



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

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

**Dydd Mercher, 8 Gorffennaf 2015  
Wednesday, 8 July 2015**

**Cynnwys**  
**Contents**

- 4 Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau  
Introductions, Apologies and Substitutions and Declarations of Interest
- 4 Bil yr Amgylchedd Hanesyddol (Cymru): Sesiwn Dystiolaeth 8—Y Dirprwy  
Weinidog Diwylliant, Chwaraeon a Thwristiaeth  
Historic Environment (Wales) Bill: Evidence Session 8—Deputy Minister for  
Culture, Sport and Tourism
- 30 Papurau i’w Nodi  
Paper to Note
- 30 Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o’r Cyfarfod  
Motion under Standing Order 17.42 to Resolve to Exclude the Public from the  
Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynndi 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
Suzy Davies	Ceidwadwyr Cymreig (yn dirprwyo ar ran Mark Isherwood) Welsh Conservatives (substitute for Mark Isherwood)
Janet Finch-Saunders	Ceidwadwyr Cymreig Welsh Conservatives
John Griffiths	Llafur (yn dirprwyo ar ran Gwenda Thomas) Labour (substitute for Gwenda Thomas)
Bethan Jenkins	Plaid Cymru (yn dirprwyo ar ran Jocelyn Davies) The Party of Wales (substitute for Jocelyn Davies)
Lynne Neagle	Llafur (yn dirprwyo ar ran Mike Hedges) Labour (substitute for Mike Hedges)
Gwyn R. Price	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales

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

Gwilym Hughes	Prif Arolygydd, Cadw Chief Inspector, Cadw
Kenneth Skates	Aelod Cynulliad, Llafur (y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth) Assembly Member, Labour (Deputy Minister for Culture, Sport and Tourism)
Eifiona Williams	Cyfreithiwr, Llywodraeth Cymru Lawyer, Welsh Government

**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 09:16.*  
*The meeting began at 09:16.*

**Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau**  
**Introductions, Apologies and 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 and witnesses that, if they have any mobile phones, they are switched to 'silent'? We've had some apologies this morning, first of all from Gwenda Thomas, and John Griffiths is attending. We have apologies also from Mike Hedges, and Lynne Neagle will be attending in his place. Bethan Jenkins is substituting for Jocelyn Davies for items 2 and 5. I also welcome Suzy Davies, who is substituting for Mark Isherwood.

[2] **Suzy Davies:** On those two items.

[3] **Christine Chapman:** On those two items. Right, okay.

09:17

**Bil yr Amgylchedd Hanesyddol (Cymru): Sesiwn Dystiolaeth 8—Y Dirprwy**  
**Weinidog Diwylliant, Chwaraeon a Thwristiaeth**  
**Historic Environment (Wales) Bill: Evidence Session 8—Deputy Minister for**  
**Culture, Sport and Tourism**

[4] **Christine Chapman:** The first item today is the final evidence session on the Historic Environment (Wales) Bill. Can I give a warm welcome to Ken Skates AM, Deputy Minister for Culture, Sport and Tourism; Gwilym Hughes, chief inspector, Cadw; and Eifiona Williams, lawyer, Welsh Government? Welcome to you all. Deputy Minister, we will go straight into questions. We've taken quite a lot of evidence, as you know, from various stakeholders. I will start off with the first question. We've had some concerns from stakeholders that the shortage of resources in the historic environment sector will lead to problems in the effective delivery of the Bill's provisions. I wonder how you would respond to that.

[5] **The Deputy Minister for Culture, Sport and Tourism (Kenneth Skates):** Can I thank the Chair for the invitation to attend today and for the opportunity to give further evidence and to respond to concerns that Members may have? I'm very pleased by the amount of information that's been forthcoming from a whole variety of witnesses during your evidence sessions. In terms of capacity within local government, this is something that we are acutely aware of. For that reason, we've ensured that the Bill's proposals have the aim of minimising additional burdens on local authorities. Where additional costs are identified, they fall primarily on the Welsh Government.

[6] **Christine Chapman:** Right, okay. Thank you. Rhodri Glyn.

[7] **Rhodri Glyn Thomas:** Weinidog, a **Rhodri Glyn Thomas:** Minister, do you ydych chi'n credu bod y Bil yma yn rhoi digon o sylw i faterion yn ymwneud â digon o sylw i faterion yn ymwneud â chynaliadwyedd, oherwydd mae rhai o'r chynaliadwyedd, oherwydd mae rhai o'r tystion, gan gynnwys grŵp treftadaeth Cymru, wedi awgrymu nad yw hynny'n wir? believe that this Bill gives sufficient attention to matters relating to sustainability, because some of the witnesses we've spoken to, including the Wales heritage group, have suggested that that's not the case?

[8] **Kenneth Skates:** Can I thank the Member for the question? I think it's absolutely essential that this Bill, and, indeed, other Government legislation, reflects the objectives of the Well-being of Future Generations (Wales) Act 2015. It's my belief that sustainability runs throughout the provisions of this Bill, so I am content that sustainability is fully and

appropriately addressed.

[9] **Rhodri Glyn Thomas:** Felly, nid ydych chi'n bwriadu ailystyried hynny na chynnwys mwy o gyfeiriadau uniongyrchol at gynaliadwyedd yn y Bil hwn? **Rhodri Glyn Thomas:** So, you don't intend to reconsider that matter, or to include more specific references to sustainability in this Bill?

[10] **Kenneth Skates:** I'm not entirely sure what a specific reference to, or a duty concerning, sustainability would add to the Bill, but if Members have any observations on how that might strengthen the Bill, I'd be more than willing to consider them. But, as it stands at the moment, it's just not clear what it would bring to the Bill.

[11] **Rhodri Glyn Thomas:** A gaf i droi, felly, at enwau lleoedd? **Rhodri Glyn Thomas:** May I turn, therefore, to place names?

[12] **Christine Chapman:** Sorry, Rhodri, before you move on, I've just got two supplementaries on that particular point. I'll come back to you then. Alun Davies first, then Peter.

[13] **Alun Davies:** Yes. Deputy Minister—Minister, sorry, we had some fascinating evidence last week, I think it was, from Dr Mynors, a very well-known barrister in the field, who spoke at length about the legislation as it was, and I think he was very supportive of what you're trying to do, and he was very supportive of the intent and the structure. He made several points on consolidation. He did make the point that he was going to meet yourselves later that day. It would be rude and vulgar to inquire as to the contents of that conversation, and I won't do so, but it occurs to me that, whilst you have potentially a very good Bill—an Act—which will be, and can be, co-ordinated with other pieces of legislation, what isn't in the Bill more than anything else is that consolidated approach to law in this field. If we assume this Bill will receive Royal Assent prior to dissolution, could you perhaps give us an assurance that you will look, during the passage of this Bill, at the potential for consolidation, potentially in the next Assembly?

[14] **Kenneth Skates:** Yes, I can. This is something that I've said on previous occasions is very much of concern to us. We have looked at the potential of consolidation of legislation, but given the resources and the time frame, as I've previously stated, that was not the desired path that was taken. Instead, we've gone for an option of amending existing legislation, which essentially strives to meet the objectives of the pre-consultation in an effective manner whilst also ensuring that additional burdens are kept to a minimum.

[15] **Christine Chapman:** Okay. Thank you. Peter, and then back to Rhodri Glyn.

[16] **Peter Black:** Can I just return to the Chair's first question about the shortage of resources in the historic environment sector leading to problems in the effective delivery of the Bill's provisions? With all due respect, you asked a different question in terms of how much money—you know, what the grant to the local authorities will be. In terms of the resources available, obviously we're trying to change the law here to improve the way we manage the historic environment, but of course that doesn't mean we have any additional resources to deal with the huge numbers of problems that exist all around Wales in terms of preserving, or finding uses for, the historic environment, or giving local authorities the seed funding, if you like, to move on a particular building or to try to regenerate it. How do we address that as part of this Bill, or is this just going to be a Bill that is much the same as we have done in the past?

[17] **Kenneth Skates:** Well, we're very much working with local planning authorities. Cadw officials are engaging with local planning authorities trying to identify how resources

can be shared and how expertise can be shared. All but two LPAs have in-house professional conservation expertise, and research has also been commissioned on options for the delivery of local authority historic environment conservation services in Wales. This is available on the Welsh Government website, and we're working with the sector on taking forward the recommendations. We're also exploring avenues to mentor and support local authority conservation teams. Of course, we also are progressing this legislation alongside consideration of collaboration and local government mergers. It's essential that local authorities continue to work with one another to share expertise where and when possible. It's worth saying as well we're also encouraging greater delegation of listed building consent to local authorities where they can demonstrate competence, and that, of course, encourages a quicker response time and then reduces bureaucracy.

[18] **Peter Black:** No, I understand that, but is it not the case that, given the limited resources of the public sector and the difficulties in engaging owners who own these buildings or these sites privately, what we're actually doing here is actually managing down the historic environment possibly—whilst consolidating the law, consolidating the historic environment to what is manageable?

[19] **Kenneth Skates:** I wouldn't necessarily agree in any way that we are downgrading. What we are trying to do is minimise additional burdens whilst also making the system more streamlined and more responsive to the needs of the historic environment and to the needs of the people who manage the historic environment. Gwilym?

[20] **Mr Hughes:** Yes, could I just add, actually, that while legislation is only one tool, one mechanism that's available to us to actually provide appropriate protection and management for the historic environment, there are a number of other measures that you can also take, including providing better guidance and better management support for the whole range of sector interests. So, we have accompanied the Bill by publishing in draft form a series of supplementary documents, which give an indication of best practice and how things could be managed in a more effective way.

