



# **Cynulliad Cenedlaethol Cymru The National Assembly for Wales**

## **Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol The Communities, Equality and Local Government Committee**

**Dydd Iau, 18 Mehefin 2015  
Thursday, 18 June 2015**

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Christine Chapman	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Alun Davies	Llafur Labour
Janet Finch-Saunders	Ceidwadwyr Cymreig Welsh Conservatives
John Griffiths	Llafur (yn dirprwyo ar ran Gwenda Thomas) Labour (substitute for Gwenda Thomas)
Mike Hedges	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Bethan Jenkins	Plaid Cymru (yn dirprwyo ar ran Jocelyn Davies) The Party of Wales (substitute for Jocelyn Davies)
Gwyn R. Price	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales

**Eraill yn bresennol**  
**Others in attendance**

Christopher Catling	Prif Weithredwr, Comisiwn Brenhinol Henebion Cymru Chief Executive, Royal Commission on the Ancient and Historical Monuments of Wales
Jonathan Hudson	Comisiynydd, Comisiwn Brenhinol Henebion Cymru Commissioner, Royal Commission on the Ancient and Historical Monuments of Wales
Dr Emma Plunkett-Dillon	Is-gadeirydd, yr Ymddiriedolaeth Genedlaethol Vice-Chair, National Trust
David Thomas	Pennaeth Gwasanaethau Cyhoeddus, Comisiwn Brenhinol Henebion Cymru Head of Public Services, Royal Commission on the Ancient and Historical Monuments of Wales

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Chloë Davies	Dirprwy Glerc Deputy Clerk
Matthew Richards	Cynghorydd Cyfreithiol Legal Adviser
Liz Wilkinson	Clerc Clerk

Robin Wilkinson

Y Gwasanaeth Ymchwil  
Research Service

*Dechreuodd y cyfarfod am 09:17.  
The meeting began at 09:17.*

**Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant  
Introductions, Apologies, Substitutions and Declarations of Interest**

[1] **Christine Chapman:** Good morning, everyone, and welcome to the National Assembly for Wales's Communities, Equality and Local Government Committee. Can I just remind Members and witnesses that, if they have any mobile phones, they are switched onto silent, as it does affect the transmission? As this is a formal public meeting, Members don't need to operate the microphones themselves.

[2] We've had apologies this morning from Gwenda Thomas AM, and John Griffiths again is substituting. Bethan Jenkins is substituting for Jocelyn Davies AM for items 1, 2 and 3. Can I ask whether anybody has any declarations? No. Okay.

09:18

**Bil Amgylchedd Hanesyddol (Cymru): Sesiwn Dystiolaeth 4—Comisiwn  
Brenhinol Henebion Cymru  
Historic Environment (Wales) Bill: Evidence Session 4—Royal Commission on  
the Ancient and Historical Monuments of Wales**

[3] **Christine Chapman:** Now, our first panel today is the—. We are continuing our evidence gathering on the Historic Environment (Wales) Bill, and I would like to give a warm welcome to the Royal Commission on the Ancient and Historical Monuments of Wales. I wonder could you give your name and your role for the record, please.

[4] **Mr Catling:** My name is Christopher Catling. I've just been appointed as secretary, which is chief executive in old language, of the royal commission. I took up my post on 1 April.

[5] **Mr Hudson:** I'm Jonathan Hudson. I'm one of the commissioners. I've been a commissioner now for about eight or nine years.

[6] **Mr Thomas:** I'm David Thomas. I'm head of public services and I've worked for the commission since 1999.

[7] **Christine Chapman:** Welcome to you all. You've sent papers, which Members will have read, so, if you're happy, we'll go straight into questions, because we can look at your views, then, on the Bill. I want to start off. I wonder could you explain to what extent does the royal commission think the Bill is needed, given the protection already afforded to the historic environment by existing legislation and through the planning regime. Who'd like to start?

[8] **Mr Hudson:** Shall I start? The existing legislation has been around for quite a while now—since, I think, about 1979—and it works well, but experience shows there are gaps and anomalies, and quite a bit in this Bill is to give greater clarity where it's needed and to streamline some of the procedures. We're very supportive of that, as, no doubt, we'll be discussing later. For example, in terms of heritage partnership agreements, it would dispense with the need for those who enter into agreements to keep applying for listed building changes, and so on, because they're trusted partners and able to do that. That's quite

important for their purposes, as well. Also, one of the things that we have looked at in this legislation is, of course, buried monuments—it's beneath the turf and is not, at the moment, afforded adequate protection.

[9] **Mr Catling:** So, I would say that this Bill is about clarity and it's about anomalies, but it does have some interesting and quite radical and progressive measures as well. I'm sure we'll be talking about those later. For example, statutory historic environment records would put Wales in the vanguard of historic environment protection.

[10] **Christine Chapman:** I think the point you're making is you are broadly supportive of the Bill.

[11] **Mr Catling:** Very supportive.

[12] **Christine Chapman:** I know we want to expand on some of these. We need to look at some of these areas now then. So, Gwyn, I think you had a question.

[13] **Gwyn R. Price:** Yes, good morning. Could the commission expand on its previous assertions that the Welsh Government had shown an absence of radical and innovative thinking in its legislative and policy proposal for the heritage sector, as it stated in response to the Welsh Government's 2013 consultation? To what extent do you think the proposals in the Bill address this?

[14] **Mr Hudson:** I can answer that broadly. That original response was, of course, some two years ago, and there's been quite a lot of change and development in that Bill. Quite a bit of our concern was that the Bill had proposed merging Cadw and the commission. We felt strongly that that merger proposal was the only option on the table at that stage, but other options that we regard as quite sensible were available. We're not opposed to merger, in principle, but we want to ensure that the appropriate way to merge organisations, if that was deemed necessary—and it's not at the moment—would be considered. In the event, of course, in January 2014, the then Minister decided that we would stay as we were.

[15] **Gwyn R. Price:** So, really, perhaps some of your concerns were—

[16] **Mr Hudson:** That was one of our concerns, but also, we see a lot more things, as Christopher has said, now in the Bill that are quite important and radical.

[17] **Gwyn R. Price:** We are going forward then.

[18] **Mr Hudson:** Yes.

[19] **Mr Catling:** We're definitely going forward. I think that the relationship that we now have with Cadw and with the Welsh Archaeological Trust is very strong. We've been able, since then, to define, as it were, the particular roles of each of our organisations to avoid overlap and make sure that we complement each other. So, Cadw, effectively, is about policy on the historic environment. We do the research and we curate the record, and the Welsh Archaeological Trust respond to development proposals, and each of us now knows how we fit together and how we complement each other. We have a great deal of respect for each other's roles.

[20] **Mr Thomas:** I think it's been particularly valuable, over the past year, to work with Cadw on the development of some of the guidance that's going with the Bill in particular.

[21] **Gwyn R. Price:** Right. Just going on to—

[22] **Christine Chapman:** Gwyn, before you move on to your next question, I've got a supplementary from Bethan and John. So, Bethan first and then John.

[23] **Bethan Jenkins:** Roeddwn i'n mynd i'w godi fe'n hwyrach, ond gan eich bod chi wedi sôn am yr uno rhwng Cadw a chi fel mudiad, gwnaf i siarad amdano nawr. Rwy'n clywed beth rŷch chi'n ei ddweud ynglŷn â'r ffaith bod pethau wedi newid a'ch bod chi wedi diffinio eich rôl chi a Cadw, ond nid yw'r Bil yma'n dweud unrhyw beth ynglŷn ag unrhyw fath o bosibiliad i'r dyfodol. Hynny yw, oni fyddai fe wedi bod yn ymgais gan y Llywodraeth i ddweud, yn y Bil yma, 'na' i unrhyw fath o uno, neu os oedd yna syniad i uno, oni fyddai fe wedi gallu bod yn y Bil yma? Hynny yw, a ydy wedi colli cyfle i roi hwn yn y gyfraith, achos gallai hyn ddod lan mewn cwpl o flynyddoedd, lle mae yna newid eto, a bydd rhaid dod nôl at y drafodaeth? Ai nawr yw'r amser i wneud hynny?

**Bethan Jenkins:** I was going to raise this at a later point, but as you have mentioned the proposed merger between Cadw and yourselves, I will cover it now. I hear what you've had to say about the fact that things have changed and that you have clearly defined your role and Cadw's role, but this Bill doesn't say anything about any sort of possibilities for the future. That is, wouldn't it have been an opportunity for the Government to state in this Bill that there would be no sort of merger, or else if there were some sort of merger proposal, it could've been included? So, has it missed the opportunity to place that in statute, because this could come up again in a few years' time, where there may be another change, and then we'll have to return to this debate? Is now the time to do that?

[24] **Mr Catling:** I completely agree that a merger is not, as it were, ruled out now, in any sense. In fact, I think that the Minister, at the time that he made the announcement that we were to stay independent, used the phrase, 'for the time being'. There are many possible options for merger, not just between us and Cadw, but between us and the libraries, museums and archives, or other possible partners. I think the key issue is that it may not require legislation to achieve that. That is something that can be achieved without statutory force. I may be wrong about that, but that would be my understanding.

[25] **Christine Chapman:** Okay. Jonathan?

[26] **Mr Hudson:** I would support that view, yes, because, essentially, if merger was back on the table again—and it's never really gone away; it's there—we would wish to consider what would be the best option in the interest of the sector and in the interest of the work that each of these bodies in the sector actually carries out.

[27] **Christine Chapman:** Bethan?

[28] **Bethan Jenkins:** Just quickly, I just want, for the record, to understand. So, the talks you've had with Cadw and the Welsh Government have not been a discussion for this Bill? You think that it should be, potentially, done in other ways at a future point, not through legislation?

[29] **Mr Hudson:** That would be our view.

[30] **Mr Catling:** This is not a statutory issue.

[31] **Bethan Jenkins:** Right. I just wanted to fully understand your view on that. Thanks.

[32] **Christine Chapman:** Okay. John?

[33] **John Griffiths:** Yes. I want, if I can, Chair, to return to the question that Gwyn asked in terms of the commission's previous view that the Welsh Government had shown an

absence of radical or innovative thinking—

[34] **Rhodri Glyn Thomas:** Weren't you the Minister at that point?

[35] **John Griffiths:** Possibly, yes. [*Laughter.*] I think the possible merger, obviously, was one issue—is one issue—but I think what the commission had to say at that stage seemed to be much wider. For example, you've said that opportunities have not been explored for more creative solutions, for example to the critical neglect of so many historic buildings at the hearts of our communities.

[36] Now, that's something that concerns me a great deal, I think—finding practical, achievable solutions to those issues, which I think all of us on this committee are very familiar with. There are many buildings that are listed that have fallen into an awful state of disrepair over a long number of years. So, they're a real blight at the heart of communities and, because they have their historic significance and value, people feel very strongly that they should be properly cherished and looked after and not allowed to fall into that state of disrepair. But, obviously, finding resource is often very problematic in terms of the owners or, indeed, local authorities using their powers and taking over the buildings. So, the idea that there might be radical and creative solutions to these very, very important issues is very interesting, I think, for this committee and for this piece of legislation. So, if there is anything you could say in terms of what isn't in the proposals but might be in there in terms of finding those practical solutions, I think this committee would be very interested to hear from you now.

[37] **Christine Chapman:** Have you got any thoughts on that?

[38] **Mr Catling:** Yes. This Bill, as I understand it, is really about designation and scheduling. It's really about saying what we desire to protect as a community, and the question then of what you do about buildings that you've identified as important but are then neglected. Well, there are powers that local authorities have, but they're very reluctant to use them for understandable reasons, because they involve compulsory purchase or they involve enforcement orders on owners that are expensive to implement and are subject to appeal. I think where I have seen this problem addressed best is in local authorities that maintain buildings-at-risk registers so that they know which the buildings are in their authority, they talk regularly to the owners of those buildings, and they try to seek solutions with the owner. The real problem, of course, is that, if a building has lost its economic role, its economic function, and isn't easily converted into something else, you have a problem, but a lot of buildings can be adapted. So, it's a question of working, rather than using the sledgehammer of law or enforcement, by talking to owners and encouraging them to do the right thing by their buildings—and a lot of them will. There will be the recalcitrant few, but many people will want to do the best by their buildings.

[39] **John Griffiths:** So, is there anything that you think this legislation could do, or do you think, then, as I think you've hinted at, that it's for the wider picture that sits around the legislation and policy, as we move forward?

[40] **Mr Catling:** I think it's difficult to see how you could graft onto this Bill, the way it's been framed, something that addresses a slightly different problem. This Bill is about designation. What we're talking about now are the consequences of neglect, and they're kind of two separate issues, which I think need addressing in a more direct way.

09:30

[41] **Christine Chapman:** Okay, John? I've got a quick supplementary from Rhodri, and then back to Gwyn.

[42] **Rhodri Glyn Thomas:** Byddai'n braf iawn petai awdurdodau lleol yn gweithredu yn y ffordd rŷch chi'n ei disgrifio, ond, o ystyried y sefyllfa sy'n wynebu llawer iawn o gapeli ac eglwysi yng Nghymru sydd wedi'u cofrestru, oni ddylem ni, o fewn y Bil hwn, fod yn ceisio gweld beth sydd yn bwysig o ran ein hamgylchedd hanesyddol ni, beth sydd angen ei gadw i'r dyfodol, a beth, mewn gwirionedd, y gellid cael gwell defnydd ohono fe oherwydd nad oes yna ddefnydd o ran cynulleidfaoedd i'r addoldai yma bellach?

**Rhodri Glyn Thomas:** It would be very good if local authorities operated in the way that you have described, but given the situation that's facing a large number of chapels and churches in Wales, which have been listed, shouldn't we, within this Bill, be trying to identify what is important in terms of our historic environment, what needs to be preserved for the future, and what, in reality, could be made better use of, because there is no use, in terms of congregations, for these buildings anymore?

[43] **Mr Catling:** Yes, that's a problem that we very much recognise, and the royal commission is working to put together a project to look at the problem of potential redundancy of churches and chapels over the next five years. We really need baseline data. We need to know from congregations what they anticipate will happen to their buildings. Do they see their congregations growing or shrinking? How likely is it that their churches are going to be redundant in the next five years? What have they thought about alternative uses for those buildings? Again, the question is whether this Bill is the right mechanism for setting that in chain, or whether there are other ways of doing it.

