

# Agenda – Culture, Welsh Language and Communications Committee

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Meeting Venue:

Committee Room 2 – Senedd

Meeting date: 22 November 2017

Meeting time: 09.30

For further information contact:

Steve George

Committee Clerk

0300 200 6565

[SeneddCWLC@assembly.wales](mailto:SeneddCWLC@assembly.wales)

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## 1 Introductions, apologies, substitutions and declarations of interest

## 2 Historic Environment: Evidence Session 3

(09:30 – 10:20)

(Pages 1 – 19)

Alex Glanville, Head of Property Services, The Church in Wales

Gethin Rhys, National Assembly Policy Officer, Cytun – Churches Together in Wales

Judith Morris, General Secretary, Baptist Union of Wales

Dr Christian Williams, Co-ordinator of the Baptist Union of Wales Corporation

## Break (10:20 – 10:30)

## 3 Historic Environment: Evidence Session 4

(10:30 – 11:20)

(Pages 20 – 25)

Rob Lennox, Policy Advisor, Chartered Institute for Archaeologists

Kate Geary, Head of Professional Practice and Development, Chartered Institute for Archaeologists

## 4 Historic Environment: Evidence Session 5

(11:20 – 12:10)

(Pages 26 – 32)

Jonathan Thompson, Senior Heritage Adviser, Country Land and Business Association



Rhianne Jones, Policy Officer, Country Land and Business Association

## **5 Paper(s) to note**

### **5.1 Correspondence from S4C: Partnership agreement between S4C and BBC**

(Pages 33 – 34)

## **6 Motion under Standing Order 17.22 to appoint a temporary Chair**

In the absence of Bethan Jenkins AM, the Committee will be invited to agree the appointment of Sian Gwenllian AM as the temporary Chair for the next three meetings of the Committee.

## **7 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:**

## **8 Private debrief**

(12:10 – 12:30)

# Agenda Item 2

Document is Restricted

- 1.0 Cytûn brings together the main Christian denominations of Wales and a number of other Christian organisations in Wales. A full membership list can be found at: [www.cytun.cymru/us.html](http://www.cytun.cymru/us.html) The member denominations have an adult membership of about 165,000 and meaningful contact with many more adults, children and young people in every community in Wales. The denominations hold in trust many thousands of buildings, mainly places of worship, including [3,000 historic places of worship](#) – about 10% of the total number of listed buildings in Wales. Churches also own some other listed properties (e.g. parsonages, cathedral closes, historic colleges, etc.) Many thousands more are included on local lists of historic assets of special local interest, or are considered important by their local communities.
- 1.1 Individual denominations have been encouraged to respond to the Committee’s survey of owners of historic buildings. It is important to note that places of worship are ‘owned’ by trust bodies, who hold them in trust for specified uses, usually the worship of God and the promotion of the Christian religion, sometimes limited to a particular understanding of that religion. Under charity law and the Acts of Parliament which govern many individual Christian denominations (such as the [Welsh Church Act 1914](#), the Calvinistic Methodist or Presbyterian Church of Wales Act 1933 as amended 1959, and several others), the trustees cannot use the resources held in trust for other than the relevant charitable purposes. The maintenance of the built heritage is not usually in itself one of those purposes, although it is often ancillary to the principal purposes. Some Christian traditions use a corporate trustee (a trust company) to hold the property; in others, local individuals are appointed as trustees for each building. In almost every case, day to day management of the property rests with local volunteers. This has significant implications for the management of these buildings, as the report *Supporting Places of Worship in Wales* (<http://www.nationalchurchestrust.org/news/future-wales%E2%80%99-churches-and-chapels>), published on 23 August 2017, illustrates.
- 1.2 The status of many church bodies as ‘excepted charities’ (covered by charity law but unable to register as charities) can make fundraising for building maintenance even more challenging, as many grant making trusts will fund

only registered charities, or require the insertion of specific provisions in a charity's constitution which for churches would run counter to the relevant Acts of Parliament. Cytûn has produced a briefing paper on this technical issue which can be made available on request, and is attempting to engage in dialogue with Welsh Government about the implications.

- 1.3 Cytûn, as an umbrella body for the denominations which own almost all of the 3,000 listed places of worship, takes the lead in co-ordinating the churches' engagement with Cadw regarding listed building legislation and policy. Individual denominations and congregations may also submit comments to this inquiry. We have not sought to comment on every aspect of the inquiry, only those of most relevance to historic places of worship and other ecclesiastical buildings.