[21] More importantly, I think, coming back to Rhodri Glyn's point about doing it in a more sustainable way, it's about the sustainable and intelligent management of change. I think you'll find that some of the documents, such as 'Managing Change to Listed Buildings in Wales', which was published at the same time as the introduction of the Bill, articulate ways in which that can be undertaken and handled.

[22] **Peter Black:** Every Member here has had experience of the practical difficulties of trying to preserve a listed building or find a use for it, or trying to prevent its degradation into near demolition, and there are examples all over Wales of that. At the end of the day, does sustainability mean having fewer listed buildings and fewer problems like that? Are we just going to have to give up on some of those and move on?

[23] **Kenneth Skates:** I'm not convinced it means that we have to have fewer listed buildings. I think it requires us to be more flexible in the way that listed buildings are utilised and managed, and that's specifically what this Bill is designed to encourage.

[24] **Rhodri Glyn Thomas:** Roeddwn i'n falch iawn o glywed y sylw olaf hwnnw gan y Gweinidog. Ai eich bwriad chi yw cael system mwy hyblyg o ddelio ag adeiladau sydd wedi'u rhestru yn cynnwys addoldai? Mae yna broblem gynyddol yn ein hwynebu ni yng Nghymru gydag addoldai nad ydynt bellach yn cael eu defnyddio, neu sydd yn

**Rhodri Glyn Thomas:** I was very pleased to hear that last comment from the Minister. Is it your intention to have a more flexible system of dealing with buildings that have been listed, including places of worship? There is an increasing problem facing us in Wales with regard to places of worship, which are no longer in use, or which are

agosáu at ddiwedd eu hoes o ran defnyddioldeb. Yn aml iawn, mae'n anodd iawn i'r ymddiriedolwyr waredu'r adeilad ac i'w drosglwyddo i ddefnydd arall.

nearing the end of their useful lives. Very often, it is very difficult for the trustees to dispose of that building and to transfer it to another use.

[25] **Kenneth Skates:** Yes. The Member is absolutely right. That's why we've been developing a specific strategy for places of worship. Of course, religious buildings can be included within the proposals for heritage partnership agreements, which could assist in the more effective long-term management of the buildings. Ultimately, in a society, in an environment where congregations are shrinking, and where the traditional use of buildings such as chapels and churches is being lost, we have to find alternative uses. There are many very good examples of chapels and churches that are serving multiple uses. What I'm keen to do is make sure that the strategy for places of worship—the sustainable use and sustainable management of places of worship—recognises the value that places of worship can have in communities as a central hub of activity. So, there could be a shift where congregations are small, and where the future of a place of worship is uncertain. There could be multiple uses, and I think there are many good examples now, in Wales and beyond, that we can look to for inspiration and for ideas.

[26] **Rhodri Glyn Thomas:** A fydd hynny'n cynnwys mwy o hyblygrwydd o ran Cadw, ac yn fwy na Cadw, o bosib, adrannau treftadaeth awdurdodau lleol, sydd, at ei gilydd, yn peri llawer iawn mwy o broblemau yn y cyd-destun yma nag y mae Cadw yn ei wneud?

**Rhodri Glyn Thomas:** Will that include additional flexibility in terms of Cadw, and, more than Cadw, in terms of the heritage departments of local authorities, which perhaps, on the whole, cause more problems in this context than Cadw does?

[27] **Kenneth Skates:** Gwilym, as chief officer?

[28] **Mr Hughes:** Chief inspector. [*Laughter.*] Again, I will refer back to the comment about the sustainable management of change, and introducing a greater level of flexibility in recognition that what we're trying to do is manage change, rather than say 'no' to proposals for change. There is none more obvious than places of worship that we need to consider changes of use for.

09:30

[29] So, the overarching document that we published a few years ago, 'Conservation Principles', was about the sustainable management of change, which articulates the range of values that historic properties and historic assets have, and the way in which the decision-making process will help enhance, in some cases, some of those values, including the communal value, which obviously is a key part of places of worship, and how they could be managed and sustained into the future. So, it is quite a significant philosophical shift, really, from the preservation-in-aspic idea that you can't do anything to something, and moving to an understanding of the values and significance of a place.

[30] **Rhodri Glyn Thomas:** O ran rheoli newid, a ydy'r Gweinidog wedi rhoi ystyriaeth i gynnwys o fewn y Bil yma fodd o gynnal a chadw enwau llefydd? Mae yna bryder bod yna lawer iawn o enwau hanesyddol, sydd o arwyddocâd mawr ac sydd yn cyflwyno ardal yn ogystal ag adeiladau i bobl yn eu cyd-destun, yn cael eu colli.

**Rhodri Glyn Thomas:** In terms of managing change, has the Minister given any consideration to including within this Bill a way of maintaining place names? There is a concern that a great many historic names, which are of great significance and which introduce an area as well as buildings to people in their context, are being lost.

[31] **Kenneth Skates:** Yes, we've given this a good deal of consideration, and I know that witnesses have given very detailed information and observations relating to this very issue. Of course, the most famous place name change, probably anywhere on the planet, was the change of title from New Amsterdam to New York. I think that was the most famous place name change that we've ever seen.

[32] **Rhodri Glyn Thomas:** Where in Wales was that?

[33] **Kenneth Skates:** Greater Wales, I believe. [*Laughter.*] The Historic Environment (Wales) Bill focuses on the physical traces of the historic environment, including archaeological sites, monuments, historic buildings, and less so on intangible or less tangible elements of the historic environment, such as place names, but I do recognise the extraordinary value of place names in unlocking our social and linguistic history. I'm also aware of the very important work that's being undertaken by a number of organisations and individuals to record and document place names of special interest in Wales.

[34] I think it's worth praising and noting the efforts of the royal commission, which work in tandem with the National Library of Wales and the Centre for Advanced Welsh and Celtic Studies, in developing Cymru1900Wales. So far, they've been able to include 300,000 place names on their database, which shows the scale of any regulation that would be needed, were we to include an element of protection for place names. I simply do not know how a system could be regulated, who would be responsible for determining when and if a place name can be changed, and the grounds upon which they could be changed. I think it's fair to say that this concerns primarily the change of place names from Welsh to English, but there are also cases of English place names being changed back to Welsh. What would be the consequences of including a provision within the Bill that may prevent that from occurring? I don't think that would be a desirable scenario, a desirable outcome, for those who have proposed this course of action. So, I'm not convinced that there are any legislative controls that could be regulated to enhance the protection of place names. Instead, I think making sure that historic environment records are placed on a statutory footing, a surer footing, and ultimately working with owners to ensure that the history of historic assets is fully appreciated, is the best course of action, and the best way of preventing unnecessary changes to place names.

[35] **Rhodri Glyn Thomas:** Mae'r Gweinidog yn iawn i ddweud bod y pryder yna'n ymwneud, gan mwyaf, ag enwau Cymraeg sydd yn cael eu colli oherwydd y newid o ran demograffeg a hefyd y newid ieithyddol sydd yn digwydd yng Nghymru, ond roedd y dystiolaeth yr wythnos diwethaf yn ein cyfeirio ni at enwau Saesneg sydd o arwyddocâd arbennig, a hefyd enwau o ieithoedd eraill, lle mae pobl, am wahanol resymau, wedi dod i Gymru, ac mae yna ardaloedd a adeiladau sydd wedi cael eu henwi i gofnodi hynny. Un awgrym rŷm ni wedi'i derbyn ydy bod modd diwygio y Bil yma er mwyn sicrhau bod enwau lleoedd yn cael eu cofnodi yn y cofnodion hanesyddol. A ydy'r Gweinidog yn barod i ystyried hynny fel modd o weithredu yn y maes yma?

**Rhodri Glyn Thomas:** The Minister is right to say that this concern relates primarily to the loss of Welsh place names, lost because of changes in demography and also the linguistic changes that are happening in Wales, but the evidence last week referred us to English names of particular significance, and also to names from other languages, where people, for various reasons, have come to Wales, and there are areas and buildings that have been named bearing witness to that fact. One suggestion that we've received is that the Bill could be amended to ensure that place names are recorded in the historic environment records. Is the Minister prepared to consider that as a means of taking action in this area?

[36] **Kenneth Skates:** Yes, I'd be more than happy to take any suggestions and any recommendations and consider them with regard to the historic environment records, yes.



[37] **Rhodri Glyn Thomas:** Un cwestiwn olaf—mae'n ddrwg gen i, ond rwyf wedi cael maes weddol eang i ofyn cwestiynau arno'r bore yma. Eto, yn ymwneud â'r ddyletswydd gyffredinol sydd yn gorwedd gyda chyrrff cyhoeddus, wrth iddyn nhw arfer eu swyddogaethau statudol mewn perthynas ag ased treftadaeth, a ydych wedi ystyried cyflwyno dyletswydd gyffredinol ar y cyrrff cyhoeddus? Er enghraifft, gyda safleoedd o dreftadaeth ryngwladol, fyd-eang, a ydych yn credu bod yna le yn y Bil yma i osod dyletswydd gyffredinol ar gyrff cyhoeddus i ofalu am yr asedau hynny?