[44] **Rhodri Glyn Thomas:** Do you have a view on that?

[45] **Mr Catling:** I have a utopian view, which is that I think that Wales is rich in chapels and churches that need to be seen and preserved, and could become huge tourist assets and a base for all sorts of events—musical, theatrical—and places for young people to meet, and so on, but I'm also aware that that's an expensive aspiration, and we have to work with the resources that we've got. So, what I'm doing at the moment is talking to some of the chapel societies to try and get them to work together to set up a network of churches that will open to the public and show the glories of the furnishings, and be used for events. I've tried to find pragmatic ways of doing this, rather than legalistic ones.

[46] **Rhodri Glyn Thomas:** The reality is that we have far too many buildings.

[47] **Mr Catling:** Yes, so we need to identify which ones are the special ones that we need to preserve, and that's what this—

[48] **Mr Thomas:** I think that's right. We've been working for a number of years, now, on collecting information about chapels to identify which are the most important ones that need to be preserved. So, that will be feeding in to the listing process.

[49] **Mr Catling:** When the re-listing was done, it was done largely on external appearances and architectural values, and I think what was missed were the glories that are inside. We definitely need to revisit the listings and see whether all the best buildings have actually been identified.

[50] **Rhodri Glyn Thomas:** Do you think there should be something in this Bill referring to that process?

[51] **Mr Catling:** The Bill is about recognising all types of building and ancient monument, scheduled monument, that we want to protect. So, in that sense, it embraces churches and chapels.

[52] **Rhodri Glyn Thomas:** Diolch yn fawr.

[53] **Christine Chapman:** Right. I wanted to bring Gwyn in next, but a very small supplementary, Alun.

[54] **Alun Davies:** I can't believe you're using the term 'utopian'; we don't hear that often enough in this place. Many of us are very interested in the work that you're doing with the chapels and churches. Would it be possible for you to send the committee a paper on some of that work, for us to consider as a part of our wider consideration?

[55] **Mr Catling:** Yes.

[56] **Christine Chapman:** Okay. That would be very helpful, I think. Gwyn.

[57] **Gwyn R. Price:** You touched on scheduling a minute ago. My question is what do you think about the changes to the arrangements for scheduling monuments in the Bill, and what impact do you think the historic environment will have for Wales?

[58] **Mr Catling:** Well, the Bill is addressing that small anomaly, whereby scheduled monuments at the moment are viewed as visible—groups of stones, buildings, things that stand above the turf. It's missing what I would call reservoirs of information and data, such as wetland bogs, which contain hugely important resources for archaeology and for understanding past uses of the environment: things like pollens, the sort of data that scientists can use to understand how human beings have impacted on the environment in the past. It misses out drowned landscapes that are now beneath the sea because of rising sea levels since the last ice age. It misses out battlefields, for example, which can be spread over a very large area. It misses out prehistoric flint-knapping activity and so on. So, basically, that provision in the Bill is saying—I forget the wording precisely—evidence of human activity in the past, of which there is possibly a handful, 30, 40 or 50 sites, across Wales. They are small in number, but they're hugely important in terms of the scientific value.

[59] **Gwyn R. Price:** You're supporting the defence of ignorance, really, in the Bill.

[60] **Mr Catling:** That's an entirely different question. In particular, with regard to metal detecting, there is a code of practice that most metal detectorists are signed up to, which says that you must first seek permission from the landowner before you use your metal detector. I feel quite strongly that, if that code of practice is observed, it would be very difficult to plead ignorance. Anyway, to allow a defence of ignorance really places the onus upon the prosecution to prove something that was in the mind of the detector user, which is extremely difficult. You know, can you prove that he or she did or did not know? It's a very, very difficult thing in law. So, I would prefer to see no defence of ignorance at all.

[61] **Gwyn R. Price:** Yes. Thank you.

[62] **Christine Chapman:** Okay. I've got Peter and then Bethan.

[63] **Peter Black:** Just a quick one on that list of landscapes that you've just referred to. Is there a role for Natural Resources Wales in this Bill, then?

[64] **Mr Catling:** That touches on the whole question of maritime resources as well, because I think that's not explicitly referred to in the Bill.

[65] **Peter Black:** You're talking about bogs and various other landscapes, which Natural Resources Wales would normally be in charge of, but if you're talking about them in terms of



historical significance in terms of what might be underneath those, should Natural Resources Wales have a duty in this Bill to actually address those particular issues in conjunction with yours and other agencies?

[66] **Mr Catling:** We do work very closely with Natural Resources Wales, and we've been mapping vulnerable bogs using their data, but I'm not aware that there's a similar natural environment equivalent to historic environment—

[67] **Peter Black:** So, you know, a duty on them might be a way of doing it.

[68] **Mr Thomas:** Yes, across the totality of wet bog sites across Wales, a proportion of them will have some archaeological significance, and a handful of them will have some very deep archaeological significance, because of the depth of deposits there. So, in some ways there's a separation between what Natural Resources Wales would be interested in in terms of managing that as a wetland site, contrasted with what the historic environment sector would be interested in in preserving that. So, I think there is a difference in terms of where the responsibilities lie. I think that the responsibility of Natural Resources Wales would be around preserving it as a wetland site, which they already do.

[69] **Peter Black:** Which could conflict with the historical issue. For example, in the Gwent levels, they planted some quite extensive reed beds to cleanse the water. I mean, that could damage historical—. You know, there needs to be some sort of co-ordination there.

[70] **Mr Thomas:** Yes.

[71] **Mr Catling:** In theory, there is potentially a conflict of values. In practice, we've always worked extremely well and understood each other's priorities, and found ways around these potential conflicts.

[72] **Peter Black:** Yes. Okay.

[73] **Christine Chapman:** So, Bethan and then Alun again.

[74] **Bethan Jenkins:** Sorry. I have to ask these questions so that I understand, for future activity on this Bill. In terms of the definition of 'monument', we've got:

[75] 'any thing, or group of things, that evidences previous human activity'.

[76] So, you're saying to us that buried monuments, such as bogs, battlefields and prehistoric mappings, are not within that current definition. So, potentially, there could be an amendment to extend the definition of 'monument' so that it would incorporate those things.

[77] **Mr Catling:** Yes. My understanding is that the wording that you have just used is the proposed new wording, not the existing wording.

[78] **Bethan Jenkins:** Right.

[79] **Christine Chapman:** It will be covered in the Bill, that, you say.

[80] **Bethan Jenkins:** What will be covered in the Bill?

[81] **Mr Hudson:** The definitions will be covered.

[82] **Bethan Jenkins:** These will be covered.

[83] **Christine Chapman:** Yes.

[84] **Mr Thomas:** Yes.

[85] **Bethan Jenkins:** Okay. I was getting confused because you were saying that it wasn't covered.

[86] **Mr Catling:** In the old legislation, they're not covered, but the new wording allows them to be covered, which is very positive.

[87] **Bethan Jenkins:** Fine, right; I understand now.

[88] **Christine Chapman:** Alun.