## 2. Implementation of the Historic Environment Act

- 2.1 Cytûn and its member churches were fully part of the consultation process around the Act, and engaged extensively with Cadw and with the relevant Assembly committee during the passage of the legislation. We are grateful to Cadw, the Minister responsible and Assembly Members for their willingness to consider the particular issues surrounding historic ecclesiastical buildings during this process.
- 2.2 Engagement with Cadw has been enhanced by the establishing of the Historic Places of Worship in Wales Forum, which provides a regular meeting place for Christian denominations, Cadw, the Royal Commission on the Ancient & Historic Monuments of Wales, trusts, funding bodies and other stakeholders to meet, share news and discuss items of concern. This regular meeting place enables a fuller understanding of the constraints facing each part of the sector, as well as the opportunities afforded by Wales's remarkable heritage of ecclesiastical buildings. It has also played an important role in enabling those denominations who administer their buildings in Wales from offices in England to become more fully engaged with the sector in Wales and with the new legislative framework in Wales.
- 2.3 Through this Forum, Cytûn and individual denominations have responded to each consultation on guidance issued under the Act, and we are grateful that many of our comments have helped improve the final guidance. We believe that the suite of resources now available is a great help to those seeking to engage with historic ecclesiastical buildings in Wales, although it is clearly

geared more at professionals in the field than at the volunteers who undertake day to day care of our buildings.

- 2.4 The Forum has also established sub-groups on (for example) the implications of community asset transfer for churches, and the impending revision of the secondary legislation regarding so-called “Ecclesiastical exemption” (see section 3 below).

### 3. Protection for listed buildings and scheduled monuments

- 3.1 The procedures for Listed Building Consent for ecclesiastical buildings are the same as those for any other historic building. However, the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994 provides for six of the member denominations of Cytûn to use alternative procedures. [These are: the Church in Wales; the Roman Catholic Church; the Methodist Church; the Baptist Union of Wales; the Baptist Union of Great Britain; and the United Reformed Church. The United Reformed Church is seeking to be removed from this ‘exemption’]. It is important to understand that (unlike in Northern Ireland) these churches are **NOT exempt from the law** or from the requirement to obtain listed building consent or conservation area consent. Rather they are permitted to use an alternative consent system which enables those who understand the requirements of a place of worship to have input to the decision.

- 3.2 The ‘exempt’ denominations believe that the ‘Ecclesiastical Exemption’ offers assurance to our built heritage and value for money for the following reasons:

3.2.1 The terms of the Order ensure that ‘exempt’ denominations have sound procedures that reflect the secular system of Listed Building Consent and which are at least equivalent in rigour to those operated by the secular authorities.

3.2.2 Approval of proposals is given by an independent decision making body after expert advice and consultation.

3.2.3 The public are notified of proposed works and are able to comment on proposals.

3.2.4 The ‘exemption’ provides excellent value to the tax payer in removing the obligation to consider listed building consent on a large number of listed

ecclesiastical buildings from local authorities (but with consultation with those authorities).

3.2.5 Most 'exempt' denominations apply similar procedures for proposals to unlisted buildings so the exemption gives a measure of protection to those too.

3.2.6 The 'exemption' requires that each building has a regular condition inspection to inform and drive decision making and proposals for alterations are given detailed consideration by experts knowledgeable about ecclesiastical buildings and their use. This also helps to ensure that such buildings remain in regular use – by far the best way to ensure their preservation.

3.3 We understand that Cadw intends to bring forward a revision of the 1994 Order, under the Historic Environment (Wales) Act, during 2018, and we are currently engaged with them on the detail of this.

#### 4. Protection for buildings and monuments at risk

4.1 Cadw's [Strategic Action Plan for Historic Places of Worship in Wales](#) estimates that 10% of such buildings are at risk or vulnerable. We would suggest that this is a serious underestimate, and that many more are at risk of serious deterioration or total loss.

4.2 The greatest risk to ecclesiastical buildings in Wales is caused by their under-use and, in some cases, by their loss of viability. This relates partly to declining patterns of regular church attendance and financial support, and also to the unsuitability of many historic places of worship for modern worship or other uses. All our member churches are very aware of this issue, and it is a regular part of discussion at the Historic Places of Worship in Wales Forum (see 2.2–2.4 above). These issues are explored further in the National Churches Trust's report referenced at 1.1 above.

