



Heritage Bill Team
Cadw
Plas Carew
Unit 5/7 Cefn Coed
Parc Nantgarw
Cardiff
CF15 7QQ

10 October 2013

Dear Sir / Madam,

The future of our past: A consultation on proposals for the historic environment of Wales

Thank you for the opportunity to comment on these proposals.

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. IfA's Wales / Cymru Group has over 100 members practising in the public, private and voluntary sector in Wales.

IfA's Wales / Cymru Group held a workshop to consider the proposals in this consultation on 27 September 2013 in Machynlleth which, amongst other things, served to inform this response.

The future of our past

General

IfA welcomes Welsh Government's commitment to introduce a Heritage Bill (and related measures) as a once in a generation opportunity to reappraise the management and protection of the historic environment in Wales and to produce a framework which is up-to-date, clear and effective, fully realising the potential contribution of the historic environment to a truly sustainable Wales.

The consultation document contains a clear exposition of the legislative provisions for designation and consents in relation to historic assets and some logical proposals to streamline and improve the system. However, no fundamental restructuring of heritage protection is proposed, nor do the proposals adequately embrace professional standards or address wider organisational issues. The former may be justifiable (albeit that IfA would wish to see some more ambitious proposals as outlined

in the answers to specific questions), but the latter is not. The Institute acknowledges and welcomes Welsh Government's engagement with the sector to date in relation to the Bill proposals. We will be happy to continue to work with Welsh Government to address our concerns.

Specific Questions

Scheduled ancient monuments

Q1 Do you agree with proposal P1?

1.1 Yes, provided that

- the definition is broad enough to cover palaeoenvironmental information and evidence of potential human activity
- practical issues are addressed with regard to the definition of boundaries of sites without structures.

1.2 It is assumed that statutory provision (akin to that in Scotland introduced by section 14 of the Historic Environment (Amendment) (Scotland) Act 2011) will be necessary in addition to specific criteria contained in guidance issued by Welsh Ministers.

Listed buildings

Q2 Would proposal P2 improve the existing system for the designation of listed buildings?

2.1 The proposal is consistent with the significance-based approach to the management and protection of the historic assets promoted in *Conservation Principles for the Sustainable Management of the Historic Environment in Wales* (2011). However, there may be difficulties in practice in respect of

- the resource required effectively to implement the proposal
- the consistency with which the proposal will be implemented, both as between new listings and between new and current listings (which will not benefit from any new power). The resource implications of applying the proposal retrospectively are understood, but consideration might be given to introducing some means to 'upgrade' existing listings (for instance, where any owner or other interested party was willing to pay for the work to be done)
- the potential to undermine the ability to enforce in respect of archaeological matters. The consultation, generally, does not adequately recognise the archaeological interest of listed buildings and the need for specialist expertise to assess the impact of change on the archaeological potential they hold.

Q3 Do you agree with proposal P3?

3.1 Yes, provided that sufficient resources are available to local authorities to ensure that applications for certificates of immunity from listing are assessed by competent, accredited practitioners promptly and as rigorously as a listing proposal.

Q4 Do you agree with proposals P4, P5 and P6?

4.1 **Proposal P4** – Yes. Although this may contribute to a fairer and more transparent system, it should not in any way detract from the primary role of experts in assessing and advising upon designation (in this regard, the Welsh Archaeological Trusts should be identified alongside LPAs as bodies which should be consulted). Furthermore, it would increase the risk of pre-emptive action by owners prior to designation and consequently strengthen the case for interim protection.

4.2 **Proposal P5** – Yes. IfA strongly supports the introduction of interim protection to avoid demolition or other damage to buildings in the course of the designation process. This has happened both in Wales (for instance, a late 19th-century timber lodge at Plas Cregennan near Dolgenan in Gwynedd was demolished in 1991 in advance of designation) and elsewhere in the United Kingdom (for instance, in 2009 the guard house of a World War 1 army camp which subsequently became a ‘Home for Heroes’ at Woldingham in Surrey was demolished following and application for spot listing, but before that application could be determined). Stop notices are a useful addition to the responses to known threats available to local authorities, but require knowledge, time and resource and will not remove all risk of damage.

4.3 **Proposal P6** – Yes, provided that the building remains protected during the period of the review. If there is to be a ‘*complete reconsideration of the case*’ on review, what will happen if the reviewing body simply comes to a different conclusion (i.e. not on one of the limited grounds of appeal)?

Marine heritage

Q5 Do you agree with proposal P7?

5.1 IfA is not opposed to the use of scheduling powers under the 1979 Act in the marine zone. However, simply advocating increased use of a pre-existing power does not represent an ambitious vision for the future management of the marine historic environment in Wales. Even with this proposal, significant issues with regard to the expertise and resources available for designating and managing scheduled monuments at sea remain to be resolved.

5.2 More fundamentally, IfA wishes to see consideration given to other proposals in the marine zone including

- (1) Welsh Government seeking an amendment to the Marine and Coastal Access Act 2009 to allow for the designation of historic marine protected areas (as has been done in Scotland through section 73 of the Marine (Scotland) Act 2010)
- (2) Welsh Government adopting a policy position on, and urging the United Kingdom to ratify, the UNESCO Convention on the Protection of Underwater Cultural Heritage 2001
- (3) addressing issues relating to marine archives and providing clear policy and support for Historic Environment Records comprehensively to cover information relating to the marine historic environment in Welsh waters.

Historic areas - general

Q6 Do you agree that an online unified Register of Areas of Special Historic Interest in Wales would be beneficial?

6.1 Yes, provided that it is a dynamic resource, maintained and updated by accredited, professional staff. An online national heritage register for Wales comprising all designated historic assets would be even more beneficial. (See paragraph 41.1 below.) Moreover, the significance of assets on the Register needs to be fully recognised within the planning process (which has not always been the case in the past) and explained in clear guidance.

Historic areas – parks and gardens

Q7 Do you agree with proposals P9, P10 and P11?

7.1 **Proposal P9** – Yes. The viability of this important resource should be safeguarded.

7.2 **Proposal P10** – Yes. The online register discussed above would help to increase awareness, but,

ideally, what is required is a mechanism (such as some form of registration) to ensure that acquiring owners are officially notified (or deemed to be notified) of designation when the property is conveyed to them. Consideration should also be given to initiatives to encourage Solicitors (for instance, through the Law Society) to consult HERs in conveyancing.

7.3 Proposal P11 – Yes. The envisaged consultation requirements should encourage early engagement with Cadw and other stakeholders, thereby addressing concerns and facilitating sustainable development.

Historic areas - landscapes

Q8 Do you agree with proposals P12, P13 and P14?

8.1 Yes. It is particularly important to ensure that proposals P12 and P13 are not viewed in isolation solely as discrete historic environment issues. A holistic approach to landscape needs to be adopted in line with the European Landscape Convention, recognising that most landscapes in Wales have been influenced by human activity and that there is little that is truly 'natural'. Consequently, provisions relating to landscape in the Heritage and Natural Environment Bills should be integrated and the management and protection of the historic environment should be firmly embedded in any ecosystem approach to landscape management. (See further IfA's response to Welsh Government's consultation on the draft Policy Statement for Protected Landscapes in Wales ('Taking the Long View') dated 17 September 2013. Indeed, the IfA Cymru / Wales Group at its workshop in Machynlleth strongly felt that historic landscapes should be managed by a body directly responsible for the historic environment.

8.2 There is no instance where the distinction between 'outstanding' and 'special' landscapes has had a material effect on a planning decision in Wales. Welsh Government should take the opportunity to remove this distinction and adopt common terminology.

Historic areas - battlefields

Q9 Do you agree with proposals P15, P16 and P17?

9.1 **Proposal P15** - Yes.

9.2 **Proposal P16** – Yes. See the comments at paragraph 7.2.

9.3 **Proposal P17** – Yes, save that IfA questions the value of Tier 2 designations in the planning process. Save that they may strengthen the hand of the LPA for instance in requiring evaluation in advance of development proposals, the designation will add little to the process and the definition of boundaries will be problematic.

World Heritage Sites

Q10 Do you have examples of instances where, in your view, proper consideration has not been given to the outstanding universal value of a World Heritage Site?

10.1 Yes. Significant residential development has taken place within 500 metres of Caernarfon Castle and the Town Walls without adequate consideration of the outstanding universal value of the World Heritage Site.