[89] **Alun Davies:** Thank you. Do you know, I've rarely met a landowner who is pleased to discover that there is something of this nature on their land? Almost invariably, there's a sense of, 'Are you sure? Can't it just be something different?' and then a sense of, 'Oh dear, what do we have to do?' That's largely because the obvious way to protect something is to say, 'Don't do anything within this particular area'. One of the issues—I know it's been considered by Government before in terms of agricultural subsidy schemes and pillar 2 schemes, for example—is: is there any means—I don't think that it's presently covered in proposed legislation—whereby we can create a mechanism or a means by which a landowner would actually welcome the opportunity to protect a monument of some description, or whatever it happens to be, on their land, or that this process could be made a more positive process for landowners, where they actually see a net gain or benefit from that, whether that's in monetary terms or others?

[90] **Mr Catling:** The first thing to say is that this Bill is quite progressive in that it actually, for the first time, has measures for landowners to be informed of the potential for something on their land being listed or scheduled. It gives them the right—. In the past, you scheduled it and then told the landowner afterwards. Now the landowner will be informed, there's a process of appeal and there is a process for compensation for subsequent loss if, on appeal, it turns out that the land isn't schedulable. Some farmers do strongly welcome and are proud to know how historically important their land is. I think that this is a personal matter and I think that it depends on the value of that land to them as farmland. Quite a lot of archaeological sites are on marginal land anyway. It's really the agricultural regime that has to address the issue of compensation or payment for taking something out of cultivation and protecting it. This Bill, really, is about how we go about identifying and scheduling what's important and what rights the landowner has when that kind of decision is being considered.

[91] **Christine Chapman:** So, it wouldn't necessarily be about the ongoing support, then. That's what you're saying, is it?

[92] **Mr Catling:** I don't think that this Bill is about that issue.

[93] **Christine Chapman:** Right, okay. Mark, did you—?

[94] **Mark Isherwood:** Can I pick up on that very briefly? There are examples in north Wales, for example the Gwrych Castle Preservation Trust, where academics, experts, property owners and local campaigners have formed groups, working alongside other groups—the Edwardian Society and the Victorian Society and others—to offer advice and support to owners and local authorities in terms of planning, in terms of engaging with the owner and in terms of finding a private sector owner who's prepared to invest in the property, working within the law. Do you see a role for utilising that sort of resource, given its expressed willingness to fulfil that role?

[95] **Mr Catling:** I think that such initiatives are enormously to be welcomed. I think that you might have gathered from the way that I've answered some of these questions that I'm very much in favour of voluntary arrangements and agreements between like-minded people, rather than the sledge hammer of a law. Local people can make a huge difference. Throughout Wales, there are preservation trusts. This is another answer, in a sense, to that question of neglected buildings. If the building's owner is prepared to donate a neglected building to a historic buildings trust, they can often do wonderful things in terms of fundraising, because they're charities. Private individuals find it very difficult to raise money, but charities can go the Heritage Lottery Fund and can undertake their own fundraising in order to restore these buildings and convert them into apartments or shops or whatever. So, I'm very strongly in favour of such things.

[96] **Mr Thomas:** I think that there are probably quite a few examples of good local initiatives and so on, but I think that the challenge for the whole sector is to make sure that that communication and those kinds of things are set up as widely as we can through Wales.

[97] **Mark Isherwood:** It's encouraging local authorities, for example, planning officers, to think about going to that resource early rather than having to pull them in when it becomes a crisis.

09:45

[98] **Mr Thomas:** Indeed.

[99] **Mark Isherwood:** Thank you. Now, back to the suggested scheduling. What are your views on the new enforcement powers proposed in the Bill to prevent damage to scheduled monuments—enforcement notices, temporary stop notices and access to land without owners' permission?

[100] **Mr Thomas:** I think they should be welcomed. There is variation there on what was there before. I mean, it's quite a big strengthening of that area through the use of stop notices and so on. I think there are issues around right of appeal and so on around the stop notices and so on and there is slight ambiguity there about when that appeal procedure starts whether the stop notice comes off. There is a certain amount of vulnerability there for monuments in that context.

[101] **Mr Catling:** I think that these are provisions that are in the legislation in order to give people power to do this in extremis. I really don't see these as being measures that people will use on an everyday basis. From my earlier answers, again, I think talking to owners of property that is being damaged or neglected often achieves a great deal more. So, they're there, as it were, as a last resort power with an owner who is causing, potentially, criminal damage to something that the community has decided is of great historic value.

[102] **Mark Isherwood:** So, we need the stick, but the carrot should take priority?

[103] **Mr Catling:** Yes, and even using the stick doesn't always work. I mean, there was a celebrated example recently of damage that was caused to a very important part of Offa's Dyke, but, at the end of the day, the person who did the damage wasn't aware of what he was doing and, you know, the legal position was that they allowed the defence of ignorance in this particular case. Nobody willingly enters into—. It really marks the breakdown of a relationship between the community and a landowner when you start prosecuting them and entering their land against their will.

[104] **Mark Isherwood:** You propose the removal of the defence of ignorance, as you told

us a few moments ago. Do you believe that should extend beyond metal detecting, even in the Offa's Dyke situations where the person was—

[105] **Mr Catling:** I must confess that, personally, I'm very uncomfortable with the defence of ignorance. I was brought up in the belief that it was not a proper legal defence, because otherwise I could say, you know, 'I didn't know I was in a 30 mph zone'. *[Laughter.]*

[106] **Rhodri Glyn Thomas:** That doesn't work. I've tried that. *[Laughter.]*

[107] **Mr Catling:** Oh, you've tried that.

[108] **Mr Thomas:** I think the critical thing there is having the information base that means that people can't use that defence because that information is out there. The provisions in there for the online mapping register of protected monuments, I think, is a very welcome initiative. Certainly, we'd like to work with Cadw in seeing how that is developed, because we've not got a lot of experience of the standards used in developing such a service and the kind of pitfalls that might be there in terms of the way it's delivered.

[109] **Mark Isherwood:** I think that's the difference: 30 mph zones are a statutory requirement, such as notices, distances and enforcements, which, perhaps, somebody walking Offa's Dyke might not be aware of unless the whole landscape was destroyed with signs every few hundred yards.

[110] **Mr Catling:** We wouldn't want that, no.

[111] **Mark Isherwood:** Thank you.

[112] **Christine Chapman:** Okay. Thank you, Mark. Janet?

[113] **Janet Finch-Saunders:** What is the commission's view on the new statutory duty on Welsh Ministers to compile, maintain and publish a register of historic parks and gardens of special historic interest?

[114] **Mr Catling:** I'll begin the answer and then Dave can pick that one up. My take on it is that I don't see the logic of excluding a category of the historic environment from the statutory register. Parks and gardens are just as important as buildings and scheduled monuments. The designation of a park or a garden doesn't really—. Sorry, what I'm trying to say is there's nothing wrong with us saying, 'This is special and, therefore, if any proposal comes forward that might threaten the special nature of the park and garden, it needs to be more carefully considered'. At the moment, being on the parks and gardens register is an entirely voluntary matter, and I would very much welcome that becoming a statutory thing, so that we can actually have proper consideration of any planning proposal that might threaten what makes that garden special in the first place.