**Rhodri Glyn Thomas:** One final question—I'm sorry, but I've been given quite a wide remit in terms of questions this morning. Again, in relation to the general duty on the public bodies, when exercising statutory functions with respect to a heritage asset, have you considered introducing a general duty on those public bodies? For example, with sites of world-wide, international significance, do you think that there is room in this Bill to place a general duty on public bodies to care for those assets?

[38] **Kenneth Skates:** We are publishing the guidance on world heritage sites to ensure that they are better promoted and better protected. I'm not entirely sure what the Member was suggesting. Is it that we should put a duty on local authorities to protect their own assets—

[39] **Rhodri Glyn Thomas:** A general duty.

[40] **Kenneth Skates:** A general duty to protect all assets within a local authority.

[41] **Rhodri Glyn Thomas:** Yes.

[42] **Kenneth Skates:** The problem with putting a duty on local authorities to protect all assets within their respective areas is that that could inadvertently then lead to a huge demand on their resources. We heard with the first question that there are already concerns about capacity within local government. Were we to put a general duty on local authorities, it could be that it just simply couldn't be met, given the strain on capacity at the moment.

[43] **Bethan Jenkins:** Just on that—

[44] **Christine Chapman:** I've got Alun—is it on that?

[45] **Alun Davies:** Yes.

[46] **Christine Chapman:** Right. I'll take Alun and then Bethan.

[47] **Alun Davies:** Thank you. The evidence we received on the issue of place names, which Rhodri Glyn Thomas has already raised, was very persuasive. It was very persuasive in both presentation and in substance, and I felt that there was a case here for the Government to do the right thing. Now I know that that's very unfashionable nowadays, but there was, I felt, a good argument. I understand the difficulties and I don't think that anyone around this table would, at any time, seek to pretend that there aren't difficulties, both in terms of resource and in terms of what legal trigger you would actually use, but I felt the case was made that, when we talk about our historical environment, we're certainly talking about the physical nature of that environment and the physical history that successive generations have left us with, but the understanding of that physical historical environment is underpinned by the linguistic history as well, and, in my part of the world, that is about our industrial heritage as well as about a particular language in which that heritage is described. I used, I think, the example of Chartist Cave or Duke's Table outside Tredegar to illustrate that point last week. I would ask you, again, Minister, if you would look at how your department, working with Carl Sargeant's department, could look at either planning law, or this body of law at the moment,

to provide safeguards to ensure that that heritage is not something that is, quite literally, forgotten.

[48] **Kenneth Skates:** Meetings have taken place with the Minister for Natural Resources. My concern about place names, and this could extend as well—. My personal concern is around the change of pub names. Often, pub names reflect purity and the historic character of a community. But it comes back to the regulation and the ability to regulate a system where you could be including several hundred thousand names for consideration, and therefore the associated cost. So, there is a difference between the reality and the pragmatism that needs to be applied and the objectives of those proposals. If Members were to be able to provide a suggestion, I'd be more than happy to consider it, if it could be implemented within the current context of very, very severe budget restrictions and, of course, the restrictions on capacity as a consequence of budget cuts.

[49] **Alun Davies:** I am grateful for that, and I think that's an offer that the committee should take up. Of course, there are a large number of names in a potential list there, but, of course, the key is how many of those would be subject to change, not simply the number of them. So, in terms of capacity, we're actually trying to measure something different to actually just a total amount. But I think it would be very useful if the committee were able to reflect on that.

[50] **Kenneth Skates:** Also, going back to Rhodri Glyn's question as well, about the duty on local authorities, of course, we need to refer as well across to the Well-being of Future Generations (Wales) Act 2015 and recognise that a general duty on local authorities can be encompassed within the wellbeing goals of the Act as well. So, there is already a mechanism for—. Local authorities are already obliged to recognise sustainability, and therefore there is a duty in terms of the goals to ensure that culture and heritage is—I think the term is 'celebrated and protected'.

[51] **Mr Hughes:** Protected, yes. It's actually—. The wellbeing goal for culture and heritage actually articulates that—

[52] **Kenneth Skates:** 'A society that promotes and protects culture, heritage and the Welsh language'.

[53] So, already, there is that duty there for local authorities, so cross-referencing it might be something that Members wish to consider.

[54] **Christine Chapman:** Thank you. Bethan.

[55] **Bethan Jenkins:** Roedd y cwestiwn yn benodol ynglŷn â'r safleoedd treftadaeth byd-eang. Rwy'n credu taw Mr Mynors, eto, oedd yn dweud ei bod hi'n sefyllfa od iawn, lle mae ardaloedd cadwraeth yn cael mwy o amddiffyniad o dan y gyfraith yma na safleoedd treftadaeth byd-eang. Roedd e'n siarad am y Big Pit yn benodol, rwy'n credu. So, roedd e jest yn gofyn ichi eto pam nad ydych chi'n rhoi hyn yn y Bil, ac yn dweud bod yna waith arall yn digwydd. Yn y cyddestun yma, byddwn i wedi meddwl y byddai'n gwneud synnwyr i gynnwys hyn yn y Bil yma.

**Bethan Jenkins:** The question was specifically about world heritage sites. I think it was Mr Mynors, again, who said that there's a very strange position whereby conservation sites are getting more protection under this law than world heritage sites. He was talking specifically about the Big Pit, I think. So, it was just to ask you again why you aren't including this in the Bill, and saying that there is other work being done. In this context, I would have thought that it would make more sense to include it in this Bill.

[56] **Kenneth Skates:** Can I ask you to take that question?

[57] **Mr Hughes:** A significant proportion of all the world heritage sites in Wales have already got statutory protection. So, let's take the castles of Edward I in Gwynedd, for example—the castles and town walls of Edward I in Gwynedd. Not only are they all protected through being scheduled ancient monuments, but they're actually in guardianship and in the care of Cadw. So, there is already a very significant level of protection given to world heritage sites. Indeed, in the consideration of the nominations of the other two world heritage sites—Pontcysyllte aqueduct, basin and canal and the Blaenavon industrial landscape—again, those components to those landscapes that needed statutory protection were either scheduled or listed and given appropriate protection. The management document that we've produced and published in draft form alongside the introduction of the Bill articulates the more general responsibilities that all authorities have towards maintaining the outstanding universal value that goes with world heritage status. So, I hope that the document that we've published on the Cadw website alongside the Bill will give that clear articulation and steer to all authorities concerned about how they should manage and maintain the sites under consideration here.

[58] **Kenneth Skates:** Of course, with world heritage sites, there's also a need to meet the criteria for retaining the designation. So, the United Nations Educational, Scientific and Cultural Organization actually require proof that the world heritage sites are being managed appropriately and properly.

[59] Chair, if I may, could I just go back to the question regarding place names and suggest that, in any consideration of suggestions, clear reference is given and clear consideration is given to human rights as well in that regard?

[60] **Christine Chapman:** Okay, thank you. Rhodri Glyn, have you finished, or any other—

[61] **Rhodri Glyn Thomas:** Yes, I think I've finished.

[62] **Christine Chapman:** Okay. John.

[63] **John Griffiths:** In terms of local lists, Minister, we know that local authorities keep local lists of buildings that are significant to local people in terms of heritage, history and identification but do not meet the criteria for listing, but, as I say, they are nonetheless very important for local people and local communities. Do you think there might be a possibility of place names featuring there, if, you know, it was extended to assets of that nature and then the way that local authorities manage their local heritage in terms of their local lists, what's important to local people, and how they make decisions in that context? Is that a possibility?

09:45

[64] **Kenneth Skates:** Without a shadow of a doubt, yes. Of course, we're publishing in draft form guidance on managing lists of historic assets of special local interest in Wales. I think that place names could indeed be included within local lists. I think it would be very valuable to have them included in local lists. The idea of a list that is composed by the community is that that list reflects the assets that are important to a community. That can be anything from a historic building that is not listed—it could be a bench, it could be a tree, it could be an open space. The key is that those lists reflect what is important to the communities that the lists refer to.

[65] **John Griffiths:** Could you give the committee a sense, Minister, of local lists in Wales at the moment? Is there a lot of variation?

[66] **Kenneth Skates:** Yes, there is. There is variation, which is the reason why we've produced this in draft form. At the moment, I think we have—is it eight lists?

[67] **Mr Hughes:** Seven or eight, yes.

[68] **Kenneth Skates:** Seven or eight lists, and they do vary in quality, yes. I think this publication is significant in that it will bring some element of consistency to the composition of and collection of assets within lists. I think we've already dealt in previous committees with the question of whether to place a statutory duty on local authorities. At this moment in time, the cost, which would amount to something in the region of £3 million to £3.5 million, would be prohibitive. Nonetheless, producing the guidance right now, I think, is very valuable.

[69] **John Griffiths:** I don't know whether this has been done already, Minister, but could you share the basis for that costing with the committee—how that figure was arrived at?

[70] **Kenneth Skates:** Indeed, yes.

[71] **John Griffiths:** Okay. We've already heard about the evidence of Dr Mynors last week, which I think impressed a lot of the committee. He certainly has an extensive knowledge—

[72] **Kenneth Skates:** He's an excellent lawyer.

[73] **John Griffiths:** Yes. Indeed, his expertise was very impressive. One thing that was very interesting to the committee was his idea that this Bill offers an opportunity or could have offered an opportunity to better integrate heritage and planning law. From a practitioner's point of view and from the point of view of certainty and understandability of the law, obviously, there are many advantages to that. Obviously, I heard what you said earlier about the resources involved in consolidation, but could you see advantages in that approach, and is that something that might be on the horizon for the longer term?

[74] **Kenneth Skates:** Well, in answering this question I'm also going to refer to what I thought was a very interesting question earlier from Peter Black about the—the suggestion that the Bill could manage a reduced focus on heritage. We did give consideration to the suggestion, but I don't think that merging listed building consent, scheduled monument consent and conservation area consent with planning permission would be desirable, because that could effectively threaten the proper consideration of the special historic and architectural interest of the asset in question. An amalgamation and merger of these could also lead to expertise in conservation teams being lost because, essentially, decisions would become part of the planning system. And, since local authorities don't have professional expertise concerning scheduled monuments in many cases, Cadw retains that duty. So, I don't think we could actually deliver an amalgamation of the duties and of the systems that would place both planning and management of historic assets on an equal footing. I think what we would see is a denigration of professional expertise within conservation in local authorities.

[75] **Peter Black:** Just to be clear, it wasn't a suggestion; it was a question as to whether that was your intention.

[76] **Kenneth Skates:** Taken. I'm pleased that that's been clarified. I wouldn't want to misrepresent the Member at all.

[77] **John Griffiths:** You would be concerned about protection, then, Minister, and perhaps a weakening of protection for the historic environment heritage assets—

[78] **Kenneth Skates:** Yes. I'm not persuaded that any cost saving would outweigh the potential risks to Wales's heritage by placing historic environment consents within wider development control.

[79] **John Griffiths:** Okay.

[80] **Christine Chapman:** John?

[81] **John Griffiths:** Yes. If I could move on, then, Chair, to a few matters that—

[82] **Bethan Jenkins:** Can I ask a supplementary on that?

[83] **Christine Chapman:** Okay. Bethan.

[84] **Bethan Jenkins:** It's just why you came to the conclusion that it could be a risk, and you said it could sort of water down what the planning did. Why not look at it the other way: that you would need to have more expertise within the planning areas of local councils because of the fact that heritage was part of it? Why have you come to the conclusion that it could be a problem other than something to see as an opportunity? That's all.

[85] **Kenneth Skates:** Largely because the reality of the matter is that local authorities are under immense pressure. So, expecting them to effectively increase the level of expertise, and increase capacity, at a time when they are actually having to deal with incredibly difficult budget decisions, is not practicable and not likely at all. But, Gwilym, do you have an observation on that?

[86] **Mr Hughes:** No, not really.

[87] **Bethan Jenkins:** I just wanted to clarify that point.

[88] **Kenneth Skates:** Yes.

[89] **Christine Chapman:** No, I think that's a fair point, actually. Right. Okay. John.

[90] **John Griffiths:** Moving on, then, Minister, to a few matters that some stakeholders feel might be included in the provisions. Firstly, portable heritage—I think it's easy to understand the importance of portable heritage as part of the overall picture in Wales, and some stakeholders would like to see provision included in this legislation. How would you respond to those suggestions?

[91] **Kenneth Skates:** Well, portable heritage was considered in the very early stages of engagement on the scope of the Bill, and it was a suggestion made mainly by the museum sector. It's a complex area, and it's something that I don't think can be best served through legislation, but instead through looking at the sustainability of museums—the entire museum sector as a whole. That's why I convened an expert panel to look at the future delivery of museums across Wales, and the sustainability of museums. As part of the review, the issue of collections and collecting will be considered and discussed, but as I say, it was a suggestion that came very early on in the engagement process, and it was something that was not deemed to be beneficial to take forward where we could address the concerns of the museum sector through the expert panel review and subsequent recommendations on future delivery of museum services.

[92] **John Griffiths:** So, is it possible that that expert review process might recommend legislative protection for portable heritage?

[93] **Kenneth Skates:** I wouldn't wish to prejudge the outcome of the review. I would be very happy, instead, to provide Members with the recommendation of the panel at the earliest opportunity when it's brought to me.

[94] **John Griffiths:** Could you give us timings for that, Minister?

[95] **Kenneth Skates:** Chair, if I may, could I follow this up with a note about the timings for when the panel are due to produce a final report?

[96] **Christine Chapman:** Yes, that would be good, with the recommendations. Before you move on, John, to the next issue, Suzy, you wanted to come in on portable heritage.

[97] **Suzy Davies:** Yes, on this very point. Thank you. How influential was your decision around portable heritage on your ultimate decision to proceed with this Bill in the way that you have? By that I mean by way of amending existing Bills, which don't allow much consultation on portable heritage, rather than making a bespoke new consolidated Bill?

[98] **Kenneth Skates:** I'm going to refer to Gwilym.

[99] **Mr Hughes:** I mean, this was at a very, very early stage, when the scope of the Bill—and it was actually, of course, referred to as the heritage Bill, originally—was considered in a much broader way. Then, obviously, following an extensive programme of engagement with the sector, and with a wide range of stakeholders, the detail and the scope of the Bill was narrowed and focused specifically on the historic environment elements, and the tangible physical historic environment elements, rather than the broader sweep. You know, the decision was taken fairly early on to take a different route regarding portable heritage and moving collections.

[100] **Suzy Davies:** Okay. So, you're confirming that that decision was made before the style of the legislation was even considered, effectively?

[101] **Mr Hughes:** Yes.

[102] **Suzy Davies:** Thank you.

[103] **Christine Chapman:** Okay. Thank you. John.

[104] **John Griffiths:** Yes, another area that some stakeholders would like to see included is marine territory. Could you—*[Inaudible.]*

[105] **Kenneth Skates:** Well, the improved protection for scheduled monuments will extend into Welsh territorial waters, and so the broader definition as well of scheduled monuments will enable those assets beneath the surface of the water to be considered and to be included within historic environment records. In addition to that, officials within Cadw have begun work on preparing new guidance on the protection and management of Wales's marine heritage and marine archaeology in Wales is supported by a dedicated officer at the royal commission and forms part of Cadw's ongoing work.

[106] **John Griffiths:** So, basically, you feel that is sufficient to provide the protection that's necessary without provisions in this legislation.

[107] **Kenneth Skates:** I do at this time, yes. Increasingly, though, archaeological trusts are also having an input in providing contributions towards decisions over marine licensing. So, this is a process that is ongoing. I think it's fair to say that we are moving at a good pace in recognising and enhancing the protection of marine historic environments.

[108] **John Griffiths:** Okay. And, finally, conservation areas. I think Dr Mynors might have mentioned this, but certainly, evidence has been received that the lack of provision specifically referring to conservation areas is a gap in the legislation that shouldn't exist.

[109] **Kenneth Skates:** He said what, sorry?

[110] **John Griffiths:** It's felt that it's a gap in these proposals that shouldn't be there.

[111] **Kenneth Skates:** Right, okay. First of all, we're bringing forward new guidance on managing conservation areas very soon. In 2013, when we consulted on 'The future of our past: A consultation on proposals for the historic environment of Wales', there was a question in there that essentially offered up the opportunity to make observations on a proposal to merge conservation area consent with planning permission along the lines of the approach adopted recently in England. Some said that such a streamlined process would be desirable, but there were others who were very concerned about the risk of reduced protection of conservation areas and the marginalisation of skilled conservation officers within local planning authorities, and this goes back to a similar point that we've already discussed. So, the final decision was not to proceed with the proposal in the Historic Environment (Wales) Bill. And, as I say, the guidance, to be published soon, will certainly help local planning authorities in assessing conservation areas, and in ensuring that they are managed properly.

[112] **John Griffiths:** Okay, Chair.

[113] **Christine Chapman:** Gwyn.

[114] **Gwyn R. Price:** Thank you, Chair. Good morning.

[115] **Kenneth Skates:** Good morning, Gwyn.

[116] **Gwyn R. Price:** How do you respond to the concern from the UK Environmental Law Association that the Bill fails to make adequate provision for public participation in the processes for designating scheduled monuments and listed buildings?

[117] **Kenneth Skates:** I'm not entirely sure that that's an accurate assessment. I think, in terms of public engagement, the role of local lists will be very important, as will the enhanced and strengthened role of historic environment records in recognising what is of significance and importance within communities. The Welsh archaeological trusts already work with stakeholders within communities in identifying historic assets and in making sure that they are recorded. So, between the guidance that we're going to be producing on local lists, and through placing historic environment records on a sure footing, I think that we will be able to enhance public participation and awareness of historic assets.

[118] **Gwyn R. Price:** Do you believe the process will be available to the public?

[119] **Kenneth Skates:** I'm content the process will be open to the public to participate in, yes.

[120] **Gwyn R. Price:** Thank you. How do you respond—?

[121] **Christine Chapman:** Gwyn, before you go on to your other question—Bethan, on this point, and I'll come back to you.

[122] **Bethan Jenkins:** Jest i bigo lan ar **Bethan Jenkins:** Just to pick up on what beth ddywedodd cyngor Abertawe pan Swansea council said when they came in with

ddaethon nhw i mewn gyda'r WLGA: fe ddywedon nhw nad oedden nhw'n cael rhestrau lleol achos roedd gormod o bethau cenedlaethol gyda nhw i ddelio gydag e, a byddai cael rhestr leol wedyn ddim yn gwarantu—. Nid achos nad yw'n bwysig, ond achos nad yw'n gallu bod yn realistig i wella'r sefyllfa'n lleol. Felly, yn dilyn hynny, pa mor realistig yw'r ymgynghoriad, neu pa mor drylwyr y mae'r ymgynghoriadau'n mynd i fod os nad ydy hynny'n mynd i arwain at newid yn sefyllfa'r adeiladau hynny sy'n cael eu rhestru?

the WLGA: they said that they didn't have local lists because they had too many national issues to deal with, and that having a local list would not then guarantee—. Not that it's not important, but that it isn't realistic in improving the situation locally. So, following on from that, how realistic is the consultation, or how thorough are the consultations going to be if that doesn't lead to a change in the situation of the buildings that are listed?

