

# **Past and Present**

## Inquiry into the Historic Environment

April 2018



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# **Past and Present**

## Inquiry into the Historic Environment

April 2018



# About the Committee

The Committee was established on 28 June 2016. Its remit can be found at: [www.assembly.wales/SeneddCWLC](http://www.assembly.wales/SeneddCWLC)

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## Committee Chair:



**Bethan Sayed AM**  
Plaid Cymru  
South Wales West

## Current Committee membership:



**Mick Antoniw AM**  
Welsh Labour  
Pontypridd



**Suzy Davies AM**  
Welsh Conservatives  
South Wales West



**Siân Gwenllian AM**  
Plaid Cymru  
Arfon



**Neil Hamilton AM**  
UKIP Wales  
Mid and West Wales



**Rhianon Passmore AM**  
Welsh Labour  
Islwyn



**Jenny Rathbone AM**  
Welsh Labour  
Cardiff Central



**Jack Sargeant AM**  
Welsh Labour  
Alyn and Deeside

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The following Members were also members of the committee during this inquiry:



**Hannah Blythyn AM**  
Welsh Labour  
Delyn



**Dawn Bowden AM**  
Welsh Labour  
Merthyr Tydfil and Rhymney



**Dai Lloyd AM**  
Plaid Cymru  
South Wales West



**Jeremy Miles AM**  
Welsh Labour  
Neath



**Lee Waters AM**  
Welsh Labour  
Llanelli

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## Foreword

The historic environment is a rich part of what makes Wales the country it is. It bears witness to our history and provides a sense of place for our national story and culture. It is the past here in the present.

This is no parochial story. It includes World Heritage Sites of international importance, from the mediaeval through to industrial innovations that helped lay the foundations of the modern world.

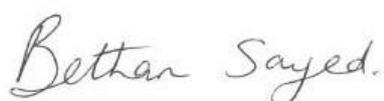
This is our heritage and it is vital that we protect it, nurture it and hold it in trust for future generations to learn from and enjoy. Nor should we ignore the economic benefits that our historic environment can bring through tourism and promotion of Wales as a place to live and work.

The Historic Environment (Wales) Act 2016 passed in the last Assembly made a number of changes to the protection and sustainable management of the Welsh historic environment.

The Act provided new powers to protect nationally important sites, offered new protections for existing monuments and sought to improve the way that our Historic Environment is managed and interpreted. The Historic Environment is more than just buildings, it is about places and the traditions and names that describe them. So the Act, for the first time, also provided for a statutory list of historic place names.

This Inquiry has looked at the operation of the Act in practice and the steps that are now needed to ensure that it lives up to its promises. We have also looked at how Cadw, the part of the Welsh Government responsible for the Historic Environment carries out its role.

In general terms we believe that reasonable progress has been made since the Act was passed but it is important that momentum is now maintained. We have, therefore, made a range of practical recommendations that we believe will help drive forward progress so that our historic environment thrives not just in the present but in the future as well.



Bethan Sayed AM  
Chair

## Recommendations

**Recommendation 1.** Cadw should now prioritise the roll-out of Heritage Partnership Agreements;..... Page 16

**Recommendation 2.** In the coming year, Cadw should provide greater clarity on the future system of preservation notices..... Page 16

**Recommendation 3.** Now that Cadw’s future status has been determined, the Minister should implement those parts of the Historic Environment Act relating to an Advisory Panel for the Historic Environment or, if he does not agree with the need for a panel, he should propose changes to the current law..... Page 16

**Recommendation 4.** The effectiveness of the statutory list of historic place names should be kept under review, with a view to introducing additional protections if the current list proves ineffective..... Page 16

**Recommendation 5.** The Government should keep the Act under review and formally review its impact after it has been in operation for five years..... Page 16

**Recommendation 6.** Cadw should work with the National Trust and other partners to encourage the historic environment sector to emulate the National Trust’s work to make management of the sector more environmentally-friendly.  
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**Recommendation 7.** Cadw should publish its survey of heritage at risk at the earliest opportunity and in the most complete way compatible with data protection requirements..... Page 25

**Recommendation 8.** Cadw should restart its grant funding for owners of listed buildings and scheduled monuments at risk. This could have a particular focus on:

- Buildings/monuments at risk.
- Making listed buildings environmentally-friendly..... Page 26

**Recommendation 9.** Cadw should establish a “resilience programme” (along the lines of the Arts Council’s work in this area) to help owners of designated heritage assets to make them more financially sustainable..... Page 26

**Recommendation 10.** The Minister should provide more detailed targets, a clear timeline for progress and measurable milestones for the development of the Historic Wales partnership. We expect to receive regular reports on progress in this area from the Minister in future. .... Page 29

**Recommendation 11.** The Minister should set out a plan of how he will encourage and support local authority collaboration and cross boundary working. .... Page 29

**Recommendation 12.** Cadw should improve its promotion of non-Cadw sites at its sites and other custodians of historic sites and buildings, particularly the National Trust and local authorities should reciprocate..... Page 30

**Recommendation 13.** Cadw should works (within the Historic Environment partnership) with the National Trust to see how the National Trust’s considerable knowledge of the market can be used to:

- increase revenues across the historic environment sector; and
- improve digital interpretation across historic sites in Wales..... Page 32

**Recommendation 14.** The Welsh Government should make sure that funding continues to be made available for the historic environment in whatever regional and agricultural funding programmes follow the UK’s departure from the EU. .... Page 32

