

HE 54

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Communities, Equality and Local Government Committee

Bil yr Amgylchedd Hanesyddol (Cymru)/Historic Environment (Wales) Bill

Ymateb gan: Ymddiriedolaeth Addoldai Cymru

Response from: Welsh Religious Buildings Trust

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Committee Clerk

Communities, Equality and Local Government Committee

National Assembly for Wales

Cardiff Bay

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Annwyl Ms Beasley

Consultation on the Historic Environment (Wales) Bill

Thank you for the opportunity to submit our views on this subject.

Ymddiriedolaeth Addoldai Cymru Welsh Religious Buildings Trust (Addoldai Cymru/AC) was established by Cadw in 1999 following recommendations by the Welsh Affairs Committee of the House of Commons, contained in their report *The Preservation of Historic Buildings and Ancient Monuments* (1993).

Addoldai Cymru takes into care redundant non-Anglican religious buildings that are exceptional examples of Wales' religious built heritage. The Trust also endeavours to provide advice and assistance to those responsible for caring for the religious built heritage in Wales, as its resources allow. (In respect of caring for redundant Anglican churches in Wales, the Representative Body of the Church in Wales has established an arrangement with the Friends of Friendless Churches.)

Addoldai Cymru currently owns six redundant Nonconformist chapels and is in the process of acquiring another. All the Trust's buildings are in the process of being repaired in phased programmes, with one nearing completion. Once repaired they are made available for community use and public access, the nature of use being dependent on location, and their layout and flexibility/adaptability within the Trust's conservation ethos/framework. The development of local friends groups is an essential part of the process.

Addoldai Cymru is also committed to developing partnership working, and has been working closely with the Royal Commission on the Ancient and Historical Monuments of Wales in relation to the provision of information about its buildings and about Nonconformist buildings generally in digital formats.

Addoldai Cymru receives limited core funding for day-to-day running costs and basic overheads for its buildings from the Welsh Government via Cadw; other income is from grants and donations.

At Cadw's invitation Addoldai Cymru submitted a paper in March 2014 which provided an assessment of the current position regarding the issue of redundant religious buildings and the role of Addoldai Cymru, including lessons that AC has learnt. Addoldai Cymru hoped that the paper would help inform Cadw's emerging strategy for religious buildings.

Chapel closure and redundancy is rapidly increasing. This will include the closure and disposal of some of our most cherished high quality and highly listed buildings. The burden on many declining and ageing congregations is increasing and is unsustainable. This is an inevitable process and it is not a problem that is going to go away quietly and resolve itself. It needs strategic intervention.

1. The general principles of the Historic Environment (Wales) Bill and the need for legislation

Addoldai Cymru has been pleased to engage in consultation via consultative meetings in 2012 and in its submission of the "The Future of our Past" consultation questionnaire in 2013. Trustees discussed the current documents at a recent board meeting with mixed feelings. The proposed enhancements to existing mechanisms were generally welcomed, but there is disappointment that the chosen vehicle is a Bill which will result in a third Act, rather than the proposals being incorporated into the two existing Acts or better still a single, new, consolidated, Welsh Act. There is also disappointment that the proposals are not more wide ranging, addressing issues that have been raised during the consultation process, such as the need for new mechanisms that would assist in the provision of new life for problematic historic buildings.

2. Giving more effective protection to the historic environment

AC welcomes the proposed extension of the scope of urgent works to listed buildings, the recovery of costs through the introduction of a legal charge upon the land, and the power of local authorities to issue a temporary stop notice to prevent the continuation of unauthorised work on a listed building.

AC notes that the register of historic parks and gardens will be granted statutory status, albeit with little in the way of statutory protection, but is disappointed to find nothing in the documentation in respect of Wales' rich heritage of religious buildings. Arguably Wales' Nonconformist heritage is more significant, and more expressive of Welsh cultural heritage, than are its historic parks and gardens. Substantial work has been done in creating databases of Wales' religious buildings but this has been overlooked.

3. Enhancing existing mechanisms for the sustainable management of the historic environment

AC welcomes the proposed statutory duty on local planning authorities to maintain an Historic Environment Record. Since the current voluntary arrangements with the four Welsh archaeological trusts are likely to continue it is essential that current funding arrangements are consolidated and that local authorities, through appropriately qualified staff, establish appropriate service level agreements with their local archaeological trust.

AC wonders whether sufficient consideration has been given within the Bill to future-proofing arrangements for data gathering and management of historic environment records. Various records other than HERs are already emerging and consideration needs to be given to their integration, particularly as new technology develops.

AC believes that the proposed relaxation of the conditions for an application for a certificate of immunity will almost certainly result in an increased volume of applications. It may well facilitate the development of historic buildings that do not meet current listing criteria, but there are inherent risks. As the scarcity of a particular building type or feature increases, or as opinions or criteria on what is of special architectural or historic interest change, a judgement regarding a building's eligibility for listing may well change, by which time it may be too late. Indeed, had certificates of immunity been readily issued 25 years ago in respect of Wales' Nonconformist chapels, many that are now listed could have been irretrievably altered or lost. Certificates of immunity should therefore be issued rarely and only following careful consideration of the present and potential merits of the building.

