

Submitted by online form

27 February 2018

Dear Ms Creagh,

**Chartered Institute for Archaeologists response to Environmental Audit Committee
Inquiry into the 25YEP.**

Thank you for the opportunity to submit evidence to this enquiry. It is a critical time for the shaping the future of the environment. The 25 Year Environment plan (25YEP) presents an opportunity for a new start for the rural historic environment and cultural heritage. We see much to be excited about in the plan, and we hope that these seeds can grow into policies and provisions which lead to a harmonisation of existing approaches to environmental management, which have in the past, often unhelpfully placed barriers between 'historic' and 'natural' elements of the environment, where in reality, there is only one integrated and multi-layered environment which produces benefits for people which are closely connected to the same processes, like agriculture, and sensitive to similar approaches to conservation and enhancement.

In order to meet these expectations, we need to ensure that heritage is broadly defined so as to include the entire gamut of values which result from the interaction of people and their environments over time – from the importance of archaeological landscape features, traditional farm buildings and historic field boundaries, to the much more general sense of connection between people and places. We feel that, in part, the 25-YEP displays a tendency to treat the scope of the term heritage too narrowly and shapes, through its precise wording, a sense that heritage, in the context of the environment, connotes exclusively the importance that nature has in peoples lives. We hope that this is not the government's intention. In other places, notably a number of case studies, this artificial narrowing of the meaning of heritage is not present, which shows at least, that it is entirely possible to pursue this broad vision in practice.

With this focus in mind, our comments relate to those aspects of the Plan which outline the government's approach to environmental management principles, accounting methods, and language which have the potential to impact the safeguarding of the historic environment and the direction of policies on integrated management processes for the environment.

About CIfA

The Chartered Institute for Archaeologists (CIfA) is the leading professional body representing archaeologists working in the UK and overseas. We promote high professional standards and strong ethics in archaeological practice, to maximise the benefits that archaeologists bring to society. CIfA has over 3500 members who study and care for the past through its physical remains. These remains whether built, buried, on land or underwater, extraordinary or everyday, magnificent or mundane all contribute to our historic environment. The resources of the historic environment, like those of the natural environment, are for the benefit of everyone in society, today and in the future, and need to be treated with care and expertise.

Ambition and Reporting

1. To what extent does the Plan set a sufficiently ambitious agenda across Government?

- 1.1. We strongly support the ambition of the Plan in as far as the key objective to ‘[leave] the environment better than we found it’ is articulated. For the historic environment, while much good has been done since the advent of agri-environment schemes (AES) under the aegis of the Common Agricultural Policy (CAP), there remains a large proportion of our rural heritage assets which are decaying as a result of poor maintenance, inappropriate agricultural use, and lack of capital to pursue viable re-use options.
- 1.2. Over half of our traditional farm buildings have already been lost. 13% of the nation’s scheduled monuments are designated ‘at risk’ (and a greater percentage of rural monuments) and the quality of many historic landscapes has been degraded by damage to historic features, the removal of historic field boundaries, or changes in agricultural practices.
- 1.3. Part of the reason for this is that, although heritage has theoretically been a designated priority for CAP funding in the past, this has not translated into reality, as measurement of outcomes has tended to focus on areas covered by EU Directives. The EU has never legislated on cultural heritage issues.
- 1.4. We are extremely encouraged by the 25YEP’s acceptance that in the past “our failure to understand the full value of...the environment and cultural heritage has seen us make poor choices.” We strongly support the anomaly of underinvestment in rural heritage assets in this. We are also pleased that the Government’s Green Paper on the Agriculture Bill recognises cultural heritage specifically as a priority for public goods.
- 1.5. A strategic approach to the environment which more effectively embeds cultural heritage and the historic environment and is based on the achievement of public goods is a terrific ambition and one which we consider to be both ambitious and possible to achieve.

1.6. We are also greatly encouraged by the centrality of the achievement of public goods within this scope – and in the recognition of heritage in this aim throughout the document.

2. How far do the objectives, targets and indicators set out in the plan reflect a higher level of ambition than existing targets (including European Union targets and the Sustainable Development Goals) and current performance?

2.1. One of the major problems with the existing European targets has been that cultural heritage has not been regulated by EU Directive, and therefore has been entirely absent from target setting in EU sustainable development goals, and only a small part of CAP measurement strategy. The reason for this was that cultural heritage was considered as a national-level priority.