**Recommendation 15.** The Minister should initiate a review of the implementation to date of the recommendations in Baroness Andrews’ culture and poverty report to learn what good practice can be shared, what lessons learned and what further action is needed to implement the recommendations. .... Page 34

**Recommendation 16.** The Welsh Government should set out in more detail the precise nature of the “greater flexibility” that Cadw will be given in future, particularly where this differs from the arrangements proposed in the business case drawn up in October 2017..... Page 36

# 1. Background and Terms of Reference

## Background

- 1.** Following its establishment, the Committee held a broad public consultation to guide its future work. Responses to the consultation highlighted a number of key areas which the Committee should prioritise including the historic environment.
- 2.** Receiving Royal Assent in March 2016, the Historic Environment (Wales) Act amended existing legislation relating to the protection and sustainable management of the Welsh historic environment. During the 4th Assembly's consideration of the Act, the Communities, Equality and Local Government Committee considered whether a single, consolidating Act relating to the historic environment would have been preferable to an Act that amended the existing law in this area. The Committee concluded that this was not practicable, given the limited time available before dissolution, and that it was a matter which a successor committee may wish to consider as part of a piece of wider post-legislative scrutiny.
- 3.** Given the response to the public consultation, and the need for post-legislative scrutiny, the Committee agreed in July 2017 that it was an appropriate time to review implementation of the Act and other issues within the sector, and agreed to hold an inquiry into the historic environment in Wales.
- 4.** During the first evidence session of this inquiry the Committee was told by a Cadw official that it would take “about five years” until the Government would be able to “robustly look at the impact of this (the Act) on the sector as a whole”. The Committee has noted this and agrees that there is merit in further post-implementation evaluation at around that time. However, this does not detract from this relatively early look at how the legislation is working in practice, particularly given the response on this issue to the Committee's earlier public consultation.

## Terms of reference

- 5.** The Committee agreed that it should look at the following areas during the Inquiry:
  - Implementation of the Historic Environment Act;
  - Protection for listed buildings and scheduled monuments;

- Protection for buildings and monuments at risk;
- Facilitating collaboration within the sector;
- Maximising the value of heritage tourism and Cadw's work to meet its income generation targets;
- Delivery of Baroness Andrews' Culture and Poverty report;
- Collaboration with heritage assets in the private sector;
- Cadw's future status.

## Our View – Performance of Cadw

During the course of this inquiry a wide range of stakeholders have commended the work of Cadw. A common theme has been that they find Cadw to be a helpful and trusted partner and that their relationship with the organisation is better than it has been for some time.

While Cadw may have its critics around specific decisions or actions it has taken, it is reassuring that the organisation is currently well regarded by most of its main stakeholders and partners. We would like to place on record our appreciation of the hard work of Cadw's staff and partners in bringing this about.

## 2. Implementation of the Historic Environment Act

**6.** The Welsh Government’s heritage activities are discharged by Cadw, its historic environment division. Cadw is part of the Welsh Government’s Economy, Science and Transport Department and has been answerable since November 2017 to Lord Dafydd Elis Thomas PC AM the Minister for Culture, Tourism and Sport.

**7.** In March 2016 the Historic Environment (Wales) Act received Royal Assent. The Communities, Equalities and Local Government (CELG) Committee scrutinised this Bill towards the end of the Fourth Assembly. Key measures of the Act now in force include:

- Extension of the definition of a scheduled monument: The Welsh Ministers can recognise and protect any nationally important sites that provide evidence of past human activity.
- Amendments to the criminal offences and defences for damage to scheduled monuments: limiting the defence of ignorance of a monument’s status or location (see Offa's Dyke).
- Statutory historic environment records (HERs) for every local authority area;
- New measures for the protection of listed buildings;
- List of historic place names.

Provisions in the Act yet to be brought into force include:

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- Heritage Partnership Agreements;
- Statutory register of historic parks and gardens;
- Powers to enhance the preservation of listed buildings in disrepair;
- The establishment of an Advisory Panel for the Welsh historic environment.

## Heritage Partnership Agreements

**8.** Voluntary Heritage partnership agreements will bring owners, consenting authorities and other interested parties together to create long-term management plans for historic assets (it was expected that such agreements would be useful for large landowners such as the National Trust: who told the Committee that they were very keen to see these happen). Cadw is planning a consultation on regulations and best-practice guidance for 2018.

**9.** In the session with the Minister, a Cadw official explained the Welsh Government’s planned approach to the introduction of HPAs:

“We’re keen to identify partners—we’re looking at the pilot ideas for how they might be working in practice. I know, from evidence that was given by the National Trust, that they’re very keen to participate and work with us on the establishment and making these work in practice.

Ours are slightly different, because we’ve gone a bit further than in England, where they’ve already introduced heritage partnership agreements for listed buildings. We’re proposing to allow estates and owners who have scheduled monuments on their land to also be included. So, there are some differences. We can learn lessons from what’s happened across the border, but we need to, obviously, develop a particularly Welsh solution to this particular issue. But it’s all about streamlining and making it easier to manage large estates through sensible, comprehensive and long-term conservation agreements and management agreements.”

## Statutory register of historic parks and gardens

**10.** A non-statutory register currently exists. The current list is being reviewed but has not been published.

## Preservation of listed buildings in disrepair.

**11.** The Country Land and Business Association (CLA) has said:

“The system of ‘preservation notices’ proposed in the 2016 Act, if implemented, would make this worse (preserving buildings at risk), especially by making it too risky for any rescuing purchaser to acquire a building at risk – a disastrous change.”

**12.** Cadw has told the Committee that this concern of the CLA has since been addressed, though the CLA said they had yet to see any proposals in this regard. Cadw also told the Committee that proposals for preservation notices:

“will be subject to full public consultation, and because it is secondary legislation ... it will be fully debated.”

**13.** A Cadw official expanded on this issue in the session with the Minister:

“We totally get the point that the CLA made in their evidence, that we want to avoid unintended consequences. These are regulatory-making powers within the Act, and, of course, they will be subject to full consultation therefore, and also debated by everyone here. So, we have commissioned research. The research is now available and is published. I think the Country Land and Business Association were wondering when that would be made publicly available. It is now publicly available, so you can see the range of issues that have been raised as a consequence of that in-depth analysis that they've undertaken. And we've got to be careful here, I think—the number of cases where such notices might be used is actually very small, and it's very particular and very focused. So, the response has to be quite nuanced as well. We don't want to have those unintended consequences that the CLA referred to, to make it a disincentive for people to actually take on buildings that are at risk. So, yes, there's a lot more work and thought to go in, and there are other measures that can be implemented, and the recommendations of that report suggest that there are other things that we can do in advance of any legislative measures.”

#### **Advisory Panel for the Welsh historic environment.**

**14.** Cadw's evidence states that:

“It would be premature to consider the detailed arrangements for the Advisory Panel until the Cabinet Secretary and Cabinet has concluded the review on the future governance arrangements for Cadw.”

**15.** However, following his announcement that Cadw would remain part of the Welsh Government, the Minister told the Committee that he was “not a fan of advisory panels”. He accepted; “that there is a commitment within the legislation for this to happen”. However, he expanded that he did not want to;

“create a precedent of too many advisory panels, as may have existed in the past within Government.”

**16.** Consequently, although he would be:

“seeking the best possible advice ... it may not be a stable advisory panel in the traditional sense.”

**17.** It is not clear what the Minister meant by this statement. At the time of drafting this report the parts of the Act relating to the establishment of the panel had not been commenced. Nevertheless, the panel is a clear requirement under the Act and a number of its specific duties, and other requirements in relation to its membership, are also set out clearly in the Act. While Ministers are under a legal duty to establish the panel they do have discretion as to when to bring the duty into force, which must be done through a statutory instrument.

### Consolidating Legislation

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**18.** The substance of the Act has been widely welcomed by respondents to the Committee’s consultation. The Joint Committee of National Amenity Societies, for example, said:

“Arguably Wales now benefits from having the most robust and progressive heritage protection in the United Kingdom.”

**19.** The Country Land and Business Association (CLA) called for the relevant legislation to be available to the public in a consolidated fashion. Whilst discussing this proposal with the Committee, they raised the idea of this being done as an “editorial exercise” rather than as a new piece of legislation.

**20.** Presentation of the legislation was raised as a concern during scrutiny of the Historic Environment Bill, as it largely amends existing legislation rather than consolidating the body of law in a new, standalone Act. A Cadw official told the Committee that the Welsh Government has a “programme of looking at Welsh law and consolidation” and that the Historic Environment Act may be a pilot for this work. He also noted that pulling together a non-legislative version of the relevant legislation as an “editorial exercise” could simply add more confusion to the area – given that such a document would not have any legal standing.

### Resource Constraints

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**21.** The WLGA told the Committee that “local authorities have, in general, welcomed the Act and the resulting new duties”. However, it notes the resource constraints of implementing the new duties under the Act and the resources required to respond to consultations on the Act’s accompanying guidance:

“The issue of resources within local authorities and national parks to implement the new duties is very real. The number of officers employed to work on historic environment matters has declined in the last few years and local authorities and national park authorities are having to prioritise the reactive legislative/case work rather than the proactive regeneration/tourism focused work”

**22.** The WLGA goes on to say that it had:

“...suggested that there should have been training funded by Cadw to accompany the suite of legislative changes and accompanying guidance documents. Financial restrictions have been offered as one of the reasons for this not happening. The WLGA would like to see a specific budget within Cadw to be used to support local authority change activity relating to the historic environment.”

### List of Historic Place Names

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**23.** Following a recommendation from the Communities, Equalities and Local Government Committee that the Bill be amended to include protection for historic place names, the then Deputy Minister (Ken Skates AM) brought forward amendments to require Welsh Ministers to compile and maintain a list of historic place names in Wales.

**24.** The Welsh Language Commissioner has reiterated her concern that there is insufficient protection for historic place names in Wales. Though welcoming the protection offered by the Act as “an important first step”, she stated “further, more detailed discussion is required about the way in which the list is used to protect the names on it in the absence of an Act to protect them”. Cadw officials told the Committee that the list of historic place names introduced under the Act was introduced in May 2017, and that the efficacy of this system would be subject to “a process of constant review”.

### Our View – Implementation of the Act

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#### General

In broad terms we are pleased that the Act seems to be working well and as intended. We agree that the Government should look robustly at the impact of the Act after it has been in operation for 5 years.

## **Heritage Partnership Agreements**

We note that Cadw is planning a consultation on regulations and best-practice guidance for 2018. This work should be prioritised as it is likely that Heritage partnership agreements will help streamline historic environment management at a local level and for the landowners involved.

## **Preservation Notices**

We note the initial concerns of the CLA and that Cadw now believes it has addressed those concerns. We also note Cadw’s desire to proceed with some caution in this area. Nevertheless, we also believe that there is now need for greater clarity in this area and agree that this should be a higher priority for Cadw over the next year.