4.3 We believe that the best way to protect the majority of these buildings is to enable sympathetic adaptation so that they can continue to be used for their intended purpose, i.e. the worship of God. However, in some cases population movement and other social changes make such use, even with adaptation, unviable. Often the listing makes sale of the building for an alternative use very difficult, and can lead to the unintended consequence of

historic buildings standing empty and deteriorating. This is an outcome no-one desires, and we would welcome any steps that can be taken to forestall such eventualities.

- 4.4 We are especially concerned that in some towns in Wales, a large number of places of worship have been listed, well beyond the number that could ever be used – even with adaptation – as places of worship or auditoria. We would like to see in such circumstances some consideration being given to prioritising buildings so that the most important are kept even if others must be de-listed, or heavily adapted.

## 5. Facilitating collaboration within the sector

- 5.1 See 2.2–2.4 above regarding the Forum and the excellent collaboration which is achieved across our part of the sector.
- 5.2 The Forum has established a sub-group to discuss the implications of community asset transfer schemes for ecclesiastical buildings. While supportive in principle of maintaining such buildings through collaboration with community groups, the legal constraints on church bodies (see 1.1–1.2 above) can make such routes challenging, expensive and time-consuming. The sub-group aims to ensure that any proposals in this field brought forward by Welsh Government will meet the needs of historic ecclesiastical buildings and their owners, as of others.

## 6. Maximising the value of heritage tourism

- 6.1 The role of ecclesiastical buildings in promoting heritage tourism has been a major discussion point in the Forum, including helpful input from Visit Wales. A number of ecclesiastical buildings play a major part in heritage tourism – e.g. the cathedrals of Wales; [Coleg Trefeca](#); etc. A number of our member churches are involved in projects such as the Cistercian Way (<http://www.cistercianway.wales/>), which was launched at the Cytûn pavilion in the National Eisteddfod 2016. However, we are aware that there is much untapped potential in this area, and would welcome ideas from the Committee on how our contribution to this aspect of tourism in Wales could be developed further.

## 7. Cadw's future status.

- 7.1 We have not as churches expressed a view regarding Cadw's future status. We would, however, point to the inherent costs (financial and human) in any

reorganisation, and we would be very cautious about “change for change’s sake”. We currently enjoy a better and more fruitful relationship with Cadw than at any time in recent history, which is to the advantage of Wales’s built heritage and its religious history. We would not wish to see this lost as a side-effect of a major reorganisation.

8. This response may be published in full, and we would be glad to assist further in the Committee’s inquiry as it proceeds.

# Agenda Item 3

Cyngor Genedlaethol Cymru / National Assembly for Wales

Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu / The Culture, Welsh Language and Communications Committee

Amgylchedd Hanesyddol / Historic Environment

CWLC(5) HE02

Ymateb gan Chartered Institutes of Archaeologists / Evidence from Chartered Institutes of Archaeologists

## 1. Summary

1.1 Welsh Government rightly recognises that the historic environment *'is a finite and non-renewable resource and a vital and integral part of the historical and cultural identity of Wales'* which contributes *'to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life'*<sup>1</sup>.

1.2 Against that background, the Historic Environment (Wales) Act 2016 is a welcome piece of legislation strengthening the mechanisms for the management and protection of historic assets in Wales. While there are other reforms which could further support and promote the historic environment, this provides a generally sound basis for its ongoing management.

1.3 However, heritage legislation does not operate in isolation. In particular, its operation is closely interlinked with the planning system and changes to the planning regime together with constrained resources threaten seriously to undermine the improved framework for management and protection of the historic environment.

## 2. Introduction

2.1 The Chartered Institute for Archaeologists (CIfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves.

2.2 CIfA has over 3,400 members and around 80 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

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<sup>1</sup> Paragraph 6.2.1 of Planning Policy Wales, Edition 9, November 2016

2.3 ClfA's Wales / Cymru Group has over 300 members practising in the public, private and voluntary sector in Wales.

### 3. General

3.1 ClfA strongly supports the work of Cadw and of the Welsh Archaeological Trusts (all of which Trusts are members of ClfA's Registered Organisations scheme, a quality assurance scheme providing a 'kite mark' of commitment to professional standards and competence in the historic environment<sup>2</sup>). These bodies provide a sound organisational basis for the management and protection of historic assets with archaeological interest.

