

HE 14

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Communities, Equality and Local Government Committee

Bil yr Amgylchedd Hanesyddol (Cymru)/Historic Environment (Wales) Bill

Ymateb gan: Ken Richards

Response from: Ken Richards

**Submission to: the Communities, Equality and Local Government Committee regarding the principles of the Historic Environment (Wales) Bill. (First Reading, May 5, 2015).**

1. The Historic Environment (Wales) Bill [Proposed Bill] leaves the impression that it addresses issues rather than the historic environment in Wales. The Proposed Bill should be clearly positioned within the framework of laws that includes the Well Being of Future Generations Act (Wales) Act, 2015, in conjunction with proposed planning and environmental laws. It should be reframed and enhanced to provide a firm foundation for the adoption of regulations, policies, and guidelines to facilitate the management of the historic environment in Wales, commensurate with sustainability as a fundamental operating principle.
2. Assessment of the Proposed Bill and documents listed on the web page Consultation: Historic Environment (Wales) Bill,<sup>1</sup> was influenced by:

Change in Governance and Management in Wales: Reports and background documents regarding the historic environment, the environment and planning in Wales issued by the Welsh Government in the development of the Proposed Bill and other proposed laws in the context of the Well Being of Future Generations Act (Wales), 2015.

Landscape, Places and People: A background report titled 'Historic Landscapes and Cultural Heritage in the Designated Landscapes of Wales;' submitted as an unsolicited document to the Review Panel of Designated Landscapes of Wales in April 2015.<sup>2</sup>

Knowledge and Learning: The influence and effect of new information and communications technology on the cultural heritage sector in Wales and in other jurisdictions<sup>3</sup>

Civil Society: the role of locally based historic, archaeological and cultural groups in the generation of knowledge and learning regarding

---

<sup>1</sup><http://www.senedd.assembly.wales/mgConsultationDisplay.aspx?id=176&RPID=637441&cp=yes>

<sup>2</sup> The report concludes that: The Designated Landscapes of Wales should be learning grounds and exemplars of a dynamic, collaborative, outward looking approach to the representation and interpretation of the cultural heritage of Wales.

The report considers the concept of e-culture as a policy for the generation of value in the cultural heritage sector, The report also calls for an enhanced role for civil society in the generation of historical and cultural knowledge in the designated landscapes of Wales.

<sup>3</sup> E-culture in the Netherlands: <http://virtueelplatform.nl/english/what-is-e-culture/>

the historic environment in communities throughout Wales. <sup>4</sup>

### **Statement of purpose**

3. The Proposed Bill should include a Statement of Purpose, such as:

“This Bill provides for the protection, conservation and stewardship of the historic environment of Wales for future generations.”

### **Definition of the Historic Environment in Wales:**

4. The Historic Environment in Wales includes Physical Elements in the environment, and Records pertaining to the historic environment, as provided by Knowledge, Information and Learning institutions in Wales:

Physical Elements:

Landscapes-Seascapes and Place Names (see paragraph XX), World Heritage Sites, Historic Parks and Gardens, Ancient Monuments, Historic Buildings, Marine Historic Sites and Wrecks, Abandoned Slate Quarries and Mines, Conflict Sites and Conservation Areas.

Knowledge, Information and Learning:

Knowledge and learning institutions<sup>5</sup> provide independent, expert, accredited advice to government, local authorities and the public regarding the historic environment in Wales through survey, research, and the creation and management of collections and databases.

Primary Data Bases (Historic Environment Records): Coflein, Registered Historic Landscapes of Wales, Geiriadur Prifysgol Cymru, Archif Melville Richards and Cynefin (Tithe records of Wales). Casgliad y Werin.

5. Historic Environment Records and Databases: The value generated by primary databases in Wales is respected and used by learning, research and cultural organizations throughout the world, and in Wales by local authorities and local historic, archaeological and cultural groups, and the public at large.

6. It is recommended that the Proposed Bill and associated documents:

---

<sup>4</sup> There are approximately 700 groups associated with the historical environment in Wales. See the report: Mapping Community Organizations in Wales, Wales Council for Community Action, 2014.

<sup>5</sup> Institutions in Wales include the National Library of Wales, National Museums, Royal Commission on the Ancient and Historical Monuments of Wales, Academic and Local Authority Archives, Research in Academic Institutions, Welsh Archaeological Trusts.

Recognize significant databases regarding the historic environment as knowledge and learning assets and resources in the national interest,

Assign responsibility to Welsh Ministers to develop policies and/or guidelines regarding the development, protection and maintenance of valued electronic resources in conjunction with the institutions concerned.

Explain the primacy of these sources in the draft document 'Historic Environment Records in Wales: Statutory Guidance.'

## Management of the Historic Environment

7. The management of the historic environment in Wales should be based on principles of protection, conservation and stewardship in the context of the Well Being of Future Generations Act (2015). The provisions of the Proposed Bill as they relate to the management of the historic environment should be positioned alongside the Planning (Wales) Bill and the Environment (Wales) Bill so that the laws complement each other in the management of the historic environment.