Q11 What functions do LPAs exercise that could affect the outstanding universal value of World Heritage Sites?

11.1 Broadly, strategic planning (development plans and orders) and development management (including the granting of listed building consent).

Q12 Could LPAs change the way in which they exercise their functions to contribute positively to the preservation of the outstanding universal value of World Heritage Sites?

12.1 Yes, if appropriate guidance on World Heritage Sites (including any buffer zone) were available from Welsh Government, addressing, in particular, the integration of consideration of the outstanding universal value of World Heritage Sites into development planning and management.

Q13 Which decisions made by public bodies other than LPAs are capable of having an impact on the outstanding universal value of World Heritage Sites?

13.1 A wide range of decisions can impact upon the outstanding universal value of World Heritage Sites, including regulatory, financial, cultural, environmental, transport and other infrastructure decisions by public bodies including Welsh Government.

13.2 Further consideration needs to be given to minor development (such as signage) and permitted development rights in or affecting World Heritage Sites.

Q14 How should World Heritage Site status rank in decisions taken by public bodies?

14.1 As designated assets (and settings) of the highest significance.

Q15 Would giving proper consideration to their outstanding universal value be likely to have a significant impact on development within World Heritage Sites or their settings?

15.1 Possibly, but this would be justified provided that a proportionate approach was adopted.

Conservation areas

Q16 Do you agree with proposals P20 and P21?

16.1 **Proposal 20** – Yes. Guidance needs, amongst other things, to address the scale at which characterisation is undertaken. There should also be a requirement on local authorities to make conservation area appraisals available online.

16.2 **Proposal 21** – Yes, provided that a new criminal offence of demolishing an unlisted building in a conservation area without planning permission is enacted.

16.3 In addition, IfA would support legislative change to enable conservation areas to be designated because of their special archaeological interest (as opposed or in addition to their special architectural or historic interest). This would, for instance, allow the restriction of permitted development rights in areas of high archaeological potential but lacking a concentration of designated assets.

Historic assets of local significance

Q17 Do you believe that regional collaboration would be effective in identifying and protecting historic assets of local significance?

17.1 In the first instance, IfA would prefer to see a distinction drawn between designated historic assets and non-designated historic assets, rather than designated historic assets and historic assets of local significance. Not all assets of national importance are designated. Other assets (particularly those of archaeological interest) may be of sufficient significance to warrant consideration within the planning process (for instance, because they have archaeological potential) but not deemed to be of sufficient importance to warrant designation. Consequently, to characterise all non-designated historic assets as of local significance is misleading. Consistent terminology would help to avoid confusion between different definitions (for example, 'importance' in heritage legislation and 'significance' in planning).

17.2 Historic Environment Records (HERs) have a key role to play in identifying and protecting historic assets of local significance and need to be an integral part of these proposals (P22 – P25).

17.3 Regional collaboration could contribute to the identification and protection of non-designated historic assets. In an archaeological context, this collaboration already takes place through the work of the Welsh Archaeological Trusts. IfA strongly supports the work of the Trusts and would wish to see them at the heart of any future regional collaboration.

Q18 How could third sector organisations assist local authorities in identifying historic assets of local significance?

18.1 Third sector organisations have in the past played an invaluable role in identifying non-designated historic assets and should continue to do so in future. This contribution can best be made in cooperation with the Welsh Archaeological Trusts and by entering information on the Historic Environment Records maintained through the Trusts.

Q19 What would you like to see in any published guidance for aiding the protection of historic assets of local significance?

19.1 Guidance should

- (1) define non-designated assets (preferably) or historic assets of local significance
- (2) identify the nature and range of non-designated historic assets (see paragraph 17.1 above) and their significance as a material consideration in the planning system
- (3) explain the importance of accredited expert advice
- (4) explain the importance of Historic Environment Records and the professional staff that support them not only in identifying the significance of historic assets but also in sustaining that significance through the operation of the planning system
- (5) provide guidance on the preparation of local lists, but make clear that such lists are not exclusive and do not preclude the identification of other non-designated assets
- (6) explain the consideration of such assets in the planning system and signpost relevant planning policy and guidance (which should, itself, be revised better to reflect the role of non-designated historic assets within the planning process).