[115] **Mr Thomas:** You haven't left me much more to say on that one. I think that the important thing is taking away this sort of voluntary basis with the landowner about whether he wants to see it on the register or not. I think that taking that away is entirely appropriate. They are difficult things to deal with in the planning process because there are quite often large areas. There are quite often significant issues about setting and so on around them as well. But I think that getting them on the register and making them statutory is a big step in the right direction.

[116] **Janet Finch-Saunders:** Thank you.

[117] **Christine Chapman:** Janet, any further questions?

[118] **Janet Finch-Saunders:** In its response to the Welsh Government's 2013 consultation, the royal commission stated that the Welsh Government's proposals did not explore creative solutions to tackle what they saw as the critical neglect of so many historic buildings at the hearts of our communities. To what extent do the Bill's proposals around listed buildings tackle the critical neglect of historic buildings?

[119] **Mr Catling:** My answer to that is fairly similar to the one that we've given already—

[120] **Janet Finch-Saunders:** Yes.

[121] **Mr Catling:** —which is that the best approach to this is for local authorities to maintain registers of buildings at risk to know what—

[122] **Janet Finch-Saunders:** Exactly.

[123] **Mr Catling:** —the buildings are in their areas that are neglected, and to review that register on a regular basis and try to talk to owners, and encourage them to do something with their buildings: turn them into income-earning assets for the owners. If there's any way that the state can be involved at all, there are schemes like the townscape heritage initiative, where a certain amount of money is made available to bridge the gap, as it were, between the cost of repairing a building and its eventual market value, and if money is available for that sort of scheme, it works. There are plenty of towns in England and Wales that have benefited from that sort of scheme and money from the HLF. So, I would argue very strongly for local authorities using the powers that they have, and pointing in the direction of grant aid and so on to owners.

[124] **Janet Finch-Saunders:** Okay.

[125] **Christine Chapman:** Okay. We've got about 20 minutes left and there are some specific areas that we need to cover. So, just to remind Members as well. Mike, you've got the next question.

[126] **Mike Hedges:** Before I go to the heritage partnership, can I just carry on from where Janet Finch-Saunders left off? We know—and I've been told by a Minister—that there are 40,000 listed structures, including buildings, in Wales. I also know—I live in Morrision in Swansea—exactly how many derelict buildings have reached different levels of dereliction, and I know the Libanus chapel, which eventually burnt down after a period of time in Cwmbwrla. Have we got too many listed buildings and wouldn't we be better off concentrating on the important ones? I didn't mind losing Libanus, but I'd be absolutely devastated if we lost Tabernacle. Can I take you back to an answer that you gave earlier about the importance of the inside? Capel Als may not be the most beautiful building from the outside, but the inside of Capel Als is the best inside of a chapel that I've seen in Wales.

[127] **Mr Catling:** Yes. That's true of so many buildings in Wales. There are many buildings masquerading as modern that, once you get inside, turn out to be medieval. The question of too many: what designation and scheduling is about, really, is just saying, 'These are the buildings; these are the monuments that we consider special and want to protect'. So, in a sense, there can't be too many because it doesn't actually imply anything beyond that, other than—. It's spots on the map, if you like. Really, the question then is that that then becomes material to any planning consideration, and that's often when the detailed work can be done. At the royal commission we have two people who work on heritage at risk, and if there's a planning application affecting a listed building, they will go and visit. They will go inside and they will make an assessment at that stage. So, really, listing is the beginning of the process, and the detail follows on.

[128] **Mr Thomas:** I think, as well, the grading of those listed buildings gives you a key into the particular significance of the huge bulk of stuff that's listed.

[129] **Mr Catling:** Yes, there are far fewer at grade I and grade II\*.

[130] **Mike Hedges:** Can I move on to what I'm supposed to be asking on heritage partnership agreements? You've previously said the introduction of heritage partnership agreements is likely to have negligible value in practice. But, earlier on this morning, you said they were quite important, or Mr Hudson said they were quite important. What do you see as their role?

[131] **Mr Catling:** There are certain owners of quite large estates, such as the National Trust, the Ministry of Defence, local authorities, and the Welsh Government estate, who have huge numbers of listed and scheduled monuments on their estate. It is bureaucratically wasteful for them to be having to apply for permission to make repairs to those. If there are responsible owners with a good record of conservation practice who can be trusted not to damage the significance of their property, then it makes absolute sense for partnership agreements to be entered into whereby they take responsibility without needing permission all the time.

[132] **Christine Chapman:** Janet, you had a supplementary.

[133] **Janet Finch-Saunders:** Yes, tagged on the back of Mike's, a huge issue in my own constituency was where we had a grade I listed building—the old pier pavilion in Llandudno—and that was burnt down in 1993. If you'd told me that I'd be sat here now in 2015 and there would just be a hole where the building was—. It really is a huge issue with many residents and visitors. Why is the council not doing anything? When anybody comes forward wanting to develop it, the council are quite pedantic and they want to see something of a similar structure, obviously. But, there doesn't seem to be any protection in place that would force the owner to reinstate the building. Honestly, it's been probably the most frustrating thing for me, previously as a councillor and everything, that, so many years later, with what was once a fine building, the owner doesn't seem to have any urgency to put anything back on the map. Will this Bill protect against any—?

[134] **Mr Catling:** This Bill really doesn't address that problem at all. I don't know what it is about piers that so many of them have—

[135] **Janet Finch-Saunders:** This was actually on the land. Although it's called the pier pavilion, it wasn't actually on the main pier structure. It's a very important site for us, but it's just in decay now. There does not seem to be any legislation that we can use through the authority, or through anybody really. Cadw have an interest in it, but it's just—. It doesn't look like it is ever going to be developed again in my lifetime, and there's this huge hole there. Will this Bill protect—?

[136] **Mr Catling:** This Bill doesn't really address that issue at all. It would be difficult to see how it could, because these are very complicated issues to do with insurance—what was the reason for the destruction in the first place and who was to blame?

[137] **Janet Finch-Saunders:** Fire.

[138] **Mr Catling:** Exactly. Was it arson? It is difficult to comment on individual cases.

[139] **Christine Chapman:** You don't expect this Bill to be able to address that. There's no scope, then, for that.

[140] **Mr Catling:** It would change the nature of the Bill quite substantially to be able to address issues like this, and it would take a lot of careful drafting.

[141] **Christine Chapman:** Okay. Alun.

[142] **Alun Davies:** Would that be a good or a bad thing?

[143] **Mr Catling:** If we had the time and the resources—I'm here to protect the historic environment. [*Laughter.*]

[144] **Alun Davies:** So, it's a good thing. It would be potentially a good thing.

[145] **Mr Catling:** Yes.

[146] **Alun Davies:** But with the caveats of time and resources. Okay. That's interesting.

[147] In terms of the historic environment records, your evidence seems to be saying that you welcome some of the proposals in the Bill but you have some concerns. I'm not clear whether your concern is in what the Bill says in terms of local authorities and the rest of it, or whether—how shall I put this—you're concerned that these records may not be a priority for local government in terms of management?

10:00

[148] **Mr Catling:** I'll begin this and then David can follow on. The concern we had was that the Bill effectively allows a local authority to decide how it will have access to a historic environment record, and the possibility that there might be a multiplicity of such records rather than the situation we have at the moment, where there are four established records. My concern is purely on the part of the user of those records, facing the difficulty of access to 25, or, if proposals go through, for eight local authorities and eight different records. I'm all for simplicity of access and not confusing users, so our concern as a commission was that the statutory record should be built on what already exists rather than people reinventing the wheel. Do you want to say anything more, David?