2.2. A consequence of this has been that the historic environment was always considered a minor contributing factor to environmental policy receiving only a tiny fraction of CAP funding, which has got smaller over time. In addition, the responsibilities for the historic environment resting with different government agencies, and the erosion of capacity of in-house historic environment specialists at Natural England has led to a situation where it is easy for cultural heritage issues to fall through the cracks.

2.3. The implication of the central inclusion of heritage in the 25YEP provides a platform on which to take a more appropriate integrated landscape approach to the rural environment, where cultural heritage, the natural environment, and agricultural practice overlap – and are not unhelpfully separated.

3. Are there any major gaps?

3.1. Accepting that the plan is extremely high level, and therefore necessarily lacking in detail, we consider that the approach to national capital does potential allow for a new way to side-line the historic environment and cultural heritage. We recognise the wider usefulness and innovation of the natural capital approach, however, some of the central ethical premises of this approach seem to exclude cultural heritage and the historic environment from being considered.

3.2. We would like to see a more detailed discussion of the natural capital approach, ideally setting out a wide and inclusive definition, or highlighting that it is just one of multiple goals for the wider management of the environment.

3.3. The 25YEP is also less clear than other statements that the Secretary of State for the Environment as to the intention to align funding from a CAP replacement to fund the creation of public goods, phasing out basic ‘per hectare’ payments. We would do, however, welcome how clearly this is set out in the Government’s Green Paper on the Agriculture Bill, published on 27 February 2018.

3.4. We also consider that there is scope to set out specific aspirations for marine cultural heritage in chapter 5 of the plan. We would welcome a statement from the government which made good on the UK Marine Policy Statement's provision for the historic environment and committed to improve the range of marine targets and indicators to include the huge wealth of historic and archaeological sites that contribute to the heritage value of the marine environment. There are also opportunities to improve the protection regime for marine heritage assets as part of wider marine environmental management. For example, while the Government's continued support for a network of well-managed Marine Protected Areas (MPAs) is welcome, the lack of provision within MPAs in English waters for cultural heritage is a major gap. In Scotland, by contrast, Historic Marine Protected Areas can be designated under the Marine (Scotland) Act 2010."

4. *What would success or failure look like for the Plan?*

4.1. Success, from a historic environment perspective, would mean a system focussed of the delivery of public goods, which gives parity to public goods resulting from historic environment conservation and management and a greater sense that the distinction between natural and cultural landscape elements is largely an artificial one as cultural heritage benefits often overlap with natural environment benefits. For example, the mutual benefits to biodiversity and the rural economy which result from the restoration of traditional farm buildings or historic field boundaries.

4.2. Success would also likely see an increase in both the total amount of funding and the proportion of funding to historic environment schemes. For example, figures produced by the National Trust, RSPB, and the Wildlife Trusts have shown that the estimated cost required to meet priorities would see the Historic Environment awarded £41m, out of a total of £1.35 billion for England, or £91m out of a total £2.18 billion for the whole UK. At the moment heritage receives less than 0.025% of total UK CAP funding – a figure which has decreased over time due to progressive deprioritisation of heritage and the limiting of heritage options.

4.3. Failure would be a plan which maintained or deepened the artificial barriers between the natural and historic environment, either through the limitations of a strategic approach to using a natural capital approach to drive the theory or measurement of environmental public good (not all of which are possible to embed within this approach), or through the relegation or limitation of heritage benefits in some other way.

5. *To what extent will the Government's proposals for reporting on the Plan allow for proper scrutiny of its performance against its objectives?*

5.1. The plan sets aspirations for robust measurement targets. For the historic environment, it is imperative that this reporting reflects the broader view of the environment, as outlined in our previous answers.

6. *Are the commitments to legislative action in the Plan sufficient to ensure it will endure beyond the current Parliament?*

6.1. The plan does not include a legislative commitment to codify environmental protection principles, currently enshrined in EU law, as the Government's position is for this to be pursued through a national policy statement. We consider that it would be much stronger to put these commitments on a statutory footing, to ensure they endure beyond the current parliament.

Implementation

7. *The Plan sets out a natural capital-led approach and a principle of "environmental net gain" when undertaking development. What are the risks and benefits of adopting these approaches?*

7.1. We fully support the principle of 'environmental net gain'. However, there are aspects of the natural capital approach which we feel have the potential to lead to a narrowing of the scope of environmental protections and public benefits. We would prefer, for instance, if the more inclusive language of 'environmental capital' was used and that elements of the approach which emphasise the values which the environment brings to people were explicitly recognised in a way which extended beyond exclusively what is 'natural'. This includes our farmed landscapes as well as our historic assets and landscapes, which overlap with and contribute to the benefits of our 'natural' resources.

7.2. It is vital that the natural capital approach is understood to have a wide definition, and that it is just one of multiple goals. Previous in-depth publications on the approach by the Natural Capital Committee have not sufficiently recognised this.

8. *What steps need to be taken during development and implementation to ensure they lead to positive environmental outcomes, especially in respect of biodiversity?*

8.1. In the spirit of the very welcome endorsement that the plan gives to an integrated approach to the management of our environment, it is vital that the various delivery pilots – such as the pioneer projects, the 14 Area Integrated Plans, the work on developing metrics and those around the new environmental land management scheme – should adequately involve representatives of the heritage sector. Translating the integrated approach that the plan calls for into daily practice will not only be more efficient in respect of resourcing, but it will benefit biodiversity as much as it will landscape and the historic environment

9. To what extent does the Plan set out effective delivery mechanisms to ensure DEFRA, other Government departments and public bodies have the resources and responsibilities to implement it?

9.1. The Plan gives some examples of how more effective delivery might work – but as with the Natural Capital Accounting approach – it is important to recognise that what is presented within it is not exhaustive. Again, we believe that integration and innovation will be particularly important for effective delivery – and we think that the “what works in practice” test underpinning the pioneer projects is also a valuable one.

10. Where should the Government seek agreement with the Devolved Institutions to ensure a common approach across the UK?

10.1. The system for regulating the historic environment is already substantially different in England, Scotland, Northern Ireland, and Wales. It is also less imperative for the historic environment, as compared to some other parts of the natural environment, to be managed with a common approach across borders.

Principles and oversight

11. The Government has proposed an independent statutory body to “champion and uphold environmental standards as we leave the European Union”. What role, legal basis and powers will it need to ensure the Government fulfils its environmental obligations and responsibilities? How do these compare to the role of the European Institutions in the existing arrangements? What standard would it have to meet to be “world leading”?

12. We welcome the proposal to set up a new body which will oversee compliance with environmental regulation post-Brexit. However, we are yet to be convinced by details of the role and scope of this body. We also welcome the ambition to be world-leading. We would expect that a body with this ambition would;

- have a remit which applied to all public bodies: Government Departments, agencies, and courts
- be overseen by an arbiter with prosecutorial functions: with strong remedies for non-compliance
- go further than previous EU in terms of monitoring and establish a principles policy proportionate to the challenge of passing on our environment in better condition

12.1. It is possible that the organisation could be given remit to measure, report and hold government to account on its achievement of public goods. This would be

a helpful power, subject to adoption of a broad approach to the environment and its needs in the UK, as discussed throughout our previous answers.

13. The Plan sets out a series of objectives and the Government says it will consult on a policy statement on environmental principles to underpin policy-making after leaving the European Union. What principles should the Government include as part of that consultation? What legislation might be needed?

13.1. The vast majority of archaeological work in the UK is enabled by protections delivered through the planning system. This system allows for the investigation of sites of potential archaeological interest and for the mitigation of harm to those assets through excavation or alteration of proposals. This system is designed based upon the *polluter pays principle*, which is currently enshrined in the EU Treaty on the Functioning of the European Union (TFEU). This system also relies upon the *precautionary principle*, which enables the investigation of sites of potential significance. The safeguarding of more than 90% of the known archaeological sites, and all sites yet to be discovered, rely upon these principles to prevent future adverse policy change. We therefore regard these as vital to be transposed into UK law – preferably with a statutory underpinning.

13.2. We also believe that these (and other environmental principles) should be:

- established in law: either in statute directly, or underpinned by a strong legal base
- subject to parliamentary and public consultation: set out in Standing Orders and statute.
- binding: with a duty to comply
- devolution-sensitive: agreed by all four UK administrations
- comprehensive: including international legal principles that have developed more recently than the Treaties, including non-regression, no net less and individual environmental responsibility, and
- accompanied by an implementation plan: laying out plans for integrating the principles in UK decision-making.

If you have any questions or would like further information, please do not hesitate to contact me.

Yours sincerely,



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