AC notes that whereas the Bill proposes enhancements to existing legislative procedures, and the placing of historic record management onto a statutory footing, the documentation proposes little in respect of new mechanisms for managing change in the historic environment. Strategic plans for different sectors of the historic environment are needed, and AC has been keen to be involved in the development of Cadw's strategy for places of worship. Wales' religious built heritage is in crisis and an in-depth analysis of the issues and proposals for their management are urgently required. However, AC trustees are disappointed by the apparent lack of any such in-depth analysis within Cadw's emerging strategy document, and by the omission of specific guidance on the conservation of religious buildings - promised by the Minister - amongst the suite of draft guidance documents.

AC has previously recommended that Capel - the Chapels Heritage Society is made a statutory consultee in respect of planning and LBC applications that affect listed Nonconformist chapels. Capel already undertakes this role on an informal basis and most but not all planning authorities consult as appropriate. As a statutory consultee, Capel would also be enabled to comment upon proposals which currently have Ecclesiastical Exemption status.

4. Introducing greater transparency and accountability into decisions taken on the historic environment

AC welcomes the proposed duty on Welsh Ministers to inform owners of a decision to list, the interim protection and the provision whereby an owner or occupier may request a review of the decision to list.

AC trustees have expressed mixed feelings in respect of the proposed Advisory Panel. Some trustees welcomed it as a vehicle whereby expert opinion could genuinely challenge Welsh Ministers and Cadw on their policies and strategies, and drive a positive agenda. Others were more sceptical and questioned how independent the panel would be, given that its members would be appointed by the Welsh Government and that its work programme must be approved by the Welsh Ministers. Since the Advisory Panel is intended to "introduce greater transparency and accountability" it was generally felt that

the Bill and Explanatory Memorandum should explain how transparency and accountability are to be achieved – the Historic Environment Group (HEG) for example has done useful work but this goes unreported and unpublished. AC considers that the Advisory Panel's work must be wholly transparent – whereas it is intended that its work programme must be published, there is apparently no requirement to publish its output and this must be made a statutory obligation.

AC trustees have been puzzled by the Explanatory Memorandum's description of HEG as merely a "forum for stakeholder communication and coordinated action" (EM para. 26) because it had been widely believed that it was indeed established to act as an expert body to advise the Minister. It would appear that HEG is not to be granted statutory status but since its continued existence is implied, its relationship with the Advisory Panel and their respective roles need to be clarified. This is important for both bodies – AC trustees do not recognise the description of HEG: "the forum provides opportunities for the Minister to speak directly to the sector which helps to ensure clear messaging" (EM para. 487), since HEG has a limited invited membership.

AC trustees agree that the work of the voluntary sector is important to the historic environment (EM para. 550). Great care will need to be taken in the appointment of experts claiming to represent this sector in all its diversity. The voluntary sector is not adequately represented on the Historic Environment Bill External Reference Group, and not one member of the Wales Heritage Group, which includes the national amenity societies and the building preservation trust movement amongst others, is represented.

5. Any potential barriers to the implementation of the Bill's provisions and whether the Bill takes account of them

AC trustees have expressed a deep concern that whilst protection of the historic environment is currently being granted a higher profile by the Welsh Government, simultaneously there is the real threat of diminished resources, both in terms of appropriate staff and finance, in local authorities and at Cadw.

Many local authorities in Wales have over the years not given priority to employing experienced, qualified conservation staff and this is unlikely to improve. Inconsistencies in staff capacity across Welsh local authorities will have an adverse effect on the consistent delivery of the Bill's provisions. It is therefore regrettable that no duty is being placed upon local authorities to employ appropriate staff to manage its legal obligations under this Bill's resulting Act, together with the 1979 Act and the 1990 Act.

Similarly, cuts in Cadw staffing levels and expertise, and its ability to offer financial support to projects, will undoubtedly have a detrimental effect on the implementation of the Bill's provisions.

The creation of a third Act, rather than amendments to the two existing Acts or, better still, a new single consolidated Act, is inevitably inefficient and is likely to create a degree of confusion for historic asset owners and professionals alike.

7. The financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum)

AC reiterates its concerns about the level of financial resources that the Welsh Government and local authorities are able or willing to commit to the protection of the historic environment.

Whereas the Explanatory Memorandum shows predicted costs of the proposals, these are not placed in context and do not explain if expenditure elsewhere needs to be cut to meet the additional costs. Scrutiny of the Welsh Ministers' commitment to expenditure on the protection of the historic environment could be part of the Advisory Panel's remit.

AC trustees have noted that continued funding for the Welsh archaeological trusts is guaranteed, whereas AC has no such guarantee despite being a body specifically created by Cadw on the recommendation of the parliamentary Welsh Affairs Committee.

8. The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)

AC considers that any subordinate legislation or guidance should be subject to full consultation and transparent scrutiny.

The above response has been approved by Addoldai Cymru's board of trustees, who also endorse the separate response being submitted by the Wales Heritage Group.

Yn gywir

Gruff Owen
Trust Manager