Q20 How can characterisation studies support the identification and sustainable management of historic assets and areas of local significance?

20.1 By contributing to the evidence base which underpins informed management and protection of the historic environment and allowing a more holistic and nuanced approach to heritage management.

Heritage partnership agreements

Q21 Do you think HPAs would be useful in Wales?

21.1 Yes, on a voluntary basis and provided that there is adequate provision for monitoring and review and appropriate redress for breach.

Improvements to the listed building consent process

Q22 Do you agree with proposals P27, P28 and P29?

22.1 Yes, but guidance must take account of archaeological considerations. Works to listed buildings (for instance in relation to roofing or render) often have archaeological implications.

Q23 Consultees are asked to discuss the merit of proposals P30, P31 and P32, giving particular regard to:

- **whether they would offer sufficient protection to historic buildings,**
- **the extent to which they would reduce the numbers of LBC applications,**
- **the extent to which they would speed up the determination of LBC applications, and**
- **any risks that they might introduce.**

23.1 **Proposal P30** – IfA would support this proposal subject to the authorities in question having IHBC-accredited advisors in post with access to archaeological advice on the impact of change on a building's archaeological potential. This proposal would not reduce the number of LBC applications, but should speed up the process. If local authorities have access to professionally accredited expertise this should offer sufficient protection to historic buildings. The main risk to the historic environment would result from a lack of access by local authorities to appropriate expertise (whether by reason of lack of resources or lack of trained and competent practitioners) or a failure properly to take account of it. Where a conservation officer recommendation was overturned by members, there should be provision for the application to be referred to Cadw (or any successor body) for ratification.

23.2 **Proposal P31** – IfA would support the introduction of a certificate of lawfulness for proposed works as has recently been introduced in England by section 61 of the Enterprise and Regulatory Reform Act 2013. This would reduce the numbers of LBC applications although it would not speed up the determination of remaining applications. Provided that the certification process is sufficiently rigorous and that local authorities have access to professionally accredited expertise (including archaeological expertise) this should offer sufficient protection to historic buildings. The main risk to the historic environment would result from any failure to ensure that local authorities have access to appropriate expertise (whether by reason of lack of resources or lack of trained and competent practitioners).

23.3 **Proposal P32** – IfA would support the streamlining of LBC procedures by the use of professionally accredited experts to certify 'no-harm proposals' which would benefit from a 'fast track' procedure (subject to LPA call in). Such a mechanism would require careful thought and appropriate safeguards (including membership of an appropriate professional body and an effective accreditation scheme), but with such safeguards in place there should be sufficient protection for historic buildings. The risk of harm to buildings by inappropriate certification (whether negligently or deliberately) can be minimised by the rigorous application of professional standards.

23.4 The need to assess the archaeological implications of works to listed buildings should not be overlooked.

Q24 What kinds of works would have no adverse affect on the character of a listed building and could be subject to a streamlined LBC system?

24.1 Minor works (to be defined) in relation to Grade II (and possibly Grade II*) listed buildings.

Q25 Are there any other measures that would help to overcome present weaknesses in the system?

25.1 Greater use of professionally accredited experts generally to advise upon the implications of proposed works (including the archaeological implications) would minimise delays and risks to the historic environment and facilitate sustainable development.

Listed places of worship and ecclesiastical exemption

Q26 Do you agree with proposal P33?

26.1 There is no clear consensus amongst IfA members as regards ecclesiastical exemption. The majority of attendees at IfA Cymru / Wales Group's workshop at Machynlleth were of the opinion that ecclesiastical exemption should be removed as anomalous and urged Welsh Government to take this opportunity to review the continuation of the exemption. If, however, ecclesiastical exemption is to remain, it is accepted that all buildings subject to the exemption should be covered by relevant denominational control mechanisms and 'dual control' should, wherever possible, be avoided.

Unauthorised works to listed buildings

Q27 Do you see merit in introducing temporary stop notices in Wales?

27.1 Yes. The ability to take immediate action in advance of decisions on further enforcement action would be valuable. This should be accompanied by a right of entry (see http://ihbc.org.uk/context_archive/105/prosecution/one.html for an example at Grondra in Monmouthshire where the ability to enforce was constrained by an inability to obtain access to assess the nature and extent of unauthorised works).

