

Historic Environment (Wales) Bill

Voluntary Sector Impact Assessment

Introduction

The Historic Environment (Wales) Bill forms part of a suite of legislation, policy, advice and guidance that seeks to improve existing systems for the protection and sustainable management of the Welsh historic environment. In broad terms, the Bill gives more effective protection to listed buildings and scheduled monuments; enhances existing mechanisms for the sustainable management of the historic environment; and introduces greater transparency and accountability into decisions taken on the historic environment. Apart from two pieces of stand-alone legislation, the Bill's provisions involve amendments to the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Voluntary sector engagement in the historic environment

There are over 700 voluntary organisations in Wales concerned with history and the historic environment. Many groups receive funding from the Welsh Government and form an important component in the systems for the care and protection of the historic environment and for the public's engagement with it. During *The future of our past* consultation on proposals for the Bill, the voluntary sector was, overall, supportive of the measures proposed.

The Bill does not contain any provision which will impact directly on the voluntary sector other than those with a significant landholding containing historic assets, although the impacts would be the same as on any other landowner where the impacts will be neutral to positive. The Bill also has the potential to have indirect, slight positive, impacts which are considered below under the individual provisions.

Consultation and review of decisions to designate historic buildings and ancient monuments

Unless affected as owners of potential designated assets, the key impact on voluntary groups will be the placing of consultation on a statutory basis. Although consultation is already carried out on a voluntary basis, the provisions will require the Welsh Ministers to consult including with persons with a specific or general knowledge of the site. This will help ensure that amenity, civic and other third sector interest groups are able to engage in the ongoing statutory protection of the key historic assets of Wales.

Reform of the scheduled monument consent process

The amendments to the scheduled monument consent process, to authorise works to scheduled monuments, are largely technical and aim to streamline and simplify

the processes involved. As such they will affect all applicants equally and are not likely to have a significant impact on the voluntary sector. The main beneficial impact would be the simplified SMC process which would allow voluntary conservation groups, and others, to receive almost immediate authorisation to carry out works without the need to go through the formal consent process. Works could be agreed at a site meeting and authorised almost immediately.

Enforcement against unauthorised works affecting scheduled monuments and listed buildings and changes to the offences and defences in the 1979 Act

The provisions will not impact on third sector organisations other than where, like any other owner or party, they have carried out unauthorised, illegal, works. Enforcement may, however, help to protect monuments and buildings which are the subject of particular interest to amenity and other interest groups.

Statutory duty on the Welsh Ministers to compile and maintain a register of historic parks and gardens

The provisions will ensure that the currently non-statutory register, on which the parks and gardens were included only with the agreement of the owner, is placed on a statutory basis. The change has the potential to affect any third sector group that owns a site on the register as inclusion is a material consideration in the planning process. Around 34 of the 382 sites on the register are owned by third sector charitable organisations. A further impact will be where voluntary groups help to staff and manage sites on the register. The impacts will be indirect and positive in so far as a statutory register may be perceived to have a higher status and statutory registration will ensure that it continues to be comprehensive and up to date for the future.

Extend the definition of what sites may be scheduled

The extension of the definition of the type of historic site that can be designated as a scheduled monument will impact on the owners of the land or sites in question. Some of the sites identified for possible scheduling are known to be in the ownership of third sector charities. However, it is estimated that less than 30 such sites will be added to the schedule which currently consists of over 4,000 sites.

Certificates of immunity from listing

The provisions would allow applications for certificates at any time, not just when planning permission has been applied for or already granted. The change will benefit owners and developers considering works to historic, unlisted buildings.

Heritage partnership agreements

The agreements will allow scheduled monument and listed building consent to be granted for a long-term programme of works to designated sites without the need to

seek consents individually, on a piecemeal basis. Heritage partnership agreements are likely to be particularly relevant, and beneficial, to third party organisations with a significant landholding containing historic designated assets such as the National Trust.

Urgent Works Notices

The extension of application of urgent works notices to all listed buildings, provided the works in question would not interfere with residential use, has the potential to affect any owner who neglects the maintenance or repair of their historic property.

Historic environment records

Placing a duty on local planning authorities to create and maintain a historic environment record will ensure that the information on the record continues to be available to all and will have no impact.

Advisory Panel

8.13 The role of the panel will be to provide independent advice to the Welsh Ministers across a broad range of policy development and areas requiring expert advice. This will have no impact other than that the issues of third sector organisations engaged with the historic environment will be considered by the panel, which will also ensure members have appropriate knowledge and expertise.