

Communities, Equality and Local Government Committee

Inquiry into the Welsh Government's Historic Environment Policy

Response from Institute for Archaeologists

INSTITUTE *for* ARCHAEOLOGISTS

A professional institute for the study and care of the historic environment



28 June 2012

Dear Sir / Madam,

Inquiry into Welsh Government's Historic Environment Policy

Thank you for the opportunity to submit evidence to the National Assembly for Wales' Communities, Equality and Local Government Committee's Inquiry into the Welsh Government's Historic Environment Policy.

The Institute for Archaeologists

The Institute for Archaeologists (IfA) 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.

IfA has over 3,000 members and more than 70 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.

This evidence has been compiled with the assistance of IfA's Wales / Cymru Group which has over 100 members practising in the public, private and voluntary sector in Wales. It has also been informed, in part, by the involvement of the Institute and its members in Cadw's workshops on the Heritage Bill, the most recent of which (on the Heritage Bill and archaeology) was organised jointly by the Archaeology Forum and Cadw on 22 June 2012. IfA is the Convenor of the Archaeology Forum (TAF), a grouping of key, non-governmental organisations concerned with archaeology in the United Kingdom.

Welsh Government's Historic Environment Policy

General

The historic environment in Wales is a resource with huge potential for understanding identity and place, for contributing to quality of life, for sustainable growth and for delivering a wide range of

economic, social, cultural and environmental benefits. It is important to recognise and realise that potential in legislation and policy.

Specific Questions

1. How appropriate and successful are the current systems employed by the Welsh Government for *protecting* and *managing* the historic environment in Wales?

1.1 The mechanisms for the management and protection of the historic environment in Wales (in the form of legislation, planning and other policy and guidance) are generally effective.

1.2 However, there are some significant weaknesses in the system, including

- inconsistency - legislation and planning policy, historically, represent a series of ad hoc responses to perceived threats producing over time an essentially reactive, restrictive regime of largely discrete designations (listed buildings, scheduled monuments, protected wrecks etc) with differing criteria / terminology for designation and protection rather than a proactive, management driven regime. Such concerns need to be addressed notwithstanding the fact that the current system generally works well. Radical change (for instance, with the introduction of a unified list) brings its own problems but, at the very least, greater harmonisation of the differing mechanisms for management and protection of the historic environment in Wales is desirable as is a greater shift in emphasis from preservation of fabric to understanding and protection of significance of historic assets (as embraced in Cadw's *Conservation Principles for the sustainable management of the historic environment in Wales* (2011), but not necessarily fully reflected in legislation and policy elsewhere).

- vulnerability – for instance, although Wales has comprehensive Historic Environment Record (HER) coverage, in the absence of a statutory duty on local authorities to maintain or have access to a HER, we cannot be confident of maintaining that provision in the future in the light of the funding challenges facing all public bodies. In a similar vein, the introduction of a statutory duty of care for the historic environment to be discharged by local authorities would provide an added safeguard for the historic environment.

1.3 More specifically, the following areas of legislation and policy require detailed consideration:

- A more holistic approach to the historic environment is required including the definition of 'monument' in the Ancient Monuments and Archaeological Areas Act 1979 which should be extended to include sites without structures (which could be covered by a reference to 'a site comprising any thing or group of things that evidences previous human activity').

- A revision of planning policy for the historic environment should be undertaken in order to provide greater emphasis upon an evidence-based approach focussing upon significance and to underline the need for archaeology to provide public benefit (see, generally, the recommendations of the Southport Group: *Realising the benefits of planning-led investigation in the historic environment: a framework for delivery* (2011), a report looking specifically at English planning policy but whose recommendations are to large degree applicable also to Wales).

- As regards marine legislation, the designation of protected wrecks under the Protection of Wrecks Act 1973 represented a pragmatic response to specific threats, but does not provide a holistic, management based approach to the protection of the marine historic environment. The Scottish model of historic marine protected areas should be adopted in

this regard. Furthermore, consideration needs to be given to the recording and protection of maritime historic assets beyond Welsh Territorial Waters (i.e.12nm).