10:00

[123] **Kenneth Skates:** Sorry, I'm not entirely sure I understand the question. Sorry; I do apologise.

[124] **Bethan Jenkins:** Basically, I was going to say that Swansea has said that they don't have a local list because they have a lot of national listed buildings that they have to protect and that, even if you did have a local list, how viable would that local list be when, actually, they may not have the resource, as Peter Black was suggesting earlier, to go forth with any changes? So, when we're talking about consultation, will people then feel more disenfranchised by the fact that nothing will potentially happen to those buildings they deem to be of local importance, which the council can't afford to put on the top of the political agenda?

[125] **Mr Hughes:** There is, of course, the opportunity that everybody has to put forward nominations for listing or, indeed, scheduling. That's always an option, and Cadw will consider nominations, if you like, for potential structures or historic assets and determine whether or not they meet the criteria of being of special historic or architectural interest or of national importance in the context of scheduled monuments. So, that option of nominating assets is still available to members of the public.

[126] **Bethan Jenkins:** You think that that would be sufficient to alleviate concerns that the public, then, wouldn't feel as involved as they could be in the processes.

[127] **Kenneth Skates:** Alongside the composition of historic environment records and with the option of being able to compile local lists—. And I think it's worth distinguishing, in so far as Swansea is concerned, between the responsibility that the local authority has for assets in their ownership and assets of local interest. Whilst I recognise that there are huge demands on resources for the proper and appropriate management of historic assets, there is also a great opportunity with local lists to be able to engage with the public. I would encourage local authorities to move forward, amongst those who have not yet done so, with local lists because it is an opportunity to be able to engage with people in a way that people, perhaps, haven't felt engaged with until now.

[128] **Christine Chapman:** Gwilym.

[129] **Mr Hughes:** Can I just add that, as well as the national important historic assets, which I referred to, and the local lists, the historic environment records and the work of the archaeological trusts also have a really, really important role to play here. We do encourage the archaeological trusts to engage with the public as much as they possibly can on the management, and also on the engagement and participation in projects that they undertake



themselves or that are grant-aided and supported by the Welsh Government.

[130] **Kenneth Skates:** In fact, I've made a point this year, moving forward, of building into remit letters and the grant funding the requirement on Welsh archaeological trusts to engage with communities and to specifically engage with those communities that have felt disengaged from culture. It's part of the Fusion project of bringing together heritage, culture and communities. I think it's essential that the Welsh archaeological trusts work with the likes of Communities First clusters in order to gauge what is of significance in terms of historic value, but also in terms of being able to empower people to identify what is important within their communities and then to build historic environment records around the assets that people are themselves able to identify.

[131] **Christine Chapman:** So, you would say, then, Minister, that the public would be consulted by the Welsh Ministers before scheduling. I know you've talked about Communities First, but there's—

[132] **Kenneth Skates:** Concerning public consultation of listing and scheduling? Right, okay. No. That's a different issue, sorry. On public consultation of scheduling, no—the listing of buildings refers to owners and those parties that are immediately and directly affected by listing. I do not feel it would be appropriate to open up to public consultation a listing decision. Instead, it is appropriate for people to be able to request a listing and it's appropriate for town and community councils to be able to request a listing, but opening up to full consultation a listing, I think, could undermine, potentially, the human rights of those who are responsible for the building that is potentially to be listed. Sorry, we were kind of dealing with two separate issues there. I hope that makes sense.

[133] **Christine Chapman:** Yes, okay. Gwyn, do you want to proceed with your questions?

[134] **Gwyn R. Price:** Thanks for coming back. What is your view on the suggestion that the Bill should be used to remove the possibility of dual designation, where an asset is designated as both a scheduled monument and a listed building?

[135] **Kenneth Skates:** Right, okay. There is no need to change legislation to manage dual designations. Cadw is currently assessing historic assets that are both scheduled and listed, and will systematically consider which designation is the most appropriate. So, there simply isn't a need.

[136] **Gwyn R. Price:** There isn't a need. Thank you very much. How do you respond to the suggestion that the Bill could be used to reform the class consent system for scheduled monuments?

[137] **Kenneth Skates:** Gwilym, I don't think we need—

[138] **Mr Hughes:** I don't think there's a need, but that falls within the regulations associated with the Ancient Monuments and Archaeological Areas Act 1979. So, that can be considered outside of the need for primary legislative change.

[139] **Gwyn R. Price:** It's already there.

[140] **Kenneth Skates:** Already there. And, again, I don't believe that it's required.

[141] **Gwyn R. Price:** On preventing damage to scheduled monuments, what value do you see in introducing temporary stop notices, given that unauthorised works to scheduled monuments already constitute a crime or a criminal offence?

[142] **Kenneth Skates:** The power is needed in order to prevent immediate damage to scheduled monuments. It may well be considered a criminal offence, but I think that that power is needed to ensure that damage doesn't take place. So, having an immediate role there to be able to stop unauthorised or damaging work is required.

[143] **Gwyn R. Price:** Bringing it to the attention, really.

[144] **Kenneth Skates:** Absolutely.

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

[146] **Christine Chapman:** Okay, Gwyn. Thank you. Suzy?

[147] **Suzy Davies:** Just following on from that, I'd agree that the important thing is to stop the damage, rather than wait to prosecute a malefactor down the road. But, the question of the defence to the crime, I think, has already exercised the committee, to some degree. I wanted to ask you this: you still have a defence if you damage a scheduled monument for reasons of health and safety, and it's part of the grounds for appeal, as well, but have you thought about the distinction between monuments that have been allowed, deliberately, to decay, and then the work is done last minute to stop them becoming dangerous, and monuments that have been inherited in a decaying situation and some poor devil's acquired a property that needs urgent attention, but through no fault of their own? It's the difference between deliberate neglect and being unfortunate. Should the defence apply differently to people in those situations?

[148] **Kenneth Skates:** This also relates to listed buildings, as well, the question of whether decay has happened deliberately or by virtue of not having the resources, potentially, or having the resources but not being willing to spend on them. Gwilym?

[149] **Mr Hughes:** On the issue of scheduled monuments—I think you're referring to scheduled monuments, aren't you, specifically?

[150] **Suzy Davies:** Yes, I am, but I'm quite happy to consider the listed building issue as well.

[151] **Mr Hughes:** If the decay has been occurring through no fault of the owner, then an offence hasn't actually occurred, and so, it's a different situation. We're talking there about a deliberate offence and adjusting the arrangements for the defence.

[152] **Suzy Davies:** We are talking about a deliberate offence in both cases, because if somebody's doing works to a scheduled monument, with the good intention of stopping it getting even worse—I will say that—. It's not the neglect I'm talking about that's the offence, it's the ameliorating work that, in itself, constitutes an offence—

[153] **Kenneth Skates:** Which is inappropriate, which could then be damaging.

[154] **Suzy Davies:** It could be inappropriate, yes.

[155] **Kenneth Skates:** Right, okay. Well, in those circumstances, what would normally happen is that officials would examine whether remedial work would be desirable over, necessarily, a prosecution. I think in most cases, it's normal that the work would be examined and an assessment would be made of whether the monument should be returned to the condition that it was prior to inappropriate work taking place, whether that work should remain, or whether the monument should be fully restored to what it once was.

[156] **Suzy Davies:** Yes, because it could be inappropriate through no fault of the individual's—

[157] **Kenneth Skates:** Indeed. Absolutely.

[158] **Mr Hughes:** Indeed, section 6 of the Bill offers the opportunity of retrospective consent in such situations where a Cadw inspector may have gone out and inspected the work that has been undertaken, in what the owner believed were the best intentions, and that was recognised, and common sense kicks in. But, in fact, the Bill goes further and actually allows the opportunity to provide retrospective consent where no damage has actually occurred and when it was in the best interests of the monument.

[159] **Suzy Davies:** That's reassuring. On the same issue as well, I know that, if damage is done to a scheduled monument, there is a defence that, if you've taken reasonable steps and still not managed to identify something as a scheduled monument, then you're okay. I appreciate that the Bill is trying to narrow that defence by making sure that there are easily accessible lists—

[160] **Kenneth Skates:** And mapping.

[161] **Suzy Davies:** —and that, if you buy a property, you find out immediately and, with a bit of luck, you get guidance given to you. That's all great. But, in real life, of course, people inherit property or they buy property and have it for 50 years without even thinking. A conveyancer may once have told them there was this funny thing in the garden that they've completely forgotten about. In real life, in those circumstances, I can't see somebody saying, 'Oh, I want to put an extension on my house. Hmm, let me go and look at a deed packet from 50 years ago', or 'I wonder if there's anything on the internet that I should be looking at'. So, I don't think it's reasonable to ask people, in the circumstances I've described, necessarily to see if there is a problem. So, I'm asking: alongside the Bill, are you planning to introduce any kind of—I suppose like an information campaign, similar to that which we had recently when people with mineral rights under other people's lands—. You know, there was a massive campaign. People misunderstood originally, but it became clearer as things went along. Will there be something like that saying, 'You'd better double-check if you've got a scheduled monument' rather than just hoping people will remember?

