



The Environment Bill Team
Climate Change and Natural Resource Policy Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

15 January 2014

Dear Sir / Madam,

Towards the Sustainable Management of Wales' Natural Resources: Consultation on proposals for an Environment Bill

Thank you for the opportunity to comment on the proposals in this White Paper.

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.

The 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 300 members, many of whom practise in the public, private and voluntary sector in Wales.

Towards the Sustainable Management of Wales' Natural Resources

General

IfA welcomes the recognition in the White Paper that *'the natural and historic environments are inextricably intertwined and shape the character of the Welsh landscape. Management and interpretation of the natural heritage and the historic environment often have common needs and continuing to integrate approaches to their management will contribute to the well-being of the people of Wales through the delivery of social, environmental and economic benefits.'* (White Paper, paragraph 1.34).

However, the emphasis on 'natural resources' in that paragraph and elsewhere in the White Paper, risks marginalising the historic environment. Although the historic environment is an important part of 'landscape', heritage interests cannot be confined to a landscape scale and have a far wider relevance. Consequently, the touchstone for any Environment Bill should be a definition of 'environment' which fully and expressly encompasses both the natural and historic environment.

Furthermore, the Environment Bill needs to be part of a coordinated legislative programme in which statutory provision for planning, sustainability and the environment (including the natural and the historic environment) is connected, consistent and complementary. In this regard, IfA notes

(and welcomes) the references in the White Paper to integration with other legislation, but would like to see stronger and more overt links with the emerging Heritage Bill. The approach to ecosystems services will also need to be adapted more clearly to embrace the management and regulation of the historic environment.

The need for *'clear and consistent evidence'* in relation to the environment (White Paper, paragraph 1.33) is endorsed by IfA. Such evidence should include evidence with regard to the historic environment and, to this end, Welsh Government should provide statutory support for Historic Environment Records (HERs) maintained by expert staff.

In answering the specific questions below, IfA confines its responses to matters relating to the historic environment.

Specific Questions

1. Do you agree with the overall package of proposals in relation to natural resource management in chapter 2?

1.1 No. For the reasons outlined above IfA would like to see management of the historic environment more firmly embedded in the package of proposals.

2. Do you agree with the approach to define natural resources, sustainable management of natural resources and integrated natural resource management in Wales?

2.1 No. IfA would prefer to see an approach which seeks to define and manage 'environmental resources' encompassing both the natural and historic environment. If the approach suggested in the White Paper is to be adopted it should proceed on the basis of a definition of 'the environment' which expressly includes the natural and historic environment and the proposed definitions should fully reflect that holistic approach. IfA welcomes the recognition (in the text box at page 18 of the White Paper) that 'natural resources' extend to 'landscapes' and thence to the historic environment. However, we would like to see an approach which recognises the natural and historic environment as equal partners rather than the latter being regarded as just one facet of the former.

3. Do you agree that climate resilience and climate change mitigation should be embedded into our proposed approach to integrated natural resource management at both national and local levels?

3.1 Yes.

4. Do you agree that the setting of national outcomes and priority actions for natural resource management should follow the five-year cycle for national outcome setting in the Future Generations Bill?

4.1 Yes, provided that such outcomes and actions include outcomes and actions for the historic environment.

5. Do you agree that the area-based approach will help provide a clear, prioritised and focussed approach to delivery?

5.1 Yes, provided that there remains adequate overview at a national level.

6. Do you agree that the approach is flexible enough to enable significant elements of the plans for natural resource management to be replaced in the future?

6.1 No comment.

7. Do you agree with placing a requirement on other public bodies to co-operate in the area-based approach?

7.1 Yes, provided that this includes co-operation in relation to the historic environment.

8. Do you agree that NRW should be the lead reporting authority for natural resources?

8.1 Yes, subject to the concerns expressed above.

9. Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?

9.1 No comment.

10. Do you agree with the proposals set out in chapter 3 in relation to new ways of working for NRW?

10.1 IfA agrees that NRW should seek ways of working that ensure that the environment is '*sustainably maintained, sustainably enhanced and sustainably used*' (White Paper, page 1). This should include working closely with Cadw and other stakeholders in relation to the historic environment.

32. Do you agree with the proposals in relation to Marine Licensing?

32.1 IfA recognises the financial burden of administering the marine licensing system and the benefits of recouping at least some of the cost from 'users'. However, there should be latitude to exempt (or apply reduced rates to) small and medium-sized organisations and individuals (and, in particular, those involved in research and activities of a non-commercial nature). Many such licensees carry out marine conservation and other related work in the public interest and the imposition of significant charges may inhibit or preclude such work.

33. Do you have any comments on whether the Welsh Government should extend NRW's ability to recover costs associated with marine licensing by charging fees for:

i. pre-application costs?

ii. variation costs?

iii. costs of transferring of licences?

iv. covering regulatory costs, via subsistence charges?

33.1 See under paragraph 32.1 above.

42. We want to ensure that the Environment Bill is reflective of the needs of Welsh Citizens. As such, we would appreciate any views in relation to any of the proposals in this White Paper that may have an impact on a) Human rights b) Welsh language or c) the protected characteristics as prescribed within the Equality Act 2010. These characteristics include gender; age; religion; race; sexual orientation; transgender; marriage or Civil Partnership; Pregnancy and Maternity; and, disability.

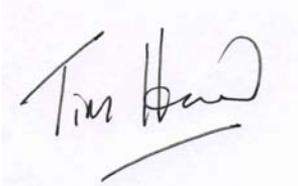
42.1 We are not aware of any such impacts.

43. Do you have any other comments or useful information in relation to any of the proposals in this White Paper?

43.1 No comment.

The Institute would be delighted further to contribute to the formulation of an Environment 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 sincerely,

A handwritten signature in black ink, appearing to read 'Tim Howard', with a horizontal line underneath.

Tim Howard LLB, Dip Prof Arch
Policy Advisor