Q28 Can you give examples of occasions when such a notice would have been useful?

28.1 See above. A temporary stop notice might also have been useful in the case of works to the Miners Rescue Centre in Wrexham (see <http://ihbconline.co.uk/prosecutions/#/46/>).

Q29 Can you give examples of fines imposed by magistrates for unauthorised works to listed buildings that were, in your opinion, inadequate?

29.1 A range of fines imposed by the Courts on successful listed building prosecutions including the Wrexham case can be found on the IHBC website (<http://ihbconline.co.uk/prosecutions/>). The fine imposed in the case at Grondra also appears inadequate to deter other offenders.

Q30 Would higher fines act as an effective deterrent to unauthorised works to listed buildings?

30.1 In some cases, yes, particularly where there is a profit motive (as in the fine imposed on McCarthy & Stone in Newport in 1998: http://ihbc.org.uk/context_archive/59/newport.htm). Given the increased fines that Magistrates' Courts can now impose in the light of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, it is important to ensure that the police, prosecutors and Courts understand the significance of offences and their impacts upon the historic environment (for instance, by ensuring that heritage crime impact statements are consistently used and meet common standards). A commitment by Welsh Government to a programme similar to English Heritage's Heritage Crime Programme would also do much to help – this might help, for instance, to integrate heritage crime into police operating procedures. One further measure which might assist would be to enable Cadw to prosecute offences in addition to the Crown Prosecution Service.

30.2 However, this approach has to be combined with other mechanisms and initiatives directed towards

communication, education and prevention.

Historic buildings at risk

Q31 How can proposals P36, P37 and P38 best be implemented?

31.1 In the first instance, by strong and clear, national planning policy (and historic environment policy) which fully recognises the contribution which the historic environment makes to the achievement of sustainable development. Such policy (and supporting guidance) must make clear that the historic environment is part of the solution, not part of the problem, while at the same time spelling out what needs to be protected and why.

31.2 Secondly, adequate resources need to be made available to allow the steps identified in these proposals to be fully implemented. In some respects the role of public bodies will be a 'pump-priming' one and meaningful engagement with the development sector, landowners, the voluntary sector and the historic environment sector generally will be crucial in achieving Welsh Government's objectives.

31.3 Furthermore, although issues relating to reuse are more relevant to buildings than to other historic assets such as scheduled monuments, the proposals relating to heritage at risk should not be confined to listed buildings and should include historic assets generally. In this regard the joint working envisaged in proposal P38 should include the Welsh Archaeological Trusts.

Q32 Do you agree with proposal P39?

32.1 To a great extent, yes, but this must be balanced (when prioritising the allocation of scarce funds) with an appreciation of the significance of the assets in question. Expenditure on assets simply because they are deemed to be the most at risk may not always be the best use of money.

Q33 Would it be useful to extend the scope of urgent works notices to include occupied buildings, provided they are not in residential use?

33.1 Yes. There may be legal constraints on extending the use of such notices to buildings in residential use. Insofar as it is possible, IfA would like to see the use of such notices extended to all buildings.

Scheduled ancient monuments

Q34 Do you agree with proposals P41, P42, P43, P44, P45 and P46?

34.1 **Proposal P41** – IfA strongly supports the introduction of measures similar to listed building enforcement notices and proposed temporary stop notices to allow action to be taken against unauthorised works to scheduled ancient monuments or breaches of SMC. The Institute believes that temporary stop notices are required in this regard in addition to enforcement notices (see the answer in relation to listed buildings at paragraph 27.1).

34.2 **Proposal P42** – Yes. Adequate resources should be made available to fund such works where funding is not provided by the owner. The word 'accredited' should also be inserted prior to the word 'nominated' in the proposal, to ensure that archaeological excavation is carried out by '*qualified, specially authorised persons*' in accordance with article 3ii of the Valletta Convention (see paragraph 48.1 below).