3.2 Furthermore, the Historic Environment (Wales) Act 2016 ('the Act') strengthens the mechanisms available to manage and protect the historic environment in Wales. We particularly welcome the introduction of a statutory duty on Welsh Ministers to compile and keep up to date a historic environment record for each local authority area in Wales but there are a number of other constructive reforms including

- an extended and more holistic definition of a 'scheduled monument'
- interim protection for assets proposed to be scheduled or listed
- modification of the defence of ignorance in respect of offences relating to scheduled monuments
- further enforcement provisions with respect to enforcement notices, stop notices and injunctions in relation to scheduled monuments.

### 4. Further Reforms

4.1 A significant issue which was not addressed in the Act is widespread damage to archaeological remains through ploughing<sup>3</sup> and other agricultural activity permitted on scheduled monuments through the operation of class consents under the Ancient Monuments and Archaeological Areas Act 1979. Reform of the class consents regime should address this. There may be some compensation implications but it is not expected that these would be unduly onerous. Such

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<sup>2</sup> <http://www.archaeologists.net/regulation/organisations>

<sup>3</sup> See 'Saving Sites from the Plough' for consideration of a continuing UK-wide problem: [http://www.archaeologists.net/sites/default/files/ifa\\_yearbook04\\_plough.pdf](http://www.archaeologists.net/sites/default/files/ifa_yearbook04_plough.pdf)

expenditure would be a wholly justifiable price for the significant additional protection of historic assets that would be achieved.

4.2 The Act does not seek fundamentally to alter the pre-existing system of designation and protection of the historic environment. Given current threats to the historic environment (elaborated in section 5 below) a more radical re-appraisal of designation mechanisms may be necessary. This should include consideration of

- greater integration of mechanisms to protect the natural and the historic environment. For instance, historic marine protected areas (as introduced in Scotland by section 73 of the Marine (Scotland) Act 2011) would potentially provide a more flexible means than scheduling at sea constructively to manage marine heritage assets
- modification of existing designations (such as areas of archaeological importance under Part II of the 1979 Act and conservation areas) better to recognise and safeguard archaeological interest
- greater use of sites of archaeological interest (as defined in the Town and Country Planning (General Permitted Development) Order) in order to avoid harm to historic assets with archaeological interest through the exercise of permitted development rights.

4.3 In addition (and notwithstanding the recent publication of a revised Chapter 6 of Planning Policy Wales and a new TAN 24 on the Historic Environment), further policy changes which would facilitate the efficient management and protection of the historic environment include

- promoting the use of a more nuanced planning condition than that which appears as model condition 24 in Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management. The condition proposed by the Institute in its response<sup>4</sup> to consultation on a draft of the Circular provides a more effective means not only to secure public benefit by offsetting harm to the significance of historic assets, but also to facilitate the prompt delivery of sustainable development

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[http://www.archaeologists.net/sites/default/files/IfA\\_response\\_to\\_consultation\\_on\\_the\\_use\\_of\\_planning\\_conditions\\_for\\_development\\_management.pdf](http://www.archaeologists.net/sites/default/files/IfA_response_to_consultation_on_the_use_of_planning_conditions_for_development_management.pdf)

- development in planning policy of the concept of ‘archaeological interest’ as embracing historic assets which hold, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. This would help to make clear the need to consider not just known assets but also the archaeological potential of sites.

4.4 Consideration should also be given to how Welsh Government can maximise the delivery of public benefit from the historic environment<sup>5</sup>. This should include more effectively promoting the uniform application of professional standards<sup>6</sup> in work relating to the historic environment along with recognition of the need for accredited practitioners in this regard<sup>7</sup>. ClfA would be happy to work with Welsh Government and other professional bodies to this end.

## 5. Threats

5.1 Scheduling under the 1979 Act is a discretionary process. Traditionally historic assets with archaeological interest have been managed by selective scheduling accompanied by flexible management through the planning system which allowed the impact of development upon undesignated assets to be considered and addressed. However, this model is currently under threat from ongoing planning reform combined with a chronic lack of resources in the wake of a crippling recession.