## **Advisory Panel**

We note that the Minister is not keen on advisory panels. We also believe he should clarify his rather puzzling statement that the panel when established “may not be a stable advisory panel in the traditional sense”.

Despite the Minister’s view on advisory panels, the Act contains a legal requirement on Ministers to establish a panel. Most of the Act came into force some time ago. The fact that the relevant provisions have yet to be commenced is beginning to look like foot dragging.

If the Minister is not convinced that an Advisory Panel is needed then he should put legislative proposals to that effect before the Assembly. If not, he should as a matter of priority implement the Act that the Assembly has already passed.

## **Consolidation Legislation**

We welcome the Government’s willingness to engage in the idea of a consolidation bill, but have not received strong evidence that this is a priority. We also note the suggestion of an “editorial approach”, to improving the accessibility of the legislation. While this is superficially appealing we believe this could cause more confusion than it resolves.

## **Historic Place Names**

We note the concerns of the Welsh Language Commissioner set out above. The Government should keep the matter under active review and should be willing

to introduce further protection for historic place names if the current list does not prove effective.

## RECOMMENDATIONS

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**Recommendation 1.** Cadw should now prioritise the roll-out of Heritage Partnership Agreements;

**Recommendation 2.** In the coming year, Cadw should provide greater clarity on the future system of preservation notices.

**Recommendation 3.** Now that Cadw’s future status has been determined, the Minister should implement those parts of the Historic Environment Act relating to an Advisory Panel for the Historic Environment or, if he does not agree with the need for a panel, he should propose changes to the current law.

**Recommendation 4.** The effectiveness of the statutory list of historic place names should be kept under review, with a view to introducing additional protections if the current list proves ineffective.

**Recommendation 5.** The Government should keep the Act under review and formally review its impact after it has been in operation for five years.

## 3. Protection for listed buildings and scheduled monuments

### Approach to designation

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**25.** The Royal Commission on Ancient and Historic Monuments in Wales (RCAHMMW) described how a “core part of the English and Scottish historic environment protection strategy is their systematic approach to designation”. They compared this to the situation in Wales, which “does not have any such programme of systematic assessment, survey and evaluation”. It describes how:

“The remit of the Royal Commission is to undertake exactly this kind of survey, but the lack of resources is a considerable restraint on our ability to help Cadw undertake a pro-active approach to listing.”

**26.** Cadw officials told the Committee that a “systematic survey” of buildings took place ten years ago, and that the Welsh Government subsequently “introduced a system of spot-listing”. The official acknowledged that there was a gap in the listing of later 20th Century buildings, although Cadw has “plans to rectify that gap”. In the session with the Minister, a Cadw official elaborated, noting that Cadw was “commissioning some research to look at the later twentieth century public buildings to assess them against the listing criteria”.

### Enforcement

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**27.** The Country Land and Business Association previously described the “paradox of enforcement”, whereby local authorities direct their energies towards owners who have made technical breaches rather than “the small number of malign and difficult owners who deliberately damage heritage”, as this gives local authorities a better rate of success

**28.** Cadw officials told the Committee that they “haven’t seen the evidence that would support that assertion”, whilst the CLA conceded – in oral evidence – that the evidence on this point was “anecdotal”. The CLA concluded that:

“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.”

## Specific areas of concern

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**29.** The Committee has received evidence of several particular concerns relating to the protection of historic assets.

### Agricultural Activity

**30.** The Chartered Institute of Archaeologists expressed concern about:

“... widespread damage to archaeological remains through ploughing and other agricultural activity.”

**31.** Cadw officials told the Committee that this problem was not as acute in Wales as it is in England – because of different farming practices – and that it would be consulting on relevant guidance in 2018. The Chartered Institute conceded in oral evidence that:

“... in Wales, the agricultural pressure is much less than in other parts of the UK because it's a pastoral system and not an arable system.”

**32.** The Chartered Institute of Archaeologists also suggested amending various pieces of conservation and planning legislation and policy to better recognise and safeguard sites of archaeological interest.

### Maritime Archaeology

**33.** The Royal Commission on Ancient and Historical Monuments of Wales added:

“one area where we still feel concern at the lack of an agreed strategy and best-practice guidance, it is in the field of maritime archaeology, where the marine resource is under pressure from aggregates extraction and plans for windfarms and tidal barriers.”

**34.** Cadw officials told the Committee that guidance on this issue was being prepared, with the intention of consulting upon it “early in the new year”.

### Resourcing

**35.** The Country Land and Business Association noted “the fundamental and worsening mismatch between the current heritage protection system and its resourcing”, which it feels was “the primary concern raised in the 2013 public consultation”. It expanded that:

“The 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.”

**36.** However, the Chartered Institute of Archaeologists cautioned that:

“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.”

### Environmental Issues

**37.** Justin Albert of the National Trust outlined the work it does to make its operations more environmentally-friendly.

“We have partnered with the European Union on specific projects that have benefited Wales greatly, around tourism, agriculture, the environment, the protection of endangered species, and around our landscape. We have always had a significant amount of money. We are the largest farmer in Wales by far, and when we farm, wherever possible we change our tenancy to farm for nature so that we can increase the beauty of our environment.”

