

Chloë Davies Deputy Clerk
Communities, Equality and Local Government Committee
Policy and Legislation Committee Service
National Assembly for Wales

22 May 2015

Dear Chloe Davies

Historic Environment (Wales) Bill – scrutiny by The Communities, Equality and Local Government Committee

Thank you for the invitation to provide evidence before the Committee on the 10th June. As requested this letter provides comments on the Bill's terms of reference. At this stage these are mostly general comments of principle rather than detail, on the assumption that detail will be elicited on the 10th of June and, if required, by a later written response.

The Dyfed Archaeological Trust is a non-profit making educational charity and a private limited company. The Trust was established in 1975 as part of network of four independent archaeological organisations covering the whole of Wales. The object for which the Trust is established (in its *Memorandum and Articles of Association*) is to advance the education of the public in archaeology. The Trust's mission statement is: Improving the understanding, conservation and promotion of the historic environment of Wales.

May we congratulate the Bill team in producing the Bill and supporting documentation, and in particular the concise yet comprehensive, easily understood Explanatory Memorandum. For ease of reference we refer to the headings and pagination in the Memorandum in our comments, rather than to the Bill itself.

Overall, the Bill is to be welcomed. It builds on existing legislation, taking into account several decades of experience and these, coupled with the consultative approach taken by the Bill team have ensured that potential barriers to implementation and any unintended consequences have been avoided.

Measures to introduce greater transparency and accountability -

We welcome the proposal to establish an Advisory Panel for the Welsh Historic Environment, and we are of the opinion that it should be made statutory. Our one comment is that consideration should be given to ensure there is no duplication of the remit of the Panel and the remit of HEG.

Consultation, interim protections and review for designations

Greater transparency in the designation process is long overdue, and the provision for interim protection is sensible.



Measures to enable the Welsh Government and local authorities to give more effective protection to the historic environment

This is also a long overdue proposal, and we support it. As noted in the Explanatory Memorandum fewer than 30 sites will be eligible for scheduling under this proposal, but these are potentially important sites, which will otherwise have no other form of protection.

Amendments to the criminal offences and defences relating to scheduling monuments

This amendment is welcomed, although we are disappointed that the defence of ignorance has not been completely removed. It is likely that damage cases will not be successfully prosecuted if the escape clause 'taken all reasonable steps' is included in the Bill.

Introduction of enforcement and temporary stop notices for scheduled monuments and Powers of entry for the archaeological investigation of an ancient monument in the imminent danger of damage or destruction

This two linked amendments are sensible extensions of existing legislation, and we fully support them.

Creation of a statutory register for historic parks and gardens

The creation of a statutory register is to be welcomed. As entry on the register will no longer be voluntary, we presume that a system of consultation, interim protection and review, similar to that proposed for scheduled ancient monuments and listed buildings, will be put in place.

We are disappointed that protection of Registered Landscapes and of World Heritage sites was not extended in the Bill.

Extension of the scope of urgent works to listed buildings and the recovery of costs

This is outside our area of expertise and we therefore offer no comment.

Introduction of temporary stop notices for listed buildings

This is a sensible amendment, but we ask why no provision has been made to give powers of entry to record a listed building in imminent danger of damage or destruction, similar to that proposed for scheduled ancient monuments.

Requirement for local planning authorities to create and maintain historic environment records

We fully support this proposal. We will provide a more detailed commentary on the proposal prior to the 19th June.

Introduction of heritage partnership agreements; Modifications to the scheduled monument consent process and Relaxation of the conditions for an application for a certificate of immunity from listing

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Cadeirydd/Chairman
Prof. B C Burnham

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As with many of the other proposals in the Bill, these are sensible amendments, streamlining the system of consents and bringing savings, and we support them in principle.

Yours sincerely

K Murphy
Chief Executive Officer

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