5.2 The emphasis in planning reform is on streamlining and deregulation which in many cases (for instance, the widespread extension of permitted development rights) removes the safeguards which the requirement for a planning application provides for the historic environment. Without an application there is no mechanism to require pre-determination archaeological desk-based assessment and field evaluation or to impose enforceable planning conditions to ensure the

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<sup>5</sup> In a planning context the Institute produced a report in 2011 on Realising the Benefits of Planning –Led Investigation in the Historic Environment: A Framework for Delivery (<http://www.archaeologists.net/sites/default/files/SouthportreportA4.pdf>). Although this report focused on England much of its content could be applied equally to Wales.

<sup>6</sup> In archaeology these are formulated and enforced by ClfA: <http://www.archaeologists.net/codes/cifa>

<sup>7</sup> In archaeology personal accreditation is provided through professional membership of ClfA (<http://www.archaeologists.net/regulation/accreditation>) and organisational accreditation is provided through ClfA’s Registered Organisations scheme (<http://www.archaeologists.net/regulation/organisations>).

delivery of public benefit. If we are not to risk losing historic assets (including assets of national importance) or harming their significance Government must ensure either

- that planning reforms contain adequate safeguards for the historic environment (something which has not thus far occurred, for instance, with the extension of permitted development rights) or
- that a new approach is adopted to designation so as to provide the protection formerly provided to undesignated assets through the planning system.

5.3 The risk to the historic environment is significantly increased in the light of the budgetary constraints to which local authorities and the Welsh Archaeological Trusts are subject. No matter how good the mechanisms for managing and protecting the historic environment are, if there are insufficient funds properly to administer the system it will fail.

5.4 Thus, for example, the provisions in the Act for Historic Environment Records (HERs) to be compiled, maintained and supported with appropriate expertise are the envy of the sector outside Wales, but without the commitment of funds on a long term basis to maintain and support those facilities they will be vulnerable. A HER is a dynamic tool which needs regular updating and expert support if it is to provide the benefits intended.

5.5 Similarly, the management and protection of historic assets through the planning system relies on appropriate archaeological and related expertise being available to local planning authorities in all cases. An IHBC staffing survey in 2012<sup>8</sup> showed reductions in archaeological and other related posts in Wales and any downward trend must be halted and, if possible, reversed.

5.6 These concerns are also magnified by the United Kingdom's decision to withdraw from the European Union. Amongst the implications for the historic environment in Wales are

- the vulnerability of environmental regulation (particularly that relating to environmental impact assessment) in the absence of EU Directives

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<sup>8</sup> <http://www.ihbc.org.uk/news/docs/IHBC%20Quantifying%20staffing%20in%20Wales%202012.pdf>

- potential barriers to the free movement of skilled archaeological labour both into and out of the United Kingdom
- potential loss of funding and support for rural archaeology through withdrawal from the Common Agricultural Policy (CAP)
- potential loss of other European funding (for instance in education and research).

5.7 Brexit is a topic in itself, but these issues will have to be taken into account and addressed in any appraisal of the opportunities and threats facing the historic environment in Wales.

## 6. Conclusion

6.1 There is much to celebrate in the Welsh historic environment. However, if the threats facing the sector in Wales are not addressed, we may squander the opportunities provided by a forward-thinking and constructive Historic Environment Act.

# Agenda Item 4

Comllyng Cenedlaethol Cymru / National Assembly for Wales  
Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu / The Culture, Welsh Language and Communications Committee  
Amgylchedd Hanesyddol / Historic Environment  
CWLC(5) HE11  
Ymateb gan / Evidence from County Land & Business Association

## A. The CLA and the historic environment

1. The CLA's 3,300 members in Wales manage at least a quarter of Welsh heritage, including well over half of rural heritage. As by far the biggest stakeholder group of those (charitable, commercial, private, or public) who manage or own heritage, we are one of the half-dozen key stakeholders in the heritage field. The CLA believes strongly in effective and proportionate heritage protection (see 7 below).
2. The CLA's heritage adviser Jonathan Thompson was a member of the External Review Group which advised Welsh Government on the Historic Environment Review. We contributed extensively to detailed discussions on both the new policy and guidance published in 2016-17, and the Bill which became the Historic Environment (Wales) Act 2016.

