



Clerk to the Committee
Communities, Equality and Local Government Committee
National Assembly for Wales
Cardiff Bay
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SeneddCCLLL@Cynulliad.cymru

19/6/2015

Dear Clerk,

Consultation on the Historic Environment (Wales) Bill

1. The Welsh Language Commissioner welcomes the opportunity to comment on the Historic Environment (Wales) Bill. The following comments relate specifically to the principles of the Bill in relation to the physical traces of past human activity in the historic environment in Wales. Specifically it is asked that:
 - o The names of the physical traces of human activity should be a reason to protect such features in the historic environment, and in doing so protect the names of the feature. In that respect the historic environment records should include the details of each area or site or other location in the authority with a name which is of historical and cultural interest.
 - o The guidance issued by the Welsh Government on the discharge of the duty to create a historic environment record should include specific guidance regarding the names of the features included in the records and the language of the records.
 - o Welsh Ministers should consult experts on orthography and place names before issuing the guidance.
 - o The Advisory Panel for the Welsh Historic Environment should include place-names expertise.
 - o The Committee should consider whether there is a means of protecting place-names either by amending the scope of the Bill or introducing other methods or further legislation.
2. The principal aim of the Commissioner is to promote and facilitate the use of the Welsh language. This entails raising awareness of the official status of the Welsh language in Wales and imposing standards on organizations. This, in turn, will lead to the establishment of rights for Welsh speakers.

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Two principles underpin the work of the Commissioner:

- In Wales, the Welsh language should be treated no less favourably than the English language;
- Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.

In due course, secondary legislation will introduce new powers allowing the setting and imposing of standards on organizations. Until then, the Commissioner will continue to inspect statutory language schemes through the powers inherited under the Welsh Language Act 1993.

The post of Commissioner was created by the Welsh Language (Wales) Measure 2011. The Commissioner may investigate failure to implement a language scheme; interference with the freedom to use Welsh in Wales and, in future, complaints regarding the failure of organizations to comply with standards.

One of the Commissioner's strategic objectives is to influence the consideration given to the Welsh language in policy and legislative developments. Thus, one of the Commissioner's principal roles is to provide comments in accordance with this remit, acting as an independent advocate on behalf of Welsh speakers in Wales who might be affected by these proposed changes. Such an approach is advocated to avoid any potential compromise of the Commissioner's regulatory functions and should the Commissioner wish to conduct a formal review of individual bodies' performance or the Welsh Government's performance in accordance with the provisions made in the Measure.

3. The Commissioner's activities in the field of place-names

A living language: a language for living, the Welsh Government's Language Strategy 2012-17 states that the Welsh Language Commissioner will 'coordinate the standardisation of Welsh place-names'. The Welsh Language Commissioner also has a responsibility to provide advice on the standard forms of Welsh place-names. This responsibility was transferred to the Commissioner when the Welsh Language Board came to an end in 2012. The Commissioner has no statutory powers in the field and its recommendations and advice have no legal force, but recommendations on the standard forms of place-names are provided to organizations of all kinds, including the Welsh Government and local authorities. The Commissioner has a panel of experts, the Place-names Standardization Panel that supports the work of the Commissioner in recommending the standard forms of place-names. The Commissioner's work in this area focuses on the names of settlements (towns, villages etc.) rather than on names in the landscape or the names of physical traces of human activity such as buildings etc.

4. Historic Environment (Wales) Bill – definition of monuments (section 22)

Section 528 of the explanatory memorandum for the Historic Environment Bill (Wales) sets out that 'the focus of the Historic Environment (Wales) Bill is on the protection and sustainable management of the physical traces of past human activity in the historic



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environment — including archaeological sites, monuments and historic buildings'. It also states that the 'protection of place names falls outside the scope of the Bill'. While the focus of the Commissioner's work is on the names of settlements as explained above, the following comments deal with the relationship between names and the physical traces of past human activity on historical sites.

There is considerable concern in many communities in Wales that the names of historical houses and buildings, which are names that are as old as the buildings themselves, are being changed. The meaning and origin of the name of a feature in the historic environment can reveal much about it, including its origin and provenance; the historical use made of it; who lived or used it; how and with what it was constructed etc. This has implications for the historic environment because the names of the physical features of human activity are, as much as the features themselves, 'a precious and irreplaceable legacy for the nation [...] have left an imprint on our national culture and identity by [...] generating a sense of place and belonging' as set out in section 6 of the explanatory memorandum to the Bill. Indeed it could be argued that the danger and risk to the survival of some of these names is equal in some cases to the risk to the survival of the historic environment itself.