34.3 **Proposal P43** – Yes. The ability to refuse to determine an SMC application in the face of undischarged prior conditions would be a useful tool in the absence of any (or any adequate) mechanism for enforcing SMC conditions. However, there may be legitimate reasons why an applicant

has undischarged conditions from a previous consent. If such a power were to be introduced, there should be clear guidance ensuring that Welsh Ministers took such matters into account in the exercise of their discretion. The enforcement of SMC conditions should be given further consideration by Welsh Government since the indirect method of enforcement envisaged here will only be available if a further application for SMC is made.

34.4 A requirement of SMC that IfA Registered Organisations (<http://www.archaeologists.net/regulation/organisations>) carry out any archaeological work would assist enforcement and ensure that those carrying out such work are professionally accountable.

34.5 **Proposal P44** – Yes. Care needs to be taken, however, to ensure that this is not seen as encouragement to ‘carry out works first and apply for consent later’.

34.6 **Proposal P45** – Yes. This is a logical step and one that has already been taken in Scotland. It would be helpful, nonetheless, if this could be accompanied by measures to increase the transparency of the process.

34.7 **Proposal P46** – Yes, provided that there is clarity as to what has and has not been given consent and a clear and accessible record of the same.

34.8 IfA would also like to see the publication of clear guidance and criteria for the grant of SMC for research purposes.

Strengthening strategic partnerships

Q35 Do you agree with proposal P47 to develop regular strategic plans for the historic environment sector?

35.1 Yes. This is a valuable way to provide leadership and direction in the historic environment sector in Wales, which has already produced results.

Q36 Do you think that four years is the correct interval for the development of such plans?

36.1 Yes.

How do you think they can best be developed and delivered?

36.2 In partnership with a broad range of stakeholders (including IfA) across the historic environment sector in Wales.

Q37 Do you agree that there should be a new historic environment advisory panel?

37.1 Only if

- its relationship to the existing Historic Environment Group (HEG) and the respective functions of the two bodies are clearly identified
- it complements rather than duplicates the work of HEG and
- it represents a broad cross-section of expertise

37.2 If these criteria cannot be met, a better alternative may be to reform and revitalise HEG.

37.3 It is also questionable how independent representatives will be when most candidates are likely (quite legitimately) to represent or have close affinity with one or more heritage bodies in a relatively small sector. In this respect, transparency rather than strict impartiality may be the key.

If so, what would you see as the key roles for the proposed panel?

37.2 To provide an *'arm's length expert perspective'* to complement the advice of HEG as a sectoral body.

37.3 IfA remains supportive of HEG and would welcome the opportunity to contribute to its work through membership of the Group.

Q38 Can you suggest ways of ensuring that the panel provides the impartial arm's length perspective, where this is required, in relation to the delivery of public historic environment services at a national level in Wales?

38.1 See paragraph 37.3 above. It might assist if the secretariat and administrative functions of such a body sat outside Welsh Government.

Delivery of public historic environment services at a national level including the future delivery of functions undertaken by RCAHMMW

Q39 What do you believe would be the most effective operating model for the delivery of an integrated national historic environment service (proposal P49)? Please elaborate?

39.1 Whatever operating model is considered, IfA's primary concern remains to see that there is continuity of function and resourcing. There should be no loss of core functions or of the resources (including staff and finance) adequately to maintain them. The strengths of the Royal Commission (for instance, in data management) must not be lost, but should be strengthened in any new body. The creation of an integrated national historic environment service also provides an opportunity to consider whether there are any areas outside the current remit of either Cadw or RCAHMMW which might be usefully form part of the function of a successor body. An obvious example would be oversight of heritage skills needs and provision in Wales.

39.2 There are a number of competing factors which might (as in the case of the ongoing merger of the Royal Commission on the Ancient and Historical Monuments of Scotland and Historic Scotland) suggest a division of functions inside and outside Government. These include

- (1) the need for Welsh Government to have sufficient expertise to develop and maintain its own historic environment policy
- (2) the benefits of a position at the heart of Welsh Government for mainstreaming the historic environment
- (2) the benefits of charitable status for commercial and other activities
- (3) the independence and perceived objectivity of a service sitting outside Welsh Government.

Q40 Do you agree that proposals P50 and P51 would provide effective protection for the current key functions of the RCAHMMW?

40.1 Yes. IfA strongly supports the imposition of requirements (1) to curate, maintain and enhance the NMRW and (2) to survey, investigate and interpret the Welsh historic environment.

