

## **The Historic Environment (Wales) Bill**

### **Written evidence in support of the bill from the Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW)**

#### **1.0 Background**

1.1 We are the national body of historical environment survey and record for Wales, established by Royal Warrant in 1908. One of our principal activities is the maintenance of the National Monuments Record for Wales, and in that capacity we are responsible for monitoring the development of the Historic Environment Records (HERs) that are maintained by the four regional Welsh Archaeological Trusts.

1.2 These two different types of record are different but complementary. In essence HERs constitute a catalogue of information about the past, containing high-level data. The National Monuments Record adds depth of information, consisting of many different types of data, including and interpretative drawings, plans, sections, excavation reports, field notes and 150-years' worth of photographs.

1.3 Because of our role in maintaining National Monuments Record for Wales and for monitoring the development of the Historic Environment Records, our evidence to the Communities, Equality and Local Government Committee will focus mainly on Part 4 of the Historic Environment (Wales) Bill, dealing with the requirement for local planning authorities in Wales to create and maintain HERs.

#### **2.0 The value of HERs**

2.1 We very much welcome clauses 33 to 36 of the Bill, requiring each local planning authority in Wales to 'prepare and publish a historic environment record relating to its area'. There are several reasons why we support this measure. HERs are a valuable and accessible source of knowledge about the historic environment that can be used to:

- i. support conservation efforts and responsible stewardship of the historic environment
- ii. inform property owners and developers of any heritage assets that might have an impact on the ways in which they can use their land and property, and thus provide them with the clarity they need in order to prepare successful planning applications

- iii. inform decision-making within the planning and development control system, including pre-application discussions and consent applications
- iv. support environmental improvement, cultural tourism and educational initiatives
- v. empower people to explore, enjoy and understand local heritage.

## **2.2 The need for high standards**

In order to achieve all these objectives, HERs need to be accessible, accurate and up to date: and for that reason we very much welcome the emphasis in the Bill and Statutory Guidance on HER service providers being subject to audit by the Royal Commission at five-year intervals. We also welcome the statement that Welsh Ministers will regularly review the discharge of their HER responsibilities by local authorities and work with those that fail to comply to agree a plan of rectification.

## **3.0 Existing HERs**

3.1 HERs do, of course, already exist, and have been managed and developed by the four regional Welsh Archaeological Trusts over a number of decades, so we do not consider the Bill places an especially onerous burden on local planning authorities. The initial start-up investment has already been made, but HERs could rapidly cease to perform their proper role within the planning system if they become out of date. So there is a need for continuing investment in their maintenance and enhancement. The Statutory Guidance makes clear that appropriately qualified and competent curatorial staff should be employed to undertake this task. As the responsibility for having access to a HER will rest with local planning authorities it will be important to ensure that there is recognition on the part of these authorities that they will need to provide a reasonable and proportionate share of these essential costs.

## **4.0 Alternative service providers and**

4.1 However we note that the Bill does not specify that the existing HERs should be used and the associated Statutory Guidance on Historic Environment Records in Wales does not assume that this will be the case. Instead the Statutory Guidance sets out what a HER should contain, how it should be managed and what standards must be met, and it is theoretically possible that some local authorities might decide to go outside the existing HER provision to set up and maintain their own HER, or to contract the work to different service providers than the Welsh Archaeological Trusts.

4.2 There is therefore a risk of a multiplicity of approaches to HERs and we are concerned that this could lead to fragmentation; notwithstanding the Statutory Guidance on standards, this could lead to regrettable a lack of national consistency that could confuse users and present barriers to the wider use of HERs. This should be avoided and emphasis placed on the key role of the Historic Wales Portal in providing a clear entry point to a number

of records that have been devised for different purposes and which are complementary

## **5.0 The Historic Wales portal**

- 5.1 The Royal Commission has worked hard in recent years to bring the historic environment data held by various bodies in Wales under one umbrella: the Historic Wales on-line portal brings together HERs data and information held by such organisations as Cadw, the National Trust, National Museum Wales and our own National Monuments Record Wales, thus creating what might be termed the 'extended national HER'. This extended HER is critically important for anyone needing a greater depth of information than is held within the existing, and the move towards common standards and greater integration is one that we would commend in preference to greater plurality.
- 5.2 Our own experience of working with the existing HERs held by the Welsh Archaeological Trusts has demonstrated that they are well managed. We undertook audits in 2005 and 2010 and we are currently undertaking another five-year audit in order to inform their forward work programmes. We would especially like to commend their creativity in providing for wider public access and enabling the public to access HERs data, and upload their own observations, via tablets and mobile phones.

## **6.0 Section 17 of the Bill**

- 6.1 We are pleased to see an effort being made to strengthen the law in relation to the 'defence of ignorance' relating to Metal Detecting. To allow 'ignorance' to be used as a defence means that it will be almost impossible to prosecute illegal activity, because the onus will be on the prosecutor to prove that the detectorist was fully aware of any protective designations in force.
- 6.2 Instead it is right that, just as a metal detectorist should seek the landowner's permission before undertaking a search, so the onus should be on the detectorist to check whether or not a place is protected. The level of easily accessible information on line via the Historic Wales portal means that it is very easy to check whether land is designated or not, and the 'ignorance' defence is even more difficult to justify now than at any time in the past.

## **7.0 Section 37 of the Bill**

- 7.1 We note that Section 37 of the Bill places a requirement on Welsh Ministers to establish an Advisory Panel for the Welsh Historic Environment, to 'give advice on matters relating to the formulation, development and implementation of policy and strategy in relation to the historic environment of Wales'. The Panel will be required to publish a work programme setting out the 'matters on which it plans to provide the Welsh Ministers with advice during the subsequent three years'.
- 7.2 We would like to seek reassurance that such an advisory panel will draw on a wide range of advice in setting its agenda, and seek evidence in their

deliberations from the wide range of heritage bodies that exist in Wales. We would be happy to offer some assistance to Cadw in supporting the operation of the Panel, so as to ensure that its work programme is representative of the functions that we and others carry out as well as those led by Cadw.

## **8.0 Maritime provision**

- 8.1 Finally, as the national body that is charged with the task of making a record of maritime and offshore heritage, we are concerned that the current Bill and the supporting guidance are primarily concerned with terrestrial heritage. At a time when our territorial waters are subject to ever greater development pressures, there is an urgent need for comprehensive and up to date information about the rich maritime heritage of Wales to underpin future planning decisions. We hope that measures to address this need will be incorporated into this Bill or future legislation and guidance addressing maritime heritage and offshore development.