**38.** His colleague Dr Emma Plunkett-Dillon told us:

“We would see the environment as having a cultural resonance, so whether it's a built mansion or what we call the let estate. So, the historic environment pervades all of it and, therefore, when we look to Glastir and agri-environment payments, we're looking in terms of helping us deliver our natural environment objectives, but also it's part of a bigger package that helps us look after our buildings, secures the future, because the buildings are secure, looks after the entirety of the landscape. So, that's what we bring to the table. We look at everything in totality. We're not looking at one bit or the other. It's a joined-up continuum, and that's a really strong point for us.”

**39.** Mr Albert continued later:

“So, we're hoping we will see continuation of support for the historic environment because it is absolutely essential for Wales. We need this. We need this environment to generate tourism, to make us proud to be Welsh. I'm biased; this is my world. But I also see the absolute benefit it delivers for the nation.”

## Our view

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### **Designation and Enforcement**

We note the concerns from the Royal Commission about Cadw's approach to designation and that Cadw has recognised some of these concerns and is beginning to address them through planned research. We look forward to hearing the outcome of that research in due course and expect that steps will be taken to address any weaknesses it identifies.

We also note the CLA's concerns around what they described as the “paradox of enforcement”. However, so long as the evidence remains anecdotal it is difficult to recommend specific changes. It is important that Cadw monitors this matter closely in partnership with the CLA, so that it can react appropriately should more concrete evidence emerge.

### **Agricultural and Maritime Archaeology**

Similarly, while it will be important to keep a close eye on developments in this area we did not hear any strong evidence that would lead us to recommend specific changes in policy or legislation at this stage.

### **Resourcing**

We note the concerns expressed, which are a symptom of wider public sector resource pressures. We return to this issue later in this report.

### **Environmental issues**

The National Trust does outstanding work in making environmental concerns central to its mission. This is an area where we would encourage joint initiatives between Cadw, the National Trust and other public sector partners to see what lessons can be learned from the Trust's approach. Cadw would do well to seek to emulate the Trust's approach in this area, both in its own management of

monuments and buildings and also in the guidance and leadership it provides to the historic environment sector generally.

## RECOMMENDATION

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**Recommendation 6.** Cadw should work with the National Trust and other partners to encourage the historic environment sector to emulate the National Trust’s work to make management of the sector more environmentally-friendly.

## 4. Protection for buildings and monuments at risk

### Buildings and Monuments at Risk

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**40.** The CLA stated that the solution to the problem of buildings at risk has two parts:

- “good advice based on a correct diagnosis of the problem”, which it takes to be covered by Cadw’s recent publication “Managing listed buildings at risk in Wales”.
- Where there is a viable alternative use for the building, and the owners are refusing to make use of it, “the power to change ownership may need to be used, much more assertively and effectively than now”.

**41.** The WLGA’s evidence said:

“There are some positive examples of local authorities undertaking proactive work and developing buildings at risk strategies which has resulted in the saving of several key buildings. However, with a reduction in available resources in local authorities and national parks, this proactive work is likely to decrease.”

### Historic places of worship

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**42.** Cytûn explained the pressure facing old churches, stating that:

“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.”

**43.** Cytûn expanded on this point in oral evidence, stating that for...

“the churches and chapels and places of worship of Wales staying the same is not an option. So, the only options are that you adapt and develop what you're doing in those buildings ... Because, fundamentally, having big spaces for lots of people to stand in a ceremony or at worship is not where the future lies.”

**44.** It states that “the best way to protect the majority of these buildings is to enable sympathetic adaptation”. However, it voices concern that:

“...a large number 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.”

**45.** Cadw’s website states that “Requests for delisting are normally only reconsidered on the basis that the building does not meet the criteria for listing”.

**46.** The National Churches Trust’s evidence states that, whilst Cadw does undertake a survey of heritage at risk, it does not publish this list – contrary to Scotland and England, where the heritage protection bodies do publish lists of historic assets at risk. It concludes that:

“Welsh churches are at a disadvantage to their competitors for funding in England and Scotland due to the opaque nature of the Cadw survey.”

**47.** When pressed on this issue, a Cadw official told the Committee:

“There’s a balance that has to be struck between making information publicly available and, of course, protecting access to personal information about private property. But, we are in a process of renewing the contract that is looking at the assessment of risk facing all our listed buildings across Wales, and we are building into that an element of public access to the list of buildings at risk, without endangering the other issues.”

### Grants for owners of buildings and monuments

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**48.** A Cadw official told the Committee that Cadw had restricted the provision of grants to owners of listed buildings and scheduled monuments in order to use this money for capital improvements that helped raise Cadw’s revenue. In the draft budget scrutiny session he expanded on this point, noting that this decision “has, and will continue to have, an impact on those people who own listed buildings, who want to seek funding from us”. He suggested that given that Cadw’s finances were now “more sustainable”, there was “potential for us to remove those grants from cryogenic stasis”.

**49.** When asked by a member of the committee whether Cadw was considering “a resilience programme, as we’ve heard about with the arts council, for people who might be interested in raising money in order to improve or save some of this endangered heritage”, the Minister responded:

“We didn’t, but we have now.”

## Our View

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### **Buildings and monuments at risk**

We note the suggestion from the CLA that the power to compulsorily change ownership of buildings may need to be used more assertively and effectively than is currently the case. We agree that this power should be considered as proactive for the small number of owners who are not willing to consider viable alternative uses for buildings that are at risk. However, we also note and sympathise with the position of local authorities who are finding it more difficult to maintain this proactive approach in the face of increasing resource constraints.

### **Places of Worship**

We recognise the problem of the large number of listed places and former places of worship and the costs that this can involve for the parishes and congregations concerned, particularly where the premises are no longer viable for their original purposes.

We note that Cytûn asked for consideration to be given to “de-listing” some of these buildings and concentrating conservation efforts on more noteworthy examples. While we are sympathetic to the problem, this would require a fundamental change to the listing process and criteria and would mean, in effect, deciding not to protect buildings that are deemed worthy of protection. It may be that a wider debate is needed on this issue, but we are not convinced that de-listing offers a viable way forwards in current circumstances.

The National Churches Trust’s evidence pointed out that Cadw, unlike equivalent bodies in Scotland and England, does not publish lists of historic assets at risk drawn up through its survey of heritage at risk. We note that Cadw is reconsidering its stance on this issue somewhat but still seems averse to publishing information openly.

We are not convinced by Cadw’s arguments on this point and agree that the survey data, insofar as this is compatible with data protection, should be published as soon as possible.

### Grants for owners

In its evidence, Cadw explained that it had more or less suspended grants to owners of listed buildings so that the money could be invested in ways that would help increase Cadw’s income from some of the key historic assets that it manages directly. We note that this has led to Cadw now being in a more sustainable financial position.

Given this, we believe the time has now come for Cadw to reinstate its grant funding for owners of listed buildings and scheduled monuments at risk. This could have a particular focus on buildings or monuments at risk or on making listed buildings more environmentally-friendly. Funding in this area could also be a key help to those trying to maintain or adapt places and former places of worship.

### Resilience Programme

In addition to restarting its grants programme, Cadw should also consider establishing a “resilience” programme, along the lines of that successfully introduced by the Arts Council, to help owners of heritage buildings meet the financial costs of maintaining them. The Arts Council describes the Resilience Programme as a “new approach to developing sustainable business models”. The programme includes exploring new business models, maximising income and developing new income streams, as well as developing digital capacity and marketing know-how.

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## RECOMMENDATIONS

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**Recommendation 7.** Cadw should publish its survey of heritage at risk at the earliest opportunity and in the most complete way compatible with data protection requirements.

**Recommendation 8.** Cadw should restart its grant funding for owners of listed buildings and scheduled monuments at risk. This could have a particular focus on:

- Buildings/monuments at risk.

- Making listed buildings environmentally-friendly.

**Recommendation 9.** Cadw should establish a “resilience programme” (along the lines of the Arts Council’s work in this area) to help owners of designated heritage assets to make them more financially sustainable.

## 5. Facilitating collaboration within the sector

### Strategic Partnership / Historic Wales

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**50.** In May 2017, the Cabinet Secretary responded to a recommendation from a review into the future of heritage services in Wales by establishing a “Strategic Partnership” between Cadw, the RCAHMW, the National Library and the National Museum. He told the Committee in July that in September 2017 he will receive a report from the Strategic Partnership on their progress. Cadw’s evidence to Committee states that the Partnership is “currently considering development of several initiatives including skills development, commercial, and collaborative delivery of back office functions”.

**51.** The Cabinet Secretary had previously committed to forming a new body, to be known as Historic Wales. He said:

“I now want to progress work to bring the commercial functions of Cadw and Amgueddfa Cymru – National Museum Wales together.”

**52.** At the Committee’s meeting on 1 February it received a written update from the Minister on the Historic Wales partnership, which offered little additional information beyond some limited outline indications of progress and a number of high level aspirations. The update did not set out any clear indication of timelines or any clear and measurable milestones along the way.

### Cross Sector Co-operation

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**53.** The CLA noted that, to a great extent, the pressures faced by owners of heritage assets “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: leading it to being “puzzled by the traditional public-sector view that private-sector owners are in a wholly different category”. It went on to encourage cross-sector cooperation in the promotion and management of historic assets “so that (for example) Cadw sites are promoted in other locations and vice versa”.

**54.** The Royal Town Planning Institute suggests that public-sector owners of heritage assets need to lead by example in their management “to give them credibility in persuading others to maintain buildings in sound condition”.

**55.** The WLGA explains how it has worked with private owners of heritage assets, including on lottery-funded schemes under the Townscape Heritage Initiative:

“Many local authorities have been successful in securing Heritage Lottery funding to improve heritage assets within our towns through the Townscape Heritage Initiative. Many of these town centre buildings are in private ownership and through collaboration and financial incentive, local authorities have been able to secure investment in these properties. Local authorities work with private owners of heritage assets in a number of different ways – through the consenting process, offering advice and guidance, identifying funding, promotion of the asset if appropriate.”

**56.** The WLGA also explains how Cadw, the WLGA and local authorities are considering alternative models of delivery as a result of resourcing issues:

“The seven North Wales LPAs (inc Snowdonia NPA) recognised that specialist services such as the built heritage services within local planning authorities were under strain. A project was established to review and redesign Built Heritage Services in North Wales including exploring the potential of a regional set up. This has involved Cadw, LA Conservation Officers and the two Archaeological Trusts operating in North Wales in determining where improvements can be made to service delivery and a number of proposals have emerged.”

**57.** It goes on to say that:

“Alongside the North Wales work, a Cadw led Task & Finish group (with WLGA and local authority representation) has been established to consider broadly similar issues to the North Wales LPAs but for all Wales. Learning from the work taking place in the North, this group is due to report to the Cabinet Secretary shortly and is likely to include recommendations relating to Listed Building Consent.”