## B. Implementation of the Historic Environment Act

3. The CLA generally supports the 2016 Act. We had serious natural justice concerns about some of the detail, but many of those concerns were allayed by undertakings given at the time by the Minister, which have mostly been incorporated into the new guidance published by Cadw in 2017.
4. We think that the current legislation, ie the 1990 and 1979 Acts as amended as they now apply in Wales, should be available online in an always-fully-updated form, because it is important that everyone can easily find and read the legislation.
5. We would like to see two further logistically-small but important changes to the legislation to bring it into line with current best practice: the replacement of the word 'preservation' with the modern best-practice term 'conservation', and the replacement of 'interest/national importance' with 'significance'. The word 'preservation' generates a default presumption against change, a presumption inconsistent with C21st international conservation (not 'preservation') practice, with the Wellbeing of Future Generations Act's Resilient Wales (not 'Preserved Wales') Goal, with Cadw's *Conservation Principles* (not 'Preservation Principles'), with Cadw's new best practice guidance, and above all with the long-term survival of heritage, which must

be allowed, indeed encouraged, to change in properly-managed ways if it is to survive at all in the long term.

6. Subject to the above points, and to 9 and 12 below, we see the current legislation as satisfactory. It is not perfect, but significant change would have costs, not only in arguing out what those changes might be, but also in all users adapting to them. We do not think that Welsh Government – having spent five years on the Historic Environment Review, and many carefully-considered legislative changes – should now embark on a ‘blue-sky’ reconsideration of the legislation. It would be better just to develop 4 above, perhaps relabelling the familiar 1990 and 1979 Acts with *mutatis mutandis* amendments (ie on the lines, roughly, of the 1997 Act in Scotland, which mostly uses the same wording as the 1990 Act).

### C. Protection for listed buildings and scheduled monuments

7. As above, we feel that the legislation is broadly satisfactory. But legislation is only a small part of heritage protection. Heritage is protected primarily by use. Modern C21st conservation best practice, captured in Cadw’s 2017 best practice guidance and 2009 *Conservation Principles*, encourages owners of heritage to work out what matters about it and then ensure that this is conserved and/or enhanced by enabling it to be relevant, appreciated, and used, and to produce (directly or indirectly) a stream of income to cover its maintenance costs. This approach makes sympathetic change easier, and harmful change more difficult; it stresses proportionality, and certainty, setting out a clear policy approach to change, so an owner who has analysed significance and drawn up sympathetic proposals taking that significance into account should be confident that consent can be obtained. It also accords with the Well-being of Future Generations Act’s Resilient Wales Goal (to “support... resilience and the capacity to adapt to change”). What matters much more than legislation therefore is (i) policy and guidance, and (ii) enabling the system to work on the ground, and (iii) better enforcement.
8. As to (i), the new 2017 Cadw best practice guidance is generally excellent and will play an important role in future heritage protection. By contrast, the revised 2016 *Planning Policy Wales* chapter 6, and the new TAN24, are not yet satisfactory, because both still have a default emphasis on “preservation” (see 5 above).

9. As to (ii), the Historic Environment Review has not addressed the fundamental and worsening mismatch between the current heritage protection system and its resourcing. This was the primary concern raised in the 2013 public consultation. This is of course not unique to heritage: mismatch of systems and resources and the need for solutions were at the core of the 2014 Williams Report recommendations. Welsh Government needs to address this problem. An obvious step, given that most proposed changes to heritage are neutral or beneficial, is to streamline legislation and procedures so that those proposals are handled in a lighter-touch way, freeing up scarce local authority and Cadw staff to focus primarily on the cases which might be harmful. Welsh Government with heritage stakeholders therefore needs to devise new more-financially-sustainable systems which can work with the resource which will actually be available, and which therefore increase the actual protection of heritage on the ground. The CLA is already involved in projects on these lines.
10. As to (iii), it is important to have better guidance on enforcement. The 'paradox of enforcement' is that local authorities tend not to focus enforcement on the small number of malign and difficult owners who deliberately damage heritage. Instead, it tends to be targeted on owners who have made technical breaches which have not permanently harmed the public interest, but are easier to deal with and give a good 'clear-up rate'. That causes real harm, because stories of benign owners being 'bullied' by local authorities, using tools which can appear to disregard natural justice, harm heritage by discouraging people from owning it at all. The answer is (i) better guidance, drafted by Cadw with input from external stakeholders including owners, giving practical guidance on whether and when the enforcement powers should be used, and how, so they can be better targeted and more effective; and then (ii), once that guidance is in place, encouraging LPAs to use it. It is important to heritage protection that malign owners who deliberately cause serious harm to heritage are identified and enforced against; not doing that can lead to systemic harm, because malign purchasers of heritage can safely outbid benign purchasers.