[149] **Mr Thomas:** All that I would say is that, broadly, we think that it's sound to put HERs on a statutory basis. Of course, with that, there has to be choice in terms of the way that those are delivered, but there is a risk in that there's a well-established service already that is working well and that is fit for purpose. I think that there is a slight risk that the legislation would disrupt that, but, as I say, I think that there should be an element of choice involved in the legislation as well.

[150] **Alun Davies:** Your welcome is very heavily qualified, isn't it?

[151] **Mr Catling:** No, unqualified welcoming for statutory HERs, and it is more a concern about how local authorities will choose to have access to such things.

[152] **Alun Davies:** Draw us a picture, then: what amendment would you like to see to this legislation that would settle your mind and let you sleep at night?

[153] **Mr Catling:** It's not in the legislation, it's in the statutory guidance, and it deliberately avoids specifying that statutory HERs will be the existing for Welsh archaeological trusts' managed HERs. It would be good to have a phrase in there that said that that would be the preference. The preference would be to build on the trusts. Having said all of that, I have not heard any local authority giving evidence at these committee sessions to

suggest that they want to reinvent the wheel, but the option is there.

[154] **Alun Davies:** Okay, and you would like to narrow that in some ways.

[155] **Mr Catling:** Yes.

[156] **Alun Davies:** Okay, that makes sense. In terms of the new statutory duty or responsibility, and in terms of how it's exercised, would you prefer to see a single lead authority in Wales or a public body taking on a leadership role in how these records are maintained and delivered?

[157] **Mr Thomas:** I think that there are lots of models that could be used beyond the one that is in place at the moment, where each individual local authority basically is coming to an agreement with one of the four HERs, and to rehearse any number of the other scenarios is quite difficult, really, and I don't think that the other scenarios have been thought through in any detail in terms of the way that the funding would work and that the measures for auditing and validating are giving a good service.

[158] **Alun Davies:** Okay. I'm content with that; that's fine.

[159] **Christine Chapman:** Bethan.

[160] **Bethan Jenkins:** I'm just very concerned about what you've just said, in the sense that we have this particular model. Obviously, I hear loud and clear what you say about it being statutory, and that's generally the evidence that we've had, but, for me, I would have liked to have potentially had view of other models that could have been looked at, because, as I've said previously, I've had evidence where people have said that perhaps there could be one lead authority, because the councils that came in last week said that some councils don't have conservation officers and so, then, potentially, you would have some councils being able to liaise more effectively than others with the archaeological trusts and, therefore, they will be maintained and sustained potentially more efficiently. Now, I know you'll be independently auditing it but, in the everyday practices between those auditing processes, could there have been a better model that could have been looked at, as opposed to just this one model that has been put to us in the Bill?

[161] **Mr Thomas:** I just think that, in some ways, it's quite difficult to predict, really. In some areas, there may well be a coming together of local authorities to either deliver those services themselves or come to a joint agreement with one of the Welsh archaeological trusts, but I just think that there are a lot of different options that could be taken in that area, really.

[162] **Mr Catling:** The statutory guidance that accompanies the Bill is very clear about what a HER should be like and what a minimum standard should be, and there's absolutely no reason at all why a local authority shouldn't create a new HER from scratch, provided it conforms to that. And if that's what they prefer, then that's fine. But I'm concerned that that would mean that 40 years of investment in the existing HERs might be lost.

[163] **Bethan Jenkins:** When the Minister came in, he said that he would anticipate that they would still continue with the process, but do you think that should be firmed up in legislation, therefore, so that would be the way that it would go as opposed to giving the local authorities the flexibility to set up their own HERs?

[164] **Mr Catling:** Yes. That was Alun's question as well, and I answered it by saying that I would like a phrase in the statutory guidance that said we prefer that the existing HERs be the basis for the statutory HERs. But, you know, it's up to local authorities at the end of the day to make their own decisions, and there is an argument for saying—



[165] **Bethan Jenkins:** But that's in the legislation, though. It doesn't have to be that way if it was amended.

[166] **Mr Catling:** No. The legislation simply says that local authorities will be required to have access to HERs and to use them in making decisions—planning and development decisions. There is an argument for the local authority to manage its own HER in the sense that they are the people on the ground who know their place, their locality. So, it's quite evenly balanced, but, as I say, there has been this major investment, and it would be a pity to see that lost.

[167] **Bethan Jenkins:** My final question is just about the costings. Do you believe that the costings of the implications in the Bill would be sufficient to administer this?

[168] **Mr Catling:** Again, the existing HERs are very good value for money and I'm quite confident that the costings that are in the Bill are sound. If anybody wanted to start again, I think it would be a much more expensive exercise than has been allowed for here. So, that would come into the decision of whether to use existing HERs or to create new ones.

[169] **Bethan Jenkins:** Okay, thanks.

[170] **Christine Chapman:** Okay. Any other questions, Bethan?

[171] **Bethan Jenkins:** No, that was fine.

[172] **Christine Chapman:** Peter.

[173] **Peter Black:** Following on from that, the explanatory memorandum actually says that the funding for the HERs will be going directly to the archaeological trusts, even though the local authorities actually have the statutory duty. So, does that give you reassurance in the sense that local authorities, if they wanted to do their own thing, would have to find their own resources to do that and it's unlikely that they'll actually go down that route?

[174] **Mr Catling:** Yes, it does. It is very reassuring.

[175] **Peter Black:** And does the fact that there aren't any extra resources mean there's going to be a problem in terms of them fulfilling their statutory duty in terms of liaising with the archaeological trusts? Do you think they're going to need additional resources just to undertake that extra statutory duty in terms of commissioning and working with them?

[176] **Mr Catling:** Do you have a view?

[177] **Mr Thomas:** Well, I think, to a certain extent, they're doing it already within the existing resources that they've got, and I don't think the statutory status actually increases that burden on the local authorities, from what I could see.

[178] **Peter Black:** Okay. The Welsh Local Government Association might have a different view, but they normally do. [*Laughter.*] What's your view on the proposal in the Bill to establish an advisory panel for the Welsh historic environment?

[179] **Mr Catling:** Again, we're very strongly supportive of that. A couple of years ago, the bodies that had oversight of the historic environment in Wales were abolished and have not been replaced. I think it is very important that the Minister and the Welsh Assembly have independent advice. Anything that raises the profile of the historic environment is to be welcomed from our point of view. So, an advisory panel that actually has the power to

investigate two, three or four topics a year—to call evidence, to write a report, to make recommendations—is greatly to be welcomed. I think our concern, and this may come up in the follow-up question, is Cadw’s involvement with that advisory board. If Cadw were to provide the secretariat, it might limit the advisory board’s ability to look into Cadw, for example, and its fitness for purpose in its role.

[180] **Peter Black:** I’m not entirely clear what the function of this advisory panel is. It seems it’s going to be giving advice to the Minister as opposed to scrutinising what’s going on?