**58.** The Minister seemed to refer to this work when he gave evidence to this Committee on the Welsh Government’s draft budget, stating:

“I’m very keen to see the kind of collaboration that is happening now regionally—I would say especially in the north, but these things are beginning to happen generally throughout Wales—whereby the planning authorities, through a memorandum of understanding and various other ways have been using their resources more effectively. We will encourage that, and I will certainly discuss it with the planning Minister so that we can see what we can do further.”

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## Our View

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### Strategic Partnership

We note that despite earlier misgivings from some partners, the strategic partnership between Cadw and other stakeholders appears to be moving forward with mutual consent. We welcome this co-operation and agree that there is considerable value in these organisations sharing skills and commercial expertise between them. However, progress still appears to be extremely slow and the lack of any meaningful detail, clear timelines and measurable targets in the Minister's latest update to us is a matter of concern.

### Cross-sector co-operation

We have already noted that local authorities are finding it increasingly difficult to resource their work in protecting the historic environment. We were pleased to note Cadw, the WLGA and local authorities are also considering alternative ways of working based on collaboration regionally across local authority boundaries.

We were also pleased that the Minister wants to encourage this approach. However, if the capacity issues that we have been told of are to be addressed then more urgent action is needed and the Minister should show leadership in this area to ensure that collaboration is not just talked about but becomes a reality. We also look forward to receiving further evidence of examples of this sort of working across Wales.

We also agree that Cadw should do what it can to promote non-Cadw sites at its buildings and monuments and that other custodians of historic sites and buildings, particularly the National Trust and local authorities, should do more to promote Cadw sites.

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## RECOMMENDATIONS

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**Recommendation 10.** The Minister should provide more detailed targets, a clear timeline for progress and measurable milestones for the development of the Historic Wales partnership. We expect to receive regular reports on progress in this area from the Minister in future.

**Recommendation 11.** The Minister should set out a plan of how he will encourage and support local authority collaboration and cross boundary working.

**Recommendation 12.** Cadw should improve its promotion of non-Cadw sites at its sites and other custodians of historic sites and buildings, particularly the National Trust and local authorities should reciprocate.

## 6. Maximising the value of heritage tourism

### Cadw's work to meet its income generation targets

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**59.** The Minister's paper states that 2016-17 was Cadw's "most successful year on record, with 1.4 million visitors to staffed sites and £6.6 million income received". This income is reinvested into Cadw activity. It states that, for the last three years, Cadw has exceeded "ambitious targets". It states that "Cadw memberships are now at their highest level ever".

**60.** During the draft budget scrutiny session, a Cadw official told the Committee that "the main way in which we've improved income in Cadw is we've broadened out the market that we're trying to attract". In the same meeting, the Minister said that:

"We need to push forward with the digital interpretation at the sites in order to attract more and more visitors."

### Heritage Tourism and Marketing

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**61.** The WLGA noted that "with their wider role, local authorities are well-placed to promote heritage tourism", however "the importance of heritage in its widest sense on tourism is not always fully appreciated". It explains that a report by the Welsh Government's Historic Environment Group (Heritage Counts):

"...has usefully quantified the benefits of heritage to Wales and there may be opportunities in the future to widen this exercise to include the contributions made by other stakeholders such as local government. Local authorities through their tourism function work with Cadw to promote heritage tourism and maximise tourism spend in the area and at the specific heritage assets."

**62.** The National Trust told the Committee that it was currently developing its marketing data (or "reinventing our insights", in Justin Albert's words), and that it should share this data as widely as possible.

**63.** When questioned by the Committee as to whether there was "merit in trying to get the National Trust to work more closely with Historic Wales, sharing its expertise on marketing in particular", the Minister said

"yes, and I will do it."

## EU Funding

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**64.** The historic environment in Wales has previously received EU funding for tourism development work. For example, Cadw’s Heritage Tourism Project received £8.5 million of structural funding (out of a total £19 million project budget). Money has also been available for heritage projects under CAP rural development funding. The CLA has called for funding for heritage to be part of rural development funding once the UK leaves the EU.

## Our View

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### Marketing Collaboration

The National Trust has considerable marketing expertise and a strong brand and has expressed a willingness to share its expertise with the Historic Wales bodies. It also has strengths in digital interpretation of sites. The Minister has also indicated that he wants to encourage closer working and a sharing of expertise, particularly in marketing. Given this we would hope to see early progress in this area.

### European Union Funding

We have noted the considerable funding that the historic environment has received from the European Union. Without making any comment on the merits of exiting the European Union, or on current discussions about where powers and related funding, it will be important that the Welsh Government finds ways of replacing or replicating that funding once the UK has left the EU

## RECOMMENDATIONS

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**Recommendation 13.** Cadw should work (within the Historic Environment partnership) with the National Trust to see how the National Trust’s considerable knowledge of the market can be used to:

- increase revenues across the historic environment sector; and
- improve digital interpretation across historic sites in Wales.

**Recommendation 14.** The Welsh Government should make sure that funding continues to be made available for the historic environment in whatever regional and agricultural funding programmes follow the UK’s departure from the EU.

## 7. Baroness Andrews’ Culture and Poverty report

**65.** In 2014 the Welsh Government published Baroness Andrews’ report into using culture – including the historic environment – to tackle poverty. Since then, the Welsh Government has sought to advance the report’s recommendations through its Fusion: Creating opportunities through culture programme. A pilot phase ran from 2015-17. This has expanded in 2017-18. In the 2018-19 draft budget this scheme has been allocated £280,000 (a £10,000 increase on the previous year).

**66.** The Royal Commission on Ancient and Historical Monuments in Wales has said that the delivery of this report “is another area in which the sector has no lack of ambition but lacks resources to carry out proven schemes”.