With this in mind, Section 22 of the Bill extends the definition of a scheduled monument in the Ancient Monuments and Archaeological Areas Act 1979 to include 'any site in Wales comprising any thing, or group of things, that evidences previous human activity.' The name of a feature in terms of its meaning and provenance is evidence of previous human activity. Although the Explanatory Memorandum sets out that the protection of place-names falls outside the scope of this Bill, it is a pity therefore that there is no intention of doing so in the Bill. This could be done, for example by defining monuments because of the value of their names as evidence of past human activity, or by maintaining a register of names which are of historic importance, in the same way that there is an intention to maintain a register of historic parks and gardens (Section 18). I ask the Committee to consider ways of protecting place-names, either by extending the scope of this Bill or by introducing other methods or further legislation.

5. Historic Environment Records (Section 44, 33 of the Bill)

Section 44 of the Bill states that 'each local planning authority in Wales must create and keep up to date a historic environment record'. Section 33(h) of the Bill states that the historic environment record must include 'details of every other area or site or other place in the authority's area which the authority considers to be of historic, archaeological or architectural interest'. A draft version of the guidelines for the creation of historic environmental records has been made available alongside this Bill. I note that the guidelines explain that an association with a place-name could mean that a feature is included in the historic environment record. I ask that you therefore consider including a specific definition in the Bill that states that the historic environment record should include the details of every other area or site in the authority's area which is of 'toponymical interest', or that its name is of 'historical and cultural importance'.



6. Guidance (Section 4, 36 of the Bill)

Section 36 of the Bill gives details of the guidance given by the Welsh Government on the discharge of the duty to create a historic environment record. The guidance should state specifically that the records should be bilingual and of the same standard in Welsh and English in accordance with the requirements that will be made of local authorities under the Welsh Language (Wales) Measure 2011.

I ask that the guidance also specifies the need to give due attention to the orthographic accuracy and source of the names of the features included in these records and that the Welsh or English names, or the names in both languages if they exist¹ are published. They are public records and should therefore be correct, not only from a historical point of view, but also from a linguistic point of view in order to avoid any ambiguity. I recommend that the guidance includes the need to consult with experts on language and place-names when creating the historic environment records.

The draft guidance published also deals with information technology in terms of public access and compliance with data standards. The guidance should refer specifically to the need to maintain and share bilingual data and provide bilingual on-line services in accordance with the Welsh Language (Wales) Measure 2011. A non statutory guidance on considering the Welsh language and bilingualism in technology, website and software is available on the Commissioner's website².

I also ask that the guidance states that the owners of the physical features that are recorded should not change their names because their names and their provenance are integral parts of the features themselves.

36 (3) (b) sets out that Welsh Ministers must consult with 'such other persons as the Welsh Ministers consider appropriate' before issuing guidance. I recommend that these persons should include experts on place-names and Welsh orthography.

7. Advisory Panel on the Welsh Historic Environment (Section 4, 37)

The Bill requires that Welsh Ministers establish an Advisory Panel on the Welsh Historic Environment with the purpose of providing Welsh Ministers with 'advice on matters relating to the formulation, development and implementation of policy and strategy in relation to the historic environment in Wales'. As noted above, the names of physical features give cultural and historical value to the features themselves and the origin and orthography of these names are key issues when formulating, developing or implementing policy and strategy for the historic environment. Therefore, the Panel should give due regard to the need to protect the names of the historic environment. To enable this, the Panel should consult with specialists in the field of place-names when compiling its work programme and should ideally include at least one member with expertise in this field.

¹ The names of physical traces of human activity will either be in Welsh only (the majority), in English only or in some rare cases bilingual. They do not need to be bilingual if they are only in one language.

² *Technoleg, Gwefannau a Meddalwedd: Ystyried y Gymraeg*, <http://www.comisiynyddygymraeg.org/English/Publications%20List/Technoleg%2c%20Gwefannau%20a%20Meddalwedd%20-%20Technology%2c%20Websites%20and%20Software.pdf> (accessed 17 June 2015)



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8. I understand that this Bill does not intend to protect place-names, topographical names or the names of physical traces of past human activity in Wales. However, I believe that it is necessary to protect these names as far as possible because of their cultural and historical significance, as well as their importance to communities. I believe that the amendments recommended above acknowledge the historical importance of the names of physical traces of past human activity and recognize that the names in themselves should be reason enough to protect features, thus protecting their names. If the Committee is not of the opinion that these recommendations should be accepted, I would ask it to consider whether it believes that Welsh place-names need to be protected and how it would propose to do so.

Thank you for the opportunity to submit written evidence to you regarding the Historic Environment (Wales) Bill.

Yours sincerely,

Meri Huws
Welsh Language Commissioner