[181] **Mr Catling:** What is said in the Bill and the guidance is that it will be able to nominate three or four topics a year for investigation and to call evidence. So, some of the issues that have been raised here—redundant chapels, redundant churches, buildings at risk, buildings falling down, recalcitrant owners and so on—could all become topics that that advisory board would look into. It would have the power, like this committee, to call witnesses, ask for evidence and compile a report to provide the data on which policy decisions could be made.

[182] **Peter Black:** So, you think it’s important, therefore, that it’s not dominated by any one particular organisation, whether it’s you or Cadw.

[183] **Mr Catling:** Exactly that. If the secretariat is provided by a particular body, be it Cadw or us, then the advisory board, as there would be a conflict of interest, would not be able to look into our effectiveness in relation to historic chapels and churches, for example.

[184] **Peter Black:** Because Cadw is effectively an arm of Welsh Government, where you’re independent of Welsh Government, so you’d expect it to be working in that way, wouldn’t you?

[185] **Mr Catling:** Independent is very, very important, yes.

[186] **Peter Black:** Okay, thanks.

[187] **Christine Chapman:** Okay. We’ve got about five minutes left. Rhodri.

[188] **Rhodri Glyn Thomas:** Felly, pan rydych chi’n dweud yn eich tystiolaeth eich bod chi am weld y panel cynghori yma yn derbyn ystod eang o gyngor, yr hyn rydych yn ddweud mewn gwirionedd ydy nad ydych chi eisiau gweld y panel yn cael ei ddominyddu gan Cadw. **Rhodri Glyn Thomas:** Therefore, when you say in your evidence that you want to see this advisory panel accepting a wide range of advice, what you’re saying in reality is that you don’t want to see the panel being dominated by Cadw.

[189] **Mr Catling:** Or anybody else; it’s not just Cadw. It’s two words, ‘conflict of interest’—sorry, that’s three—and scrutiny of whether the existing arrangements are fit for purpose. So, anybody who’s part of those existing arrangements and who provides the secretariat—

[190] **Rhodri Glyn Thomas:** I’ll take that as a ‘yes’; that’s fine. [*Laughter.*]

[191] **Mr Catling:**—they’re going to try and influence the agenda, aren’t they? We don’t want the agenda to be influenced by vested interests.

[192] **Rhodri Glyn Thomas:** A beth ydych chi’n gweld yw eich rôl chi fel comisiwn o **Rhodri Glyn Thomas:** And what do you see as your role as a commission in terms of

ran bwydo gwybodaeth i mewn i'r panel feeding information into this advisory panel? cyngori yma?

[193] **Mr Catling:** Sorry, I only heard half of the question. I think you were asking about our role. We are, as I set out earlier, the tripod, as it were, of the historic environment—Cadw, us and the Welsh archaeological trusts. Our role is very much that of research and record. I would add a third after that, which is ‘relevance to the policy of issues of the day’; we don’t just undertake pure research. So, we are a body that can compile evidence for an advisory board, and who have the depth of data in the national monuments record to be able to answer questions for them, but we would want to do so in a completely neutral way, and not in a subjective way of angling the data.

[194] **Rhodri Glyn Thomas:** Diolch. **Rhodri Glyn Thomas:** Thank you.

[195] **Christine Chapman:** Bethan.

[196] **Bethan Jenkins:** I’m just perplexed as to why the Historic Environment Group isn’t—. I know that you want an independent advisory board to the Government, but surely the Historic Environment Group are bodies representing all different communities of specialists. Why is that not sufficient enough moving forward? Why do we need the HEG and an advisory panel? Potentially, could there be conflict of interest or clashes there if the advisory panel is saying one thing and the HEG are saying another?

[197] **Mr Catling:** It’s not quite like that. HEG—the Historic Environment Group—is a group of bodies who have the duty to implement policy once policy has been decided. So, to give one very pertinent example, the Deputy Minister, Ken Skates, is very, very keen on the Baroness Andrews agenda of using culture, arts, media and heritage to help break down social injustice and barriers to wider employment opportunities, and so on. So, having decided that as policy, HEG gets together and says, ‘Right, how are we going to fulfil this agenda? What are we going to do as bodies in Wales to meet that objective?’, whereas I see the advisory board as being the people who set the policy in the first place; they are, if you like, the Baroness Andrews level. They’re the ones who say, ‘What do we want to do in policy terms about redundant chapels?’ We then come along and say, ‘Well, you’ve set the policy, you’ve told us what you want to do, now we’ll work out the practical detail about how to do it’. So, the advisory board is about strategy and policy.

[198] **Christine Chapman:** Okay, thank you. John.

[199] **John Griffiths:** Could we move on to the area of maritime heritage and our offshore heritage, which you’ve identified as an important gap as far as legislation is concerned? Could you say a little bit more about why you think this Bill is an appropriate vehicle to address that perceived gap and exactly how you would see it doing so and what the importance is?

10:15

[200] **Mr Catling:** We would begin by saying that we’re disappointed that maritime is not explicitly recognised in the Bill, because we don’t believe that archaeology and historic interest stops at the shoreline. Wales is rich in wrecks of every period from the bronze age through to world war two and beyond. We’ve got drowned landscapes all around us—evidence of prehistoric activity that rising sea levels have drowned—and I think what we’d like to see is something in the guidance or in the legislation that makes it clear that, when we talk about scheduled monuments, we don’t just mean terrestrial ones. It’s as simple as that. It’s making sure that maritime is not excluded from these provisions.

[201] **John Griffiths:** Okay. So, you see that as a real gap, as the legislation is currently

framed.

[202] **Mr Catling:** It is potentially a very real gap. It could be argued, at some future stage, that maritime lies outwith the legislation.

[203] **John Griffiths:** Okay.

[204] **Christine Chapman:** Alun, you had a supplementary.

[205] **Alun Davies:** Yes. That's an interesting point. So, in terms of the territorial extent of this legislation, you'd like to see a very explicit statement there that this includes Welsh territorial waters, and you mean territorial waters, not simply coastal waters.

[206] **Mr Catling:** No. The legislation already covers the intertidal zone; they are part of historic environment records, but beyond that—

[207] **Alun Davies:** So, you'd like to go right up to the median line, et cetera.

[208] **Mr Catling:** Yes.

[209] **Christine Chapman:** Okay. Did you have a—?

[210] **Mark Isherwood:** I have just one very quick point on industrial heritage. For example, in Brymbo, where four agencies have been involved—a local authority, a commercial company, a heritage group and Cadw—they've campaigned for over a decade to prevent deterioration and then put in place regeneration. In the meantime, further deterioration has occurred, because the agencies took so long to agree a common ground. How would this Bill help that early intervention to prevent the deterioration, until the resource and will was there to take forward regeneration?

[211] **Mr Catling:** It might be a disappointing answer if I say that I don't think this Bill does or can address that. That really has to be the result of people working together to prevent that from happening. It's sad when it does, because industrial buildings are amongst the most flexible buildings that can be repurposed and reused for modern economic functions. So, it's sad to hear of cases like that.

[212] **Mark Isherwood:** It's good news now, but it's taken a long time.

[213] **Christine Chapman:** I don't think there are any other questions from Members, so can I thank the three of you very much? It was a very interesting session. We will send you a transcript of the meeting so that you can check it for any factual inaccuracies. Thank you, once again, for attending.

[214] **Mr Catling:** Thank you.