Q41 Do you agree with proposal P52?

41.1 Yes. (See paragraph 6.1 above.)

Q42 Do you agree with proposal P53?

42.1 Yes. IfA already provides standards for collecting and depositing archives when undertaking

archaeological work in connection with the planning process (see <http://www.archaeologists.net/codes/ifa>). Welsh Government should require compliance with these. IfA would welcome the opportunity to work with the HEG archives subgroup in this regard.

42.2 The proposal should not be limited to archives within the planning process. Welsh Government should endorse IfA Standards and guidance in respect of archives generally.

Delivery of historic environment services at a regional and local level

Q43 Do you agree with the need to establish more formal agreements between groups of local authority conservation services?

43.1 IfA supports greater regional collaboration with regard to the historic environment generally. This should involve the Welsh Archaeological Trusts (a proven and much-admired means to provide archaeological advice on a regional basis).

Q44 Do you agree that such agreements should cover the areas suggested in 4.43 above? What other areas might such agreements cover?

44.1 Such agreements could cover archaeological matters if the Welsh Archaeological Trusts were involved and should in any event stipulate adherence to common professional standards.

Q45 Do you agree with proposal P55?

45.1 Yes.

If so how can this be achieved?

45.2 IfA strongly supports the enactment of a statutory duty for local authorities to maintain or have access to a Historic Environment Record and the accredited expertise that supports it. The HER needs to be dynamic and actively maintained. This is a key priority for IfA and its members.

Supporting the third sector in providing pan-Wales historic environment services

Q46 Do you agree with proposal P56?

46.1 Yes, but the proposal needs further consideration to achieve the most appropriate format for Wales.

If yes, what form do you think such a network might take and how do you think it could be funded?

46.2 As a membership organisation representing voluntary and professional, non-governmental organisations in the historic environment sector, funded by Welsh Government (i.e. similar to BEFS in Scotland).

Q47 Do you agree with proposal P57?

47.1 Yes, but there are question marks as to whether the market in Wales is strong enough to support the model envisaged (with a trust or trust taking on buildings, ultimately for sale in an improved condition, and reinvesting the proceeds in further buildings).

What form do you think such a trust or trusts could take and how could funding be provided?

47.2 Local trusts may be most appropriate. Such trusts would require financial support which might

include loan facilities.

Other comments

Q48 We have asked a number of specific questions. If you have any related issues that we have not specifically addressed, please raise them here.

48.1 The proposals do not address the issue of compliance with Article 3ii of the Valletta Convention which provides a requirement *'to ensure that excavations and other potentially destructive techniques are carried out only by qualified, specially authorised persons'*. A requirement either in statute or policy for such work to be carried out by professionally accredited practitioners would meet this concern.

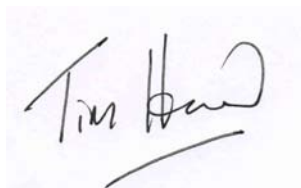
48.2 Other areas (in addition to those identified above) in which the proposals are lacking include

- consideration of the updating and use in Wales of Areas of Archaeological Importance as defined in the Ancient Monuments and Archaeological Areas Act 1979
- recognition of the importance of historic environment in rural policy and CAP
- reform of class consents for scheduled monuments (for instance, in relation to agricultural activity)
- consideration of modification of the defence of ignorance in relation to scheduled monuments (notwithstanding issues of legislative competence).

48.3 More generally, it would have been helpful clearly to explain the relationship between the Heritage Bill and its provisions and parallel Bills including the Planning, Future Generations and Natural Environment Bills. For instance, good intentions with regard to sustainability in this consultation will achieve little if the historic environment is not fully recognised in the Future Generations and related Bills. There is already cause for concern in this regard, when the current sustainability indicators for Wales do not specifically address the historic environment (see IfA's response dated 27 February 2013 to Welsh Government's consultation *'A Sustainable Wales – Better Choices for a Better Future: Consultation on proposals for a Sustainable Development Bill'*).

The Institute remains keen to work with Welsh Government further to develop the proposals for the historic environment in Wales. In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

Yours faithfully,



Tim Howard LLB, Dip Prof Arch
Policy Advisor