[162] **Kenneth Skates:** I think it's reasonable to expect people to refer to deeds and searches when carrying out works on their property, but I do recognise what the Member says about ensuring that people are aware that we believe that that is responsible. So, within the context of a lack of availability of funding, I would be happy to work with—and we've already said we're going to be working with local planning authorities and so forth—with the Law Society as well, I think—

[163] **Suzy Davies:** Well, maybe Land Registry.

[164] **Kenneth Skates:** —and the Land Registry in ensuring that people are aware of changes, or at least in endeavouring to ensure that people are aware of the changes.

[165] **Suzy Davies:** Okay. Well, that's reassuring as well.

[166] **Mr Hughes:** Yes, there's—

[167] **Christine Chapman:** Gwilym, I think Peter wanted to come in on that.

[168] **Peter Black:** I know what you're saying. We would think it's reasonable that, if you're going to do work on your property, then you should consult your deeds. I live in an

area in Swansea that is subject—the whole area is subject—to restricted covenant. If anyone actually does an extension, they have to go and get permission off the estate owner. They have to pay this little old lady £20 or something to get a note of consent. Nobody knows about that. You only find it when you sell the property. So, when I bought my house, I had to sort out the consent that the previous owner had not managed to get. So, most people don't understand that sort of thing or look for that. So, wouldn't it be better to have something far more in your face, if you like, so, when you have a house, you actually get a notice saying, specifically, 'This has a listed consent or a scheduled monument on the property'.

[169] **Suzy Davies:** There are the searches, but that may not mean anything—

[170] **Peter Black:** And, when you buy a house, you never see the searches. The solicitor does all that. [*Laughter.*]

[171] **Suzy Davies:** Well, I don't know. My solicitor sends out copies, but—

[172] **Peter Black:** Well, in theory, yes.

[173] **Suzy Davies:** It's a practical issue. Something might be put on the list while you already own the house, and you'd never know.

[174] **Kenneth Skates:** Yes. This is actually something that was raised during the committee inquiry, what, two or three years ago, I think it was. Was it two or three years ago?

[175] **Mr Hughes:** Yes.

[176] **Kenneth Skates:** And the recommendation, I believe, was accepted in principle. I'd need to check on that.

[177] **Christine Chapman:** Okay, yes.

[178] **Suzy Davies:** There's a practical solution to this, I'm sure, but I wouldn't like to—

[179] **Kenneth Skates:** Yes. Absolutely. That was essentially what was recommended, but I'd need to check on progress there.

[180] **Christine Chapman:** Okay. Gwilym.

[181] **Mr Hughes:** I just wanted to add one other thing, because the original question was relating to scheduled monuments—I think it was, Suzy, wasn't it?

[182] **Suzy Davies:** It could be, yes.

[183] **Mr Hughes:** I think it was, anyway. We do undertake regular field visits to all scheduled monuments as a regular round—Cadw's field monument wardens do. Inevitably, that involves the in-your-face kind of discussion that Peter was talking about. It happens on a regular cycle—a five-yearly cycle, or that's the intention, anyway—so that, if there's a change in ownership, then the new owners—although they should already have been aware through the land searches that, in fact, they have a scheduled monument on their land—will also have a face-to-face conversation with a real person, which actually really helps.

10:15

[184] **Suzy Davies:** It's not the new owners I'm worried about. It's the people who've owned property for a long time.

[185] **Kenneth Skates:** They'd be part and parcel of the cycle of visits.

[186] **Christine Chapman:** Suzy, any further questions?

[187] **Suzy Davies:** Yes, if I can just move on now to the register of historic parks and gardens, obviously there's been some welcome for this, but it strikes me from some of the responses the committee's had that I'm not entirely clear what the underlying purpose of having a statutory register is, apart from the fact that it looks complete and it can actually be tied in with some existing planning laws, which, I think, you can amend through regulation. So, if it's not providing any additional protections, actually what's it for?

[188] **Kenneth Skates:** Well, I think it is valuable to have a complete list of historic gardens and parks rather than one that is patchy. I think having a comprehensive register is desirable. The reason it would be undesirable to apply a separate protection regime for historic parks and gardens is that it would be hugely bureaucratic, and it would be very costly as well, both for the consenting authority and for owners, because essentially you would have to apply for permission whenever you're planting a new tree, or potentially when you're planting a new hedgerow, or when you're removing a shrub. So, it could be hugely bureaucratic. I recognise what the Member says. Why have a comprehensive list if you're not going to apply any additional protection regimes? I actually think that having a full and comprehensive list is desirable, and I think it also raises the profile of historic parks and gardens.

[189] **Suzy Davies:** Okay, I hear your answer. There is a level of protection there already: it's a material consideration. Have you any evidence that this term 'material consideration' basically lets councils off the hook?

[190] **Christine Chapman:** Gwilym?

[191] **Mr Hughes:** In reality, there's a general consensus that the system works reasonably well for parks and gardens at the moment. At the moment, the obligation on local authorities is to contact Cadw when a planning application will affect a grade I or II\* registered historic park and garden. In practice, a lot of local authorities contact Cadw on grade IIs as well.

[192] **Suzy Davies:** Do you have any evidence that they forget to do that on some occasions? Not deliberately, but, you know, forget.

[193] **Mr Hughes:** I'm not aware. At the moment, it does seem, to be honest, to be working well, and I think that that was the consensus from the responses we got to the consultation. Indeed, we had a stakeholder workshop specifically on this subject, which was hosted by the National Trust in—

[194] **Kenneth Skates:** I can say from personal experience, because my garden is grade I listed, that the local planning authority is very keen on ensuring that, if there is a planning application that could impact on the gardens, they are there, present, analysing the impact and making appropriate representations.

[195] **Christine Chapman:** Right, okay. Suzy?

[196] **Suzy Davies:** If you wanted to make changes, I understand what you're saying—that actually, it can be horribly bureaucratic—but it doesn't introduce any new obligations on owners to keep things up to scratch either, does it?

[197] **Kenneth Skates:** It doesn't. That said, the value of having the statutory register of

historic parks and gardens is that it will ensure that local planning authorities are (a) aware of all historic parks and gardens, and that they are then able to liaise with the owners, those responsible. Often, work is conducted best when you have a very constructive relationship between the owner and the local planning authority, and indeed Cadw, rather than having a very strict regime that could be off-putting for some to fully maintain the garden or the park.

[198] **Suzy Davies:** If soft diplomacy works, I'm happy with that as a route.

[199] **Mr Hughes:** Dare I say it, we're intending to produce another best-practice guidance document relating to historic parks and gardens. We've got our hands full. It talks about conservation areas and others as well. This is another one that we've got in hand.

[200] **Suzy Davies:** If you don't need law, we don't have law. That's the best way to look at it.

[201] **Kenneth Skates:** I'm hoping it's going to have a special section on Lebanese cedars and how to maintain them.

[202] **Mr Hughes:** I shall discuss that with my colleagues.

[203] **Suzy Davies:** Was there a particular reason, sorry, why this register just wasn't incorporated into the historic landscapes register? There probably is a reason; I'd like to know what it is, though.

[204] **Mr Hughes:** The historic landscapes register—we're treating that differently, simply because there weren't any historic landscapes on the register that needed to go into a statutory list. It's a very different beast, let's say. The entries on the historic landscape register, as opposed to the entries on the historic parks and gardens register, need to be treated differently, and they are indeed treated differently through the planning system.

[205] **Suzy Davies:** So, things like battlefields would go onto that register, rather than trying to shoehorn them into the parks one.

[206] **Kenneth Skates:** Yes, battlefields. Though there aren't many—

[207] **Mr Hughes:** Battlefields are another category, another different type of beast. Indeed, in the research that's been undertaken, or led, by the royal commission in recent years, they've looked at about 40 well-known historic sites of battles, and very few of them were they able to actually accurately locate and depict. So, whereas you can put a hard line around a historic park and garden and say what is in and what is out, it's almost impossible to do so with a historic battlefield.

[208] **Kenneth Skates:** We'll be able to incorporate historic battlefields within scheduled monuments, given the new broader definition.

[209] **Suzy Davies:** I was thinking there's got to be a way they're incorporated, rather than standing alone—

[210] **Kenneth Skates:** Absolutely.

[211] **Mr Hughes:** Where we know, where we've got a physical, tangible trace of a historic battlefield, such as a scatter of munitions, technically, they could be included if they met the national criteria for scheduling.

[212] **Suzy Davies:** Out of interest, just on battlefields, shall we say speculative battlefields—things like old Arthurian battle sites, for example, where you might struggle to find bits of munitions, but legend has it that it was in such and such a place—

[213] **Kenneth Skates:** They're all over the Clwydian mountain range, let me assure you of that.

[214] **Suzy Davies:** I think you'll find they're in south Wales, quite a lot of them.

[215] **Kenneth Skates:** Not at all, no. [*Laughter.*]

[216] **Suzy Davies:** Would they be able to be included in this if there was at least some evidence to support that?

[217] **Mr Hughes:** If there's no tangible evidence—

[218] **Kenneth Skates:** If there was tangible evidence, though—.

[219] **Suzy Davies:** Tangible evidence can be literature. Anyway, I won't monopolise the questions too much. My final question is this, really: obviously, there's a plurality of things that would probably benefit from being on registers. Is there not a space in this Bill to have a general power to invent registers in the future?

[220] **Kenneth Skates:** We don't need it. We don't need legislation to do that. We don't need legislation to develop new registers of historic assets. We can create a register of historic assets without legislation. For example, the register of historic landscapes or the online inventory of battlefields that's being developed does not require legislation, so I don't think there's actually a need for that.

