan Reol Sefydlog 17.42(vi) i Benderfynu Gwahardd y Cyhoedd o Weddill y Cyfarfod Motion under Standing Order 17.42(vi) to Resolve to Exclude the Public from the Remainder of the Meeting**

*Cynnig:*

*Motion:*

*bod y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42(vi).*

*that the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(vi).*

*Cynigiwyd y cynnig.  
Motion moved.*

[340] **Mike Hedges:** Can I move the motion under Standing Order 17.42(vi) to resolve to exclude the public for the remainder of the meeting? Everybody happy? Okay.

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11:18.  
The public part of the meeting ended at 11:18.*