- Interim protection prior to the designation of historic assets such as listed buildings and scheduled monuments should be introduced to avoid loss and harm to such assets in advance of designation.
- Greater enforcement powers should be introduced for scheduled monuments including enforcement notices, stop notices and wider powers (in addition to prosecution) to enforce conditions upon scheduled monument consents.
- Removal of agricultural class consents for scheduled monuments - The threat to scheduled monuments from agricultural activity (and particularly ploughing) has long been recognised in the United Kingdom (see, for example, paragraph 5 of Planning Advice Note (PAN) 42 in Scotland (now replaced by PAN 2/2011) and *Ripping Up History: Archaeology under the Plough* (2003) English Heritage) and the removal of agricultural class consents would do much to address these issues. Although there may be compensation implications for existing scheduled monuments, this should not be the case for those monuments scheduled after the enactment of any such provision.
- The potential for strengthening the operation of the registers for historic landscapes and for parks and gardens should be investigated so as to provide more effective tools for the management and protection of the historic environment in Wales.

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

2.1 There is a lack of detailed policies for promotion of the historic environment in Wales in terms of interpretation, accessibility, attracting new audiences and tourism. The *Programme for Government* is largely unspecific in this regard and there is a need to develop both policy and programmes (such as the HLF Skills for the Future Community Archaeologists Training Placement Scheme) to this end.

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

3.1 There is scope for the integration of historic environment policy with wider Welsh Government policy objectives (for instance, the heritage portfolio sits with Housing and Regeneration at departmental level and we have an overarching Planning Policy for Wales). However, in practice, a lack of integration can be discerned. Hence, it is proposed to have separate Environment and Heritage Bills with proposals for the former confined to the natural environment and, at present, lacking any recognition of the holistic nature of the environment or of the historic environment's place in it. Similarly, there are concerns that the Sustainability and the Planning Bills will fail fully to integrate the historic environment within their remits. Whatever the provisions of a Heritage Act for Wales, it will not be wholly effective unless it is consistent with, and integrated into, other legislation.

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

4.1 Although at first sight merging the functions of the Royal Commission on the Ancient and Historical Monuments of Wales with the functions of other organisations, including Cadw, may appear to have some advantages, there would be significant disadvantages including

- costs of merger and unlikelihood of significant overall savings

- potential loss of link between record and investigation if NMR transferred to another body
- potential loss of advantages of charitable status (such as access to certain funds) if functions transferred to another body
- possible erosion of the Royal Commission's functions if transferred to another body whose core functions are different and (in Cadw's case) include key statutory duties.

4.2 Cadw and the Royal Commission's functions are quite different. The Royal Commission's functions involve the recording and investigation of the historic environment and the maintenance of the national archive into which the survey records feed. Records are extremely important in the historic environment sector both for management purposes and to increase public understanding and 'sense of place' but they require specialists to maintain and interpret them in order to maximise their use and subsequent public benefit. The Royal Commission's integrated survey and national archive, advice and outreach functions meet this need and are very well used public services and highly valued. There is concern that merger with Cadw or another body could put these important functions at risk.

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

5.1 Local authorities have a central role to play in this regard through the implementation of the planning regime, directly employing conservation staff but also receiving support from the Welsh Archaeological Trusts (whose work, including the maintenance of regional HERs, is crucial to the management and protection of the historic environment in Wales). IfA is strongly supportive of the work of the four Trusts, all of which are registered under IfA's Registered Organisations Scheme (a quality assurance scheme for those providing archaeological services) and would welcome proposals to strengthen the service which the Trusts provide. In particular, measures to provide stronger links between the Trusts and local authorities would facilitate more effective management of the historic environment.

5.2 Some local authorities maintain local museums and other heritage resource centres, but provision varies from authority to authority. Greater support for CyMAL: Museums Archives and Libraries Wales, a body which supports museums and libraries in Wales would be helpful in this regard.

5.3 Third sector organisations consist largely of local groups and societies, many of which contribute valuable local knowledge and research. Continuing training and support is required to facilitate public engagement in the historic environment.

IfA and its Wales / Cymru Group look forward to working with Welsh Government and others further to develop a *Historic Environment Strategy* and ultimately a Heritage Bill for Wales.

In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

Yours faithfully,



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