#### D. Protection for buildings and monuments at risk

11. Cadw's new guidance *Managing listed buildings at risk in Wales* is a major step forward which puts Wales a long way ahead of the rest of the UK because it is based on a correct diagnosis of the heritage at risk problem, as one of

use, economics, and in some cases ownership. The traditional approach in contrast mis-diagnosed the heritage at risk problem as one solely of disrepair, soluble just by telling LPAs to use a toolkit of aggressive statutory repair powers. That has not worked, and would never work, because those powers are complex, ineffective, and disproportionate, and LPAs do not use them, or focus them on the wrong targets, or fail. Even if the building was somehow repaired, without a viable use it would inevitably fall back into disrepair. Either failure to act or poorly-targeted action damage individual historic assets and the whole heritage protection system.

12. The system of 'preservation notices' proposed in the 2016 Act, if implemented, would make this worse, especially by making it too risky for any rescuing purchaser to acquire a building at risk – a disastrous change.
13. The solution is of course viable long-term use, not just repair: a building which is not viable, relevant, and used is unlikely to be put, or kept, in repair.
14. The solution is thus in two parts. The first, good advice based on a correct diagnosis of the problem, has already been published as *Managing listed buildings at risk in Wales*. This will not rescue every building at risk overnight, but over time addressing the right problems in the right ways will make a real difference.
15. Secondly, however, in a minority of cases – those which make headlines – it is clear that there is a use and a viable solution, and there are repairing purchasers, but the owner is refusing to implement this. In these specific situations – as Cadw's guidance says – the power to change ownership may need to be used, much more assertively and effectively than now. It is not realistic to expect local authorities to achieve that, and it would be better done centrally, potentially by a specific expert attached to Cadw. This would require only limited resource, and a few successful cases, effectively publicised, would much reduce the problem.

#### E. Facilitating collaboration within the sector

16. Collaboration between stakeholders helps them to understand each other, to minimise differences, and to allow heritage to speak to a greater extent with one voice. That implies formal co-operation, via umbrella body/ies. In England for example there is the Heritage Alliance, with a membership of 100+; and the Historic Environment Forum, which consists only of major

stakeholders, making debate and decision-taking easier. In Wales, what has worked very effectively was the External Review Group, the small group of key stakeholders which advised the Minister on the Historic Environment Review. Despite the wide range of stakeholders involved, the ERG almost always found a consensus, and had a real and very positive impact on the outcomes of the Historic Environment Review, the 2016 Act and the policy and guidance. The ERG, perhaps alongside larger body/ies, would be an effective model. It is important that all such bodies include the owners and professionals who actually manage heritage, as well as traditional heritage stakeholders.

#### F. Maximising the value of heritage tourism and Cadw's work to meet its income generation targets

17. Tourism is a vital industry in Wales, especially rural Wales, and heritage is a major motivator of tourism. The 2016 Oxford Economics report *The impact of heritage tourism on the UK economy* concluded that in Wales heritage tourism “punches above its weight”, and that heritage tourism can “be said to be more important in... Wales...compared to the whole UK economy”. Post-Brexit and post-CAP, heritage tourism might well become even more important, and current funding arrangements might change considerably. The CLA is advocating a Land Management Contract under which land managers are paid for delivering defined public benefits via a direct contract with Government, and heritage management and heritage tourism are public benefits which could be delivered and rewarded in that way. CLA Cymru is keen to discuss this with Welsh Government and Cadw.
18. Effective heritage tourism also relies on appropriate infrastructure. Visitors for example will have a negative experience if they cannot find a site, or cannot park. Apparently simple things like signage and local amenities can make the difference between a visitor coming to Wales regularly and recommending it to friends, or a failed experience. Welsh Government needs to focus more attention on developing a better understanding of what creates negative perceptions, and take action to improve the overall tourist experience. In particular, more attention is needed on overseas marketing, as Wales attracts a disproportionately small number of international tourists. This is a big opportunity, because (i) many reports have shown that heritage is a primary driver for inbound tourism to the UK, and (ii) international visitors spend more per visit.

