



Ein cyf/Our ref: CG/PO/16/2023

Peredur Owen Griffiths MS
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

18 January 2023

Dear Peredur

HISTORIC ENVIRONMENT (WALES) BILL

Thank you for your contribution to the Initial Consideration debate on the Bill yesterday evening. I undertook to write on the matters you raised.

Advisory panel

You sought assurance that the removal of the provision for the establishment of the advisory panel established in the Historic Environment (Wales) Act 2016 would not compromise the availability of expert and impartial advice to the Welsh Ministers.

The reasons for not including sections 38 and 39 of the 2016 Act within the consolidation Bill were set out in paragraph 30 of the Explanatory Memorandum to the Bill, laid before the Senedd on 4 July 2022. I subsequently gave evidence to the Committee on this matter on 11 July, where I was able to confirm that although Cadw is part of the Welsh Government, its board includes external members who are appointed through a public appointments process, and they provide that level of independent advice if the need arises.

Additionally, I am satisfied that Cadw can access a range of expert and impartial advice, alongside that which exists within its board structures. The removal of provisions from the 2016 Act, which have never been commenced, will not impact on that.

Planning policy

You asked for further details on protection afforded by planning policy to the archaeological heritage of Wales compared to the provisions contained in the 1979 Act for the creation of archaeological areas.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Mick.Antoniw@llyw.cymru
Correspondence.Mick.Antoniw@gov.Wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Areas of archaeological importance were introduced for Wales, England and Scotland in Part II of the 1979 Act. The provisions aim to prevent archaeological sites from being damaged or destroyed without first allowing for investigation and recording. No areas have ever been designated in Wales.

Planning policy provides greater protection than designation as an area of archaeological importance would. Planning Policy Wales and Technical Advice Note 24 recognises the need to conserve archaeological remains. The conservation of archaeological remains, whether a scheduled monument or not, and their setting is a material consideration in determining a planning application. Archaeological investigation and recording are routinely placed as conditions on planning permissions.

Bilingual legislation

You sought assurance that increasing the availability of bilingual legislation will be a central aim of future consolidation projects brought forward.

The introduction to the current Future of Welsh Law programme makes clear, from the very start, that all of the work we are doing under that programme will increase the amount of law that is available bilingually. Producing more law in Welsh, accompanied by a range of explanatory and supporting material, makes it easier for the Welsh language to be used in the law and in our public administration in Wales.

I am very pleased to put on record that all consolidation Bills will be introduced in both languages together with fully bilingual supporting documentation.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee and am content for this letter to be published on the Senedd's website pages on the Bill itself.

Yours sincerely,

A handwritten signature in blue ink, reading "Mick Antoniw". The signature is written in a cursive style. Below the signature is a short horizontal line.

Mick Antoniw AS/MS

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution