

**Andrew Farrow**  
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Prif Swyddog (Cynllunio a'r Amgylchedd)



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Date/Dyddiad 24th June 2015  
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HE 50

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol/  
Communities, Equality and Local Government Committee  
Bil yr Amgylchedd Hanesyddol (Cymru)/Historic Environment (Wales) Bill  
Ymateb gan: Cyngor Sir y Fflint  
Response from: Flintshire County Council

Dear Sir / Madam,

### **Flintshire County Council response to the Historic Environment (Wales) Bill Consultation**

Please find below the Council's response to the Historic Environment (Wales) Bill consultation. Please could you note that the Council has significant concerns about the short consultation period for such an important piece of legislation.

The key aims of the Bill are welcomed, in particular the intention to provide more effective protection to listed buildings and scheduled monuments.

#### **Listed Buildings and Scheduled Ancient Monuments:**

The introduction of interim protection for both listed buildings and SAMs during the consultation period for deciding whether to add or remove (or for a SAM make a material amendment) is welcomed. The proposed introduction of immediate

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The Council welcomes correspondence in Welsh or English  
Mae'r Cyngor yn croesawu gohebiaeth yn y Gymraeg neu'r Saesneg

protection for both listed buildings and SAMs through a temporary stop notice is also an important provision.

#### Statutory Register for Historic Parks and Gardens:

The introduction of the statutory register is welcomed, as is the intention of Cadw being consulted on all grade I and II\* sites and a nominated society being consulted on grade II sites. Notwithstanding that, it is suggested that the planning guidance is amended from 'may be a material consideration...' to something that ensures that a proposed development that has an effect will be considered as a material planning consideration (para 111 of the Explanatory Memorandum).

#### Listed Buildings:

The extension of the scope of urgent works is a positive move, along with amending the mechanism for the recovery of expenses. However the reality is that local authorities do not have the financial resources to undertake works or risk the financial implications that might result e.g. it might not be possible to either fund the works in the first place, or to recoup all costs from putting a charge on a building as the building may not achieve that value on sale, or other charges on the property take precedence.

#### Historic Environment Records:

It is not entirely clear, although it is implied in draft HER guidance, that the intention is for the HER to remain under the remit of the Archaeological Trusts. This is the most logical place for them to be held as the Trusts hold the data at present and have the knowledge to be able to fully interpret this data. To place this under the local authority would not work due to the lack of expertise, staff and IT resources, especially at a time when conservation budgets and staff in local authorities are being decimated as they aren't seen as important and don't have a statutory role. Alongside this, there should be a requirement for local authorities to continue to fund the HER to ensure this funding is not cut as part of larger budget cuts.

#### Heritage Partnership Agreements:

Whilst the reasoning behind HPA's is understood, the Council has concerns over this given some of the major issues it is currently experiencing as a result of a large land owner / estate undertaking hugely damaging unauthorised works to some of the listed buildings in the county.

#### Conservation Areas:

There is no reference to improving the protection afforded to conservation areas. This is considered to be a fundamental omission as conservation areas without Article 4 directions are undergoing incremental and cumulative damage which is undermining the special character of these areas. The inability to prevent the loss of traditional windows to replacement upvc is a particular concern.

#### Ecclesiastical Exemption:

There is no reference to the issues currently facing buildings with ecclesiastical exemption. It is a general concern that some of the works being carried out to these buildings, in particular in relation to church re-ordering, are resulting in the loss of important historic features and fabric and impacting detrimentally on the character of the church without, for example, identifying what is significant and recognising that not all churches can, or should, be altered. This is leading to two standards and two different approaches to listed buildings – those overseen by local authorities and those overseen by the relevant Churches.

One additional concern which it is felt important to raise is the loss of conservation officers within local authorities. Some authorities do not see the need to have even one person in post and it is hard to see how even the basic day to day functions of dealing with listed building consent can be undertaken without the specialist knowledge required, let alone the other requirements of the role and its importance in, for example, the regeneration of town centres. This in itself is going to result in irreparable damage to the historic environment and needs to be addressed, otherwise the positive aspects of the new Bill will not be implemented successfully as the requirement will simply be seen as an added resource burden by local authorities rather than an essential role.

Yours faithfully,

For Chief Officer (Planning and Environment)