19. It is also important to note that ‘iconic heritage sites’ formally open to the public are only a very small proportion of the historic environment; that the health of heritage not formally open is important to tourism, because tourists see it; and also above all that tourism is only a small part of the heritage economy: the ongoing management and maintenance (where financially feasible) of heritage are also key drivers of economic activity, especially in parts of rural Wales where other jobs are often scarce. We await the new economic strategy for Wales to see the role that heritage and wider rural economic activity play in this, and the support which will be involved.

#### G. Delivery of Baroness Andrews’ Culture and Poverty report

20. This is outside our area of expertise.

#### H. Collaboration with heritage assets in the private sector

21. While most CLA members are private or commercial, many (often larger members in size/turnover terms) are charitable or public. The private/commercial sector does have some specific problems (like the inaccessibility of grant funding in most cases), but to a great extent the pressures faced by owners of heritage – especially its very high maintenance costs, and the impossibility of paying these unless it can be and is put to some productive use – are common to all kinds of owner. We are therefore puzzled by the traditional public–sector view that private–sector owners are in a wholly different category.

22. Heritage cannot survive without owners (of all kinds): they are, as the Minister has said, “essential allies”. What they need is an effective framework of law, national policy and guidance, and (where realistic) support, some but not all of which is now in place, as above. For rural heritage, the CLA’s Land Management Contract (see 17 above) could be important in this. In addition, owners – including, but not only, private sector owners – need to be brought much more into collaboration, by being routinely consulted and involved (see 16 above).

23. On a narrower point, the future success of Welsh heritage and heritage tourism will depend on collaborative working between all stakeholders. It would be helpful to see greater co–operation in the promotion and management of historic assets, so that (for example) Cadw sites are

promoted in other locations and vice versa, and those managing them share knowledge more effectively.

#### I. Cadw's future status

24. In recent years we have found Cadw, at least at a national policy level, to be sensible, pragmatic, and proactive, working effectively in the interest of heritage protection. We would not wish to see change that might dilute or threaten that.

13.11.2017

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Annwyl Gyfaill

We wanted to let you know about an announcement being made today by S4C and the BBC.

Our two organisations have finalised discussions and signed a Partnership Agreement which sets out the core elements of their relationship for the years ahead. The agreement is for a 10-year period, which is the duration of the BBC's Royal Charter.

The Agreement encompasses:

- S4C funding from the licence fee;
- the ten hours per week of programming provided to S4C by BBC Cymru Wales;
- the provision of S4C programmes on the BBC iPlayer;
- the technical services which the BBC will provide for S4C at Central Square, Cardiff.

The Agreement replaces the previous Operating Agreement (2013-17) between S4C and the BBC Trust and describes the mechanisms by which S4C will account to the BBC for use of the licence fee funding it receives. The funding S4C receives from the licence fee can be reviewed in the context of the general review of the licence fee which will take place in 2021/22.

The Agreement also confirms that the BBC's expenditure on the 10 hours per week of programming it supplies to S4C will be maintained at the present levels until 2022 and that the provision of S4C programmes on the BBC iPlayer will be maintained until 2028.

We are also announcing that a Technical Services Agreement (TSA) has been signed for the provision of the shared technical services that will be provided to S4C by the BBC in Cardiff from 2019 onwards, confirming the 'in principle' agreement made in 2015 at the same time as the decision to relocate S4C's headquarters to Carmarthen was taken.

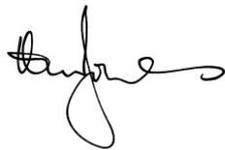
The Agreement confirms the operational and editorial independence of S4C, and that there will no longer be a requirement for there to be a BBC representative on the S4C Board. The Joint Partnership Board between BBC Cymru Wales and S4C officials will continue, with the aim of identifying opportunities for the two broadcasters to work together and share expertise.

This is an agreement between the S4C Authority and the unitary Board of the BBC and it refers specifically to the commitment made by the BBC in its new Charter to work in partnership with other organisations. It includes formal, regular arrangements to enable both bodies to scrutinise how the partnership is working.

We believe this to be a significant announcement representing a further important step in providing firm foundations for the services S4C will be offering in the years ahead.

As one of our partners/stakeholders, we wanted to inform you today. Should you need any additional details about this announcement or the agreement itself, please contact [catrin.hughes.roberts@s4c.cymru](mailto:catrin.hughes.roberts@s4c.cymru) in the first instance.

Yours sincerely



Huw Jones  
**Chair**



Owen Evans  
**Chief Executive**