Well Being of Future Generations Act 2015		
Environment (Wales)	Historic Environment (Wales)	Planning (Wales)

8. The Proposed Bill incorporates provisions of the Ancient Monuments and Archaeological Areas Act, 1979. It is unclear if the procedures described in this act are compatible with the Well Being of Future Generations Act, 2015 as regards sustainability, or, procedures associated with the proposed Planning (Wales) and Environment (Wales) bills.

9. It is recommended that:

Sections of the Ancient Monuments and Archaeological Areas Act, 1979, as currently incorporated in the Proposed Bill, are reviewed for compatibility with the Well Being of Future Generations Act 2015, and other proposed bills regarding the environment and planning.

## Historic Landscapes

10. The historic landscapes of Wales add value to the economy, and provide opportunities for learning about cultural heritage. Historian John Davies (1938-2015), geographer Emrys Bowen (1900-1983) and scholar and writer Bedwyr Lewis Jones (1933-1992), and others, understood the importance informing and educating the people of Wales about the intrinsic values of historic landscapes and of place names.
11. The present status of The Register of Landscape of Historic Interest in Wales (Register) is unclear. Local authorities, developers, and local groups use the

Register in conjunction with characterization studies compiled by the four Welsh Archaeological Trusts to generate knowledge, learning and education about their communities.

12. It is recommended that:

The Proposed Bill provide for the Register of Historic Landscapes of Wales as a Schedule.

A list or register is prepared of seascapes, marine historic sites and wrecks in anticipation of the designation of marine protected or conservation areas around the coast of Wales.<sup>6</sup>

13. That the Draft Guidance Document titled 'Managing Historic Environment Records in Wales' be revised to:

List the Register Historic Landscapes of Wales.

Clarify the connection between the Register and the detailed characterization studies compiled by the four Welsh Archaeological Trusts for all 58 areas on the Register as an aid to local authorities in the preparation of plans.

Clarify the status and usage of place names in Wales.<sup>7</sup>

#### Management practices

14. It is important to be aware of, and consider, the application of additional or alternative approaches and instruments to the management of the historic environment to deliver greater sustainability.<sup>8</sup> There are effective instruments and practices in the field of resources and ecosystem management with the potential to support the protection and conservation and stewardship of the historic environment in Wales. Examples include heritage impact statements, stewardship agreements and community based conservation/heritage plans.<sup>9</sup>
15. Moreover, the concept of "Partnership" as in "Heritage Partnership Agreements" (Agreements) is difficult to understand. Review of this provision suggests that the onus for performance is on the property owner, not necessarily the other parties to the agreement. Such agreements are asymmetrical. The phrase "Heritage Agreement," without the word ~~"partnership"~~ is appropriate.

<sup>6</sup> The proposed list (database) would enhance historical, archaeological and cultural values associated with the Wales Coastal Path/Llwybyr Arfordir Cymru, and the cultural heritage section of a proposed Marine Plan for Wales.

<sup>7</sup> See "Guide to Welsh Origins of Place Names in Britain" published by the Ordnance Survey in 2004.

<sup>8</sup> Protecting Community Assets: Consultation Document. Number WG 25371

<sup>9</sup> Stewardship agreements are associated with the concepts of land stewardship and environmental stewardship. Community based conservation encourages local stewardship and integrates social and environmental priorities into management practices.

16. It is recommended that:

The Proposed Bill provide for a range of management measures, instruments and practices tailored to address the historic environment of Wales. Measures, instruments and practices should be based on sustainability as an operational principle, and compatible with the Environment (Wales) and Planning (Wales) bills.

### **Advisory Committee**

17. The Proposed Bill should include a clear statement of purpose for the Advisory Committee, such as to:

Advise the Welsh Ministers on the sustainable management of the historic environment in Wales.

Increase public awareness and understanding of the value of the historic environment to the economy and wellbeing of people and communities in Wales.

18. It is recommended that:

The Advisory Committee function as a collaborative, consensus based, multi-professional group based on the principles of cooperation and collaboration beyond engagement<sup>10</sup>.

The competencies of members aligned with the management requirements of a sustainable historical environment in Wales, such as: Archaeology, History, Conservation Skills, Education, Knowledge and Technology Transfer, Cultural/Heritage Tourism, and Governance.

Representatives of the Public at Large be appointed to the Advisory Committee to ensure liaison with historical, archaeological and cultural groups in Wales, and the involvement of groups in the preparation of plans, proposals and reports.<sup>11</sup>

### **Regulatory Impact Assessment**

19. The valuation of “non-quantifiable” values is a developing field in the context of sustainability.<sup>12</sup> For example, knowledge and information produced by

---

<sup>10</sup> “Collaboration beyond engagement:” an opportunity for groups in civil society to play an active and participatory role in the determination, representation and interpretation of historical, archaeological and cultural values in their communities.

<sup>11</sup> The Welsh Government’s Consultation Document: Protecting Community Assets (WG 25371) is instructive in this regard.

<sup>12</sup> Section 4.4 Activities, Outcomes and the Concept of Value Creation in: “Performance Improvement and Assessment of Collaboration: Starting points for networks and communities of practice.” International Institute for Sustainable Development.

leading institutions in Wales generates “applied value” about the historical environment. This provides “realized value” through the activities of others in the representation and interpretation of the historical, archaeological and the cultural past, which, in turn, may lead to investments and projects to enhance the local and tourist economy.