[221] **Suzy Davies:** So, there's some mention in the legislation, and it's just happenstance as much as anything.

[222] **Kenneth Skates:** I'm not sure there's a need to mention it in the legislation.

[223] **Suzy Davies:** That's great, as long as there's consistency.

[224] **Mr Hughes:** There was a need in terms of the historic parks and gardens, but there isn't a need for landscapes. As far as the battlefields are concerned, we feel that a more appropriate approach is to have an online inventory of the historic battlefields that have been identified and researched as a consequence of the work that the royal commission has recently done.

[225] **Suzy Davies:** Researched? Damn. [*Laughter.*] Thank you.

[226] **Christine Chapman:** Thank you, Suzy. Alun. Can I just say, we've only got about 20 minutes left, and I know there are some Members who haven't already spoken? So, I want to make sure that those Members—. Anyway, Alun.

[227] **Alun Davies:** I don't want to go off on a tangent, but battlefields are an essential part of our human history and the settlement of this land, and I find it curious that we don't have that many, if you like. The Romans took 200 years to get around here—the Romans and the rest of it—and there are a number of essential sites that depict the human habitation history of this part of the country. The online system, I think, is good, proper and effective, but the purpose of that online information must surely be to guide somebody around an actual place, and there can't be a replacement for that. I don't think we make enough of access to information through quick response codes and whatever it happens to be. But surely, that

must be a complement to walking through that field, and understanding what happened and when, rather than a replacement for it.

[228] **Kenneth Skates:** Actually, the Member makes a really good point here, because what we've been working on with great intent in recent years is the heritage tourism project. We've invested more than £13 million in interpretation, which includes some of the principal battles. Of course, the difference between, I guess, battlefields, then battlefields that are remote from castles and security installations, and then the battlefields that are contained within castles and to enable interpretation, to enable understanding of battles of the past, we've been able to identify them within castles and then apply funding to promote the interpretation of them. So, yes, QR codes, interpretation panels—interactive opportunities, I think, are absolutely essential, and educational opportunities too.

[229] **Alun Davies:** Good. But let's not forget industrial unrest as well, whether it's the Scotch Cattle or the Chartists, or—

[230] **Kenneth Skates:** The Chartists, yes.

[231] **Alun Davies:** But we'll leave it there.

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

[233] **Janet Finch-Saunders:** How does the Deputy Minister respond to the concern that the relaxation of conditions for application for a certificate of immunity from listing might inadvertently remove protection from hidden features that are later exposed through investigation, alteration or demolition? What safeguards will be put in place to minimise the risk?

[234] **Kenneth Skates:** Right. There are no examples, no cases, of hidden features being exposed once a certificate of immunity has been granted, so I'm confident that, given that officials have to be sure of the status of an asset, it would be utterly exceptional to later find a hidden feature. I don't think it would be fair then to withdraw a certificate of immunity from the owner of an asset because, essentially, it would've been for the official to have absolute confidence that the decision they had reached was based on all of the available materials and a thorough examination of the asset.

[235] **Janet Finch-Saunders:** Okay. How do you respond to the concerns that local planning authorities may be reluctant to use temporary stop notices, given the possible cost of paying compensation to the owner if this cessation of work causes direct loss or even damage?

[236] **Kenneth Skates:** This is another tool aimed at protecting the historic environment. It's not a silver bullet, but it would be at the discretion of the local authority to utilise this enhanced power. We've heard time and again from our local planning authorities that there is a need to enhance their powers and to remove some of the risk from what they do. Now, whether that be through temporary stop notices or carrying out urgent works with the ability to then recoup some of the costs, local planning authorities need those additional tools at their disposal.

[237] **Janet Finch-Saunders:** Okay. What consideration did the Deputy Minister give to using the Bill to provide greater powers and directions for local planning authorities to deal with buildings at risk, for example by establishing a national strategy for buildings at risk?

[238] **Kenneth Skates:** Okay. We're extending the use of urgent works, which will improve the powers that local planning authorities already have, but I believe that the most



effective way—and this goes back to previous questions—of dealing with problem buildings, problem assets, is through a strategic and partnership approach, and you’re absolutely right that strategies are crucial in that regard.

[239] Again, referring back to where I live, personally, Wrexham County Borough Council prepared a strategy for buildings at risk back in 2012. What they found was that the use of statutory powers made only a small contribution to the approach taken to tackling the issues. This approach identifies actions to target buildings that are most at risk—so, there’s a hierarchy of buildings at risk—and requires regular monitoring of others. There, great emphasis is put on establishing contact with those responsible for listed buildings. It comes back to the soft diplomacy—very much so—in making sure that owners are aware of what help is available to them, what grants may be available to them, what match funding is appropriate and available, and what actions can be taken. Of course, there is a role to encourage regular maintenance and the promotion of the use of traditional skills in properly maintaining historic assets. Properly maintaining and tackling buildings at risk is not just an issue for conservation teams.

10:30

[240] Again, Wrexham, alongside Swansea council, recognise the importance of cross-departmental and partnership working as part of a range of positive measures. There are good examples from both authorities where their approach has been particularly productive and successful. Sometimes, buildings are in the ownership of local authorities themselves. It’s essential that we ensure that these assets are managed appropriately, and it can be important to take a high-level strategic approach.

[241] **Christine Chapman:** Okay, Janet?

[242] **Janet Finch-Saunders:** Yes. How does the Deputy Minister respond to concerns about the implications of the proposed extension of the scope of urgent works and the power to recover costs on occupants, including vulnerable occupants?

[243] **Kenneth Skates:** Sorry, the question is—

[244] **Janet Finch-Saunders:** How does the Deputy Minister respond to concerns about the implications of the proposed extension of the scope of urgent works and the power to recover costs—and I should probably say ‘from’ the occupants, including vulnerable occupants?

[245] **Kenneth Skates:** Absolutely. It would only be as a last resort that a local authority would intervene, carry out urgent works, and apply a land charge in order to recoup the costs. So—

[246] **Janet Finch-Saunders:** I think you know where I’m going with this question. You know, examples—

[247] **Kenneth Skates:** But there are far too many cases of owners deliberately neglecting buildings or, whilst well-meaning, not having the financial capacity to care for the buildings, with the result that deterioration continues. So, it’s essential that we give local planning authorities the power to use, and that we’re able to empower them to use, their statutory powers to save buildings important to the community and, indeed, to the nation. It’s a very careful balance that needs to be struck, but I believe that the Bill strikes that balance.

[248] **Janet Finch-Saunders:** Okay. Do you feel the Bill addresses the concerns I raised with you during the last evidence session regarding the issues in my home town with the double glazing on listed buildings?

[249] **Kenneth Skates:** Ah. Right. Okay. This was, I think, in a conservation area, which relates to a different consent regime and also refers to the—what’s the judgment in 1997?

[250] **Mr Hughes:** It’s about the permitted development rights, the removal of permitted development rights within conservation areas, I believe.

[251] **Janet Finch-Saunders:** You could have three listed buildings in the conservation area, but one can be picked out by the local authority and enforcement served.

[252] **Christine Chapman:** Sorry, I don’t think this is the Bill as such.

[253] **Janet Finch-Saunders:** Yes, I know, but I have asked for protections to be put in this Bill.

[254] **Kenneth Skates:** Please do provide me with the details of what you’re referring to, and I can give them—

[255] **Janet Finch-Saunders:** There are 700 properties.

[256] **Kenneth Skates:** I do need the detail, if that’s okay, in order to consider the points that you made.

[257] **Christine Chapman:** Yes, you can write to the Minister, Janet.

[258] **Janet Finch-Saunders:** Okay.

[259] **Christine Chapman:** Right, we’ve got another supplementary—

[260] **Rhodri Glyn Thomas:** [*Inaudible.*]—you go around and sort out the double glazing.

[261] **Kenneth Skates:** Exactly.

[262] **Rhodri Glyn Thomas:** Take the van round.

[263] **Alun Davies:** Perhaps you should attend the Deputy Minister’s advice surgery. [*Laughter.*]

[264] **Kenneth Skates:** Yes.

[265] **Christine Chapman:** Janet? Okay?

[266] **Janet Finch-Saunders:** How does the Deputy Minister respond to concerns that the term ‘not interfere unreasonably with’ residential use, with regard to urgent works, is too vague?

[267] **Kenneth Skates:** No, I think, actually, again, we’ve struck the right balance here, because what was happening—and what is still happening—and what we’re aiming to stop is the scenario whereby a building or rooms within a building are used temporarily for storage. You can just end up with boxes being placed in a building in order to prevent urgent work from taking place. I think we’ve been able to strike the right balance between meeting the human rights of owners and occupiers, and the need to ensure that buildings at risk that require urgent work are given the attention by local or planning authorities that they deserve.

[268] **Janet Finch-Saunders:** Okay. Thank you.

[269] **Christine Chapman:** Okay. Peter?

[270] **Peter Black:** Actually, I think Janet's case of the double glazing is a good example of the interaction of planning, conservation and heritage in the whole thing, when there may be a good reason why they should be looking at a whole approach to that. The question I wanted to ask you was in terms of the urgent works. I mean, local authorities, as I understand it, already have the powers to carry out works on listed buildings in default and recover their costs, but very few of them actually do that because of the risk involved to them in actually getting the money back, and they don't have the money up front to be able to do that. I'm just wondering how this new power is going to be any different. Are local authorities going to not take the risk for the same reasons, because (a) they don't have the money in the first place, and (b) they have no certainty of recovering the costs when this is just a paper power?

[271] **Kenneth Skates:** Yes, the Member's right to say that local authorities already have the ability to carry out urgent works and to, effectively, identify the costs that they should be able to recover, but there's no actual mechanism for recovery at the moment. So, this enhanced power will give local authorities something that they have not yet had, which is an ability to actually, ultimately, recoup the costs.

[272] **Peter Black:** They've always had a mechanism to recover; this is just an additional mechanism.

[273] **Kenneth Skates:** Well, the mechanism that they've had has not been utilised.

[274] **Peter Black:** They haven't been able to utilise the power, because they haven't got the resources. This comes back to the issue of resources, I think. Without the extra resources, we're still going to get this same situation of the historic environment effectively degrading over time because private owners don't look after buildings and the local authorities don't have the powers—well, they have the powers, but they don't have the resources to use the powers they've got to intervene. I know it's a dreadful scenario, but that's—

[275] **Kenneth Skates:** But this does introduce an additional tool. Again, it's not a silver bullet; it's another tool that we're arming local planning authorities with. It's another way that local planning authorities are able to intervene, where and when necessary. But I do recognise that some local authorities may not choose to utilise the powers as much as others. What I would hope is that we will see best practice emerging and that we will see local authorities utilising this. It's a provision that the Welsh Local Government Association, I believe, have been very supportive of. It's something that has been raised with us on countless occasions.

[276] **Peter Black:** I'm not quibbling with the provision; I think it's fine, but I just think it is, you know—

[277] **Kenneth Skates:** Absolutely, yes.

[278] **Suzy Davies:** This is on exactly the same point, actually, because this is about securing the debt owed on the asset itself now, isn't it? But will a council realistically want to take on a wasting asset by way of enforcement?

[279] **Kenneth Skates:** Well, often they're not necessarily wasting assets; the assets still have great value. It's that the structure may be at risk to the point where, if work isn't carried out urgently, then they could fall into—

[280] **Suzy Davies:** It's dangerous—

- [281] **Kenneth Skates:** A dangerous condition.
- [282] **Peter Black:** For instance, the Palace Theatre in Swansea, which requires £6 million—
- [283] **Kenneth Skates:** I can't comment on individual cases I'm afraid—nor double glazing. *[Laughter.]*
- [284] **Suzy Davies:** Thank you, Chair.
- [285] **Christine Chapman:** Okay. We've got less than 10 minutes and there's two Members—I know Lynne wanted to come in as well, and Alun first, but we do have to finish at 10.45 a.m. So, Alun and then Lynne.
- [286] **Alun Davies:** Can I say, there are a number of issues I wanted to raise with you this morning, Minister, some of which are quite technical in detail, and it might be useful—
- [287] **Christine Chapman:** I think we're going to have to write to you with some of these issues, anyway, but I'll take Alun first and then Lynne.
- [288] **Alun Davies:** Yes, it might be useful if we deal with those issues in writing. But, Minister, the issue I would want to raise with you this morning is that of a general duty of care for owners of listed buildings. Have you given that consideration, and would you consider making an amendment to the proposed legislation to that end?
- [289] **Kenneth Skates:** Well, the general duty of care can be contained within the document that we're publishing in draft concerning the sustainable management of listed buildings. So, I'm confident that the publication of that material will enhance the proper and appropriate care of listed buildings.
- [290] **Alun Davies:** I'm content with that.
- [291] **Christine Chapman:** Okay. Thank you. Lynne.
- [292] **Lynne Neagle:** Thanks, Chair. Can I ask whether you've considered steps to minimise the upfront resource implications for local authorities of implementing the heritage partnership agreements?
- [293] **Kenneth Skates:** I think it might be worth the committee looking at the eight pilots that took place in England in reflecting on partnership agreements, Chair, if I may suggest that Members take a look at the analysis of those pilots, because what they show is, yes, there are upfront costs, but, in many cases, good savings were made. We are in new territory as far as partnership agreements are concerned. They are wholly voluntary, but, from the evidence that we've had and from the engagement we've had with organisations such as the Canal and River Trust, the National Trust, and so forth, there is a desire to see the option of partnership agreements introduced so that you can have very long-term management systems put in place to ensure that costs over time are minimised. But I think it would be worth having a look at the analysis of the eight pilot schemes, Chair. We can provide a direct link to that.
- [294] **Christine Chapman:** Yes, okay, if you would.
- [295] **Lynne Neagle:** And have you given any consideration to including ecclesiastical buildings?
- [296] **Kenneth Skates:** Yes, it will be possible to include ecclesiastical buildings within

HPAs, yes.

[297] **Christine Chapman:** Any other questions?

[298] **Lynne Neagle:** Well, no, because the Minister said that they're voluntary; they're not compulsory, then.

[299] **Kenneth Skates:** No.

[300] **Lynne Neagle:** Okay. That's fine.

[301] **Mr Hughes:** Can I just clarify about ecclesiastical buildings? Obviously, some denominations are exempt from the usual consent process already, and, of course, the intention of the heritage partnership agreements is to allow a kind of exemption again, during the course of the management agreement—while it's in place and when it's agreed. So, in fact, there's no need, in effect, for those exempt denominations to be exempted from something they're already exempt from, if that makes sense.

[302] **Christine Chapman:** Thank you. Bethan, do you want to come in on that?

[303] **Bethan Jenkins:** Yes; I was conscious of not wanting to leave the discussion without just mentioning the historic environment records. I think that was something that we had quite a lot of evidence on. I was just picking up on what the Isle of Anglesey County Council was saying in terms of statutory responsibility and saying that it's flawed in terms of the structure that you've decided upon and that, potentially, it should be either within the remit of the Welsh Government or a different organisation. So, your thoughts on that. And then, following on from that, so I can try to capture another question at the same time, with regard to whether you believe that the way in which it's written in the Bill, to give the local authorities that ability to not discharge the work to the archaeological trusts, needs to be amended in any way?

[304] **Kenneth Skates:** It's very telling, isn't it, that some of the responses to the committee argue, in relation to HERs, that HERs are not particularly relevant to the work of local planning authorities. Of course, this is precisely the attitude that we are trying to counter by placing the duty on local planning authorities. Oral evidence, I believe given by the WLGA and by officers from Swansea and the Vale of Glamorgan, recognised the value of HERs to their work. Were the duty to be put on Welsh Ministers, that would not enable us to do what we wish to do with HERs, which is to ensure that local authorities recognise the value of them. We would not be able to place a duty on Welsh archaeological trusts simply because of their charitable status. So, I believe we are right and, in terms of discharging via the Welsh archaeological trusts, I think that the evidence, again provided by—and I think some Members may have expected different evidence to be offered up by the WLGA, but I think the evidence offered by the WLGA demonstrates that the approach that we are taking is the correct one.

[305] **Bethan Jenkins:** I don't think I heard an answer, though, with regard to why you've given the ability, then, if they don't choose to discharge the duty to the archaeological trust, to the local authorities to take over that work. They didn't indicate that they wanted to, but the Bill does provide for that and, I suppose, that's where some of the evidence that I've seen has caused some concern about the level of expertise to be able to carry out that work in-house.

[306] **Kenneth Skates:** I think putting the duty on local planning authorities should be tied to empowering the local authorities to discharge the duty, but to choose to do it, if necessary, via the Welsh archaeological trusts, because we do need to recognise that, in most cases, local planning authorities simply do not have the expertise to be able to compile and to properly

maintain HERs as required.

[307] **Bethan Jenkins:** Okay, thanks for that. The other question I had was with regard to the evidence from the national park authorities and also some of the issues raised by the trust about clarification on issues with regard to statutory guidance—so, the governance of the Welsh archaeological trusts, procedures for accessibility, and also hearing the variation between some of the data collected and the accuracy of those data. So, I'm just wanting to be assured that the guidance will follow through on that.

[308] **Kenneth Skates:** A very good question. There's an audit taking place currently of the existing HERs, and there has to be standard, high quality of historic records maintained. Gwilym.

[309] **Mr Hughes:** Yes, and, of course, this statutory guidance will be subject—I keep on holding up props, don't I—to proper consultation in due course. So, there will be opportunities for stakeholders to comment on the content of the guidance, and to tighten it, if necessary.

[310] **Bethan Jenkins:** Do you think the additional moneys that you've provided will be sufficient enough to carry forth this work effectively?

[311] **Kenneth Skates:** Yes.

[312] **Bethan Jenkins:** Okay. Thanks.

[313] **Christine Chapman:** Right. Okay. There may be a couple of other questions, but, because the time is against us, we will write to you, Deputy Minister, on that, if you're happy.

[314] **Kenneth Skates:** Okay. Thank you.

[315] **Christine Chapman:** Can I thank you all for coming today and giving evidence? It's been a very useful session. It will help us—the committee—with this.

10:45

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

[316] **Christine Chapman:** There are a couple of papers to note.

#### **Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r Cyfarfod Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Meeting**

*Cynnig:*

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

*Cynigiwyd y cynnig.  
Motion moved.*

*Motion:*

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

[317] **Christine Chapman:** Before we close, can I just invite the committee, if you're happy for us to go into private session, to have a number of discussions for the remainder of the meeting? Are you content with that? Yes. Lovely. Thank you. So, we'll close the public meeting now.

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 10:46.  
The public part of the meeting ended at 10:46.*