

Communities, Equality and Local Government Committee

Inquiry into the Welsh Government's Historic Environment Policy

Response from Country Land & Business Association

SUMMARY AND INTRODUCTION

1. The CLA, as by far the biggest stakeholder organisation of those who look after the historic environment of Wales, is one of the half-dozen most important stakeholders in this field.
2. We welcome this Review because current historic environment legislation, policy and practice are not working as well as they could.
3. The historic environment review in Wales needs to follow a different path to its counterpart in England, and not make the mistakes which were made there, where it was sidetracked into abstraction, failed to identify the real problems, and thus failed to find or implement worthwhile and workable solutions. Ten years of time and effort were largely wasted (though a more focused approach in the last three years has led to some real progress).
4. This Review must therefore not just ask why heritage “is important to us all”. We already know that. **It needs to focus on three fundamental questions:**
 - (a) **Does the heritage system work as well as it should and could?**
 - (b) **If not, why not?**
 - (c) **What should we do about it?**
5. The test of this Review will be whether it seeks, finds, and implements the answers to these questions. Fortunately, the Minister seems to be aware of the issues, writing in *Ministerial priorities for the historic environment*¹ of this “important phase when resources are under pressure and the traditional delivery systems and structures may prove to be ill equipped to face the future. Our plan of action therefore needs to be realistic...”, and adding that “We cannot assume that long-established ways of working will be viable or relevant...”.
6. The essential issue is of course that Wales has a great deal of heritage, and that looking after it is very expensive. The state or philanthropy can pay only a very small part of this cost. Most heritage will survive in the long term only if it is relevant to the future of which we want it to be part, and is sufficiently valued by those who use it and own it, and if (directly or indirectly) it produces a flow of

¹ *Ministerial Priorities for the Historic Environment of Wales*, Welsh Government and Cadw, 2012.

income to meet the costs of looking after it. Public policy needs to ensure that this happens. It needs to achieve that in two principal ways:

- (a) by setting up a system of legislation and policy which will encourage the public to care for heritage, by ensuring that it is used and appreciated, and can be adapted in sympathetic ways. This is not about cutting heritage protection, but about boosting it by creating a system which really works, not least by ensuring that it can work with the resources which are realistically likely to be available.
 - (b) although that should ensure that most heritage will be looked after by its users and owners, inevitably even the best-regulated market will not take care of all heritage. Some carefully-targeted support, in the form of grants and other help, is therefore needed to deal with 'market failure' (see for example 14 below).
7. There is a danger that – as happened in England – this Review might become diverted into easier and catchier themes, and end by simply producing soundbites about things like “the public value of heritage” and “digital media”, and by recommending “more partnership working” and a few tweaks to the Scheduled Monument Consent regime. However well-meaning, these things would not make any substantive difference. If this Review does not lead to effective reform of legislation and policy, it would have failed. Such a failure would be dangerous, because the system would move further towards inadequacy and collapse.

THE CLA

8. The CLA's c4,000 members manage at least a quarter of all heritage in Wales, including well over half of rural heritage. We are by far the biggest stakeholder group of managers and owners of heritage. The CLA believes strongly in effective and proportionate heritage protection, protection based not on covering the historic environment in red tape but on ensuring that it is used and valued and maintained in the long term.

THE QUESTIONS

- (a) *How appropriate and successful are the current systems employed by the Welsh Government for protecting and managing the historic environment in Wales?*
9. As noted in 2 above, they are not as effective as they should be, and their effectiveness is declining², and it is very important that the questions set out in 4 above are asked now. The core problems are:
- (i) that because current legislation assumes that any change to heritage requires expert scrutiny, the system has a very high resource need, much higher than is (or is ever likely to be) provided in practice. That means that the heritage consent process often does not work properly, and it is too difficult to get consent for desirable change, especially (counter-intuitively) more minor change.
 - (ii) that (even in the relatively recent *Planning Policy Wales*) formal planning policy still has a strong presumption in favour of the “preservation” of heritage, implying the prevention of change, not on the “conservation of significance” which is

² They are, to be fair, still more effective than in England, where the problems are more acute.

modern conservation best practice. In the long term, sympathetic change is probably *more* important than repair: a building which is viable and relevant is likely to be kept in repair, but an irrelevant, non-viable building may well not be.

(b) *How well do the Welsh Government's policies promote the historic environment in Wales (for instance, in terms of interpretation, accessibility, attracting new audiences and tourism)?*

10. We think reasonably effectively, and significant effort has been put into this in recent years. Public enthusiasm is important because it is a necessary condition for the long-term survival of heritage: unless people want to live and work in heritage, visit it, and (especially) own it, it is unlikely to have a long-term future. But public enthusiasm is not a *sufficient* condition for the survival of heritage: as above, effective legislation, policy, and practice are also essential.

(c) *How well do the policies for the historic environment tie in with wider Welsh Government policy objectives (such as the regeneration of communities)?*

11. We think there is scope for improvement here. Above all, historic environment policy should align seamlessly with planning policy, which should take full account of the historic environment's vital role in the overall economy, in tourism, and as a catalyst in regeneration. Some other policies are unnecessarily in conflict: in particular, climate change policy based (illogically) only on maximising "energy efficiency" is damaging to the environment, especially the historic environment, and it should be replaced by policy based (logically) on minimising whole-life carbon impacts.

(d) *What would be the advantages and disadvantages of merging the functions of the Royal Commission on the Ancient and Historical Monuments of Wales with the functions of other organisations, including Cadw?*

12. This question is outside our field of interest and expertise.

(e) *What role do local authorities and third sector organisations play in implementing the Welsh Government's historic environment policy and what support do they receive in this respect?*

13. Local authorities are at the core of the system, especially (but not only) as primary decision-takers in the planning and listed building consent systems. These systems impose a very high burden on local authorities, a burden they are not adequately resourced to meet. The solution is firstly to set up a system which focuses local authority resources on the cases which matter most, and secondly to devise mechanisms which ensure that local authorities do then have the resources needed to operate this new, more streamlined, system.

14. Third sector organisations, though less significant than local authorities, are important, but their effectiveness is often reduced by extreme lack of resource, and lack of co-ordination. There is no single easy solution, but as a starting point a co-ordinating body based on the Built Environment Forum Scotland or the Heritage Alliance in England would probably achieve in Wales much of what these other bodies have achieved elsewhere in the UK, at a relatively low cost.

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