**67.** The WLGA’s evidence states:

“The WLGA supported the report by Baroness Andrews on how culture and heritage bodies can contribute to reducing poverty and worked with the Welsh Government and other partners to implement the report recommendations including the establishment of Pioneer Areas.”

**68.** It goes on to note that the work on the Andrews report must proceed “in complete alignment and coordination” with related work on the arts in education (Professor Dai Smith’s report) and developing a new curriculum following the Donaldson Review.

**69.** The Minister told the Committee in the draft budget session that, although he had not looked in detail at this programme, “identifying opportunities to have personal and social development for the citizens of Wales through a cultural programme is something that I was very supportive of”. He emphasised that:

“...we do want to emphasise the need to develop skills and the ability of people to secure employment and to follow and support the rest of the Welsh Government’s policy objectives through this work.”

### Our View

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While there was broad support for Baroness Andrews’ report, we heard very little of what practical difference its recommendations had made or were making.

Given this we think the Government should review progress in implementing the report’s recommendations and publish details of its implementation to date and what good practice can be shared, what lessons learned and what further action is needed to implement the recommendations.

## RECOMMENDATION

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**Recommendation 15.** The Minister should initiate a review of the implementation to date of the recommendations in Baroness Andrews’ culture and poverty report to learn what good practice can be shared, what lessons learned and what further action is needed to implement the recommendations.

## 8. Cadw's status

**70.** Following a steering group review earlier this year, the Cabinet Secretary agreed to review Cadw's governance arrangements. On 16 November 2017, the new Minister for Culture, Tourism and Sport told the Committee that, following a Cabinet decision, Cadw was to remain within the Welsh Government, albeit with "greater flexibility". He expanded on this in a Plenary statement on 21 November, where he noted that "the arguments for and against Cadw being inside government were relatively evenly balanced", and that the business case presented to the Cabinet "recommended a series of business improvements that will be an important way of addressing issues identified by previous reviews, staff and stakeholders".

**71.** The Minister told the Committee that extra freedom for Cadw "has been granted by me, through my senior management team, to the officials at Cadw, and they know exactly what that means".

**72.** A Cadw official added to this description, stating:

"...there are 10 recommendations about improving the flexibility of Cadw to be successful within Government. Broadly, they're along the lines of finance, they're along the lines of HR, and there's a technical delegation that is proposed as part of that, where either the chief exec, the deputy director of Cadw, who I'm going to be appointing over the next couple of months, or potentially myself as the chair, with the director hat on, will have a sub-accounting officer delegation. So, that's quite an important thing within the civil service. So, there'll be freedom and accountability there."

### Our View

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We remain unclear on the precise nature of the greater flexibility that Cadw will now enjoy.

## RECOMMENDATION

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**Recommendation 16.** The Welsh Government should set out in more detail the precise nature of the “greater flexibility” that Cadw will be given in future, particularly where this differs from the arrangements proposed in the business case drawn up in October 2017.

## Annex – Witnesses and Evidence

### Oral evidence sessions

The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed in full at:

<http://senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=15157>

Webcasts are available at: [www.senedd.tv](http://www.senedd.tv)

Date	Witnesses	Organisation
12 October 2017	Jason Thomas, Director Culture, Sport and Tourism Gwilym Hughes, Assistant Director, Historic Environment Tom Cosson, Senior Culture and Poverty Adviser, Museums, Archives and Libraries Division,	Welsh Government
	Dr Eurwyn Wiliam, Chair Christopher Catling, The Secretary (CEO),	Royal Commission on the Ancient and Historical Monuments of Wales
22 November 2017	Jonathan Thompson, Senior Heritage Adviser Rhianne Jones, Policy Officer	Country Land and Business Association
	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	Baptist Union of Wales Corporation
	Rob Lennox, Policy Advisor Kate Geary, Head of Professional Practice and Development	Chartered Institute for Archaeologists
30 November 2017	Jane Lee, Policy Officer – Regeneration and Europe	Welsh Local Government Association

	Amy Longford, Heritage Manager	Monmouthshire County Council
	Peter Thomas, Senior Planner (Conservation and Design), Regeneration and Planning	Vale of Glamorgan Council
	Justin Albert, Director Dr. Emma Plunkett-Dillon, Head of Conservation	National Trust Wales
<b>6 December 2017</b>	Lord Dafydd Elis-Thomas PC AM	Minister for Culture, Tourism and Sport.
	Jason Thomas - Director Culture, Sport and Tourism	Welsh Government
	Gwilym Hughes - Assistant Director Historic Environment	Welsh Government

## Written evidence

Evidence to the committee was received throughout the inquiry.

The Committee Consultation ran from 3 November 2016 – 30 November 2016.

View the submissions to the consultation:

<http://senedd.assembly.wales/mgIssueHistoryHome.aspx?IId=19747>

Reference	Organisation
HE01	Dyfed Archaeological Trust
HE02	Chartered Institutes of Archaeologists
HE03	Cytun
HE04	National Churches Trust
HE05	Welsh Language Commissioner
HE06	Royal Town Planning Institute (Cymru)
HE07	Fonmon Castle
HE08	Welsh Local Government Association (WLGA)
HE09	Woodland Trust
HE10	Joint Committee of National Amenity Society
HE11	County Land & Business Association
HE12	Royal Commission on the Ancient and Historical Monuments of Wales
HE13	Cadw
HE14	Addoldai Cymru