[215] **Christine Chapman:** The committee will now take a short break until 10.30 a.m.

*Gohiriwyd y cyfarfod rhwng 10:18 a 10:31.  
The meeting adjourned between 10:18 and 10:31.*

**Bil Amgylchedd Hanesyddol (Cymru): Sesiwn Dystiolaeth 5—Yr  
Ymddiriedolaeth Genedlaethol, Cymru**  
**Historic Environment (Wales) Bill: Evidence Session 5—National Trust Wales**

[216] **Christine Chapman:** Okay, if we can reconvene the committee, I'd now like to welcome Dr Emma Plunkett-Dillon, vice-chair of National Trust Wales. Welcome to you. Obviously, Members have a number of questions to ask you, Emma, if you're happy, so we'll go straight on to those questions. I know that you've supplied a paper, but Members will have read that. As you know, we are looking at the Historic Environment (Wales) Bill, so your views would be very useful to our consideration of this. I just want to start off and generally gauge whether you think the Bill is needed, given that we know that there's protection already afforded to the historic environment by existing legislation and through the planning system.

[217] **Dr Plunkett-Dillon:** Well, first of all, thank you very much for having me here. The National Trust cares passionately about the historic environment, and I think it's a real opportunity to come here to discuss, because I think it's very important to the future of Wales. I think a well-managed, well-protected, looked-after, cared-for historic environment can make an incredible contribution to other strategic objectives, and I think, within Wales, an integrated approach to the historic environment is something that we all welcome. But, for that to work, you need really good legislation underpinning it, and you need one that's solid, robust and up to date, and one that really meets the needs of the people of Wales. So, I think that this Bill is needed, I think it's robust and strong and forthright, and it closes a lot of loopholes. It's a piece of legislation for the people of Wales.

[218] **Christine Chapman:** Lovely, thank you. Now, we will expand on some of the detail of this, but, obviously, I've noted that you are very supportive of the Bill. Gwyn, you've got a question.

[219] **Gwyn R. Price:** Yes. Good morning. Can the National Trust expand on its concerns that the resource pressures may lead to a lack of capacity to implement the Bill's provisions? Given the current financial climate, how can this be overcome, in your opinion?

[220] **Dr Plunkett-Dillon:** I think we have a concern that the Bill sets out some admirably high ideals, which we would sign up to 100 per cent, but we're also aware it's being introduced into a world of financial challenge, and we have concern that, although the Welsh Government may have very ambitious aspirations, the challenges that are facing the people who may be implementing it on the ground in terms of local authorities may mean that they face having to make very difficult decisions. So, we just urge some caution and some thought to be given to how it might be implemented on the ground, and some guidance to local authorities on how they might make some of these extremely difficult decisions. I think what we don't want to end up with is inconsistency. It will not do Wales as a whole good if we have the Bill implemented in a certain way in one local authority or one part of Wales, and differently in another part of Wales. I think that will only end up in confusion, and will not serve the people of Wales well.

[221] **Gwyn R. Price:** Okay. Thank you.

[222] **Christine Chapman:** Mark, did you have a question?

[223] **Mark Isherwood:** Yes, thank you. In the evidence National Trust submitted to committee, you state that, unlike the Planning (Wales) Bill, this Bill fails to address culture change in local authorities. Why do you state that?

[224] **Dr Plunkett-Dillon:** Because I think that, to really make the historic environment

sing, to really celebrate it, we need more technical advice, we need guidance, and we need to help local authorities set a vision for what their historic environment can contribute to their other objectives. So, I feel that we need to work together in partnership. We shouldn't just look to the local authorities. We shouldn't just say, 'Over to you'. We should look across the sector and Welsh Government, Cadw, third sector and private sector. There are opportunities out there. There are people who care, and I think, all things considered, if we can work together—. But it will need a vision, because if you just set people off, that cultural change won't happen.

[225] **Mark Isherwood:** You also state there may be a need to look into how local authorities prioritise and resource decision making in the historic environment. Again, in the context of previous comments, could you expand upon that, please?

[226] **Dr Plunkett-Dillon:** I think that, again, we are concerned about the challenges that local authorities are facing, and we feel that it isn't something they can deal with on their own, because if the Welsh Government really wants this to make a significant difference to the people of Wales in terms of, say, the historic environment contributing to regeneration, there will need to be a clearer vision of what it means to the historic environment so that local authorities, which are having to make extremely difficult decisions, can be inspired by what might be achieved, as opposed to just having a big stick. So, I think there needs to be a bit of a carrot-and-stick attitude or approach to introducing new ideas and new approaches to the historic environment.

[227] **Mark Isherwood:** So, working smarter and getting it right first time. You indicated the need for collaboration in your initial response, with a range of agencies. How can or should this Bill address the need for local authorities not to have within themselves all the necessary relevant expertise, but to engage with those who might? So, I gave evidence to the previous session, for example, on Gwrych Castle Preservation Trust in north Wales, which is run by a heritage group, and so on, and is keen, putting it politely, to take part in this process as part of the prevention agenda rather than crisis management.

[228] **Dr Plunkett-Dillon:** Yes, I think it is harnessing those local initiatives. It's harnessing the goodwill that's out there. But if you see that in terms of legislation, you need a certain amount of consistency and professionalism; so, it needs to come bottom-up and top-down. So, I think that people come together and work together if they know what 'good' looks like; if they know what journey we're on, and what we're heading towards. If it is just, 'You can't do that' all the time, then they're less inclined to see local authorities or the Welsh Government as an enabling organisation; they're more likely to see them as a barrier.

[229] **Mark Isherwood:** What can this Bill do to address that?

[230] **Dr Plunkett-Dillon:** I think it needs to see the Bill as the first step on a journey, not as an end in itself. I think it needs to celebrate what the Welsh Government has achieved by bringing this Bill forward, explaining why we needed this Bill, explaining how we see the links between a well-maintained and well-managed historic environment and the other strategic objectives—economic and social wellbeing. It's making those links and connections, I think, that can empower local authorities to enter into dialogue with local groups in the way that you just illustrated.

[231] **Mark Isherwood:** So, should there be explicit guidance?

[232] **Dr Plunkett-Dillon:** I think there should.

[233] **Mark Isherwood:** Thank you.

[234] **Christine Chapman:** Okay. I've got Bethan and then Alun.

[235] **Bethan Jenkins:** I'm just trying to pin down what explicitly could be developed in the Bill to realise the vision that you have, and what you just said to Mark Isherwood. For example, with the historic environment records, there's going to be—we'll discuss it later—a duty on the local authorities to work with the trust. I was wondering whether, in this regard, you could put a duty on the historical building trusts to work—not a duty on them, sorry; a duty on the local authority to work with the historic building trusts so that buildings would be potentially maintained in a more secure way between the owners, and so forth, so that it's not just a leap of faith or a voluntary thing, because I think that quite a lot of people are saying 'Well, yes, that needs to happen', but I'm not hearing so many answers as to how this could be done in legislation to realise the vision that you're talking about.

[236] **Dr Plunkett-Dillon:** I think I'd come back to the word that you used at the beginning; you said 'a duty'. I think if we can move away from 'you must' to 'this is an opportunity', so that the Bill gives us that robust framework that establishes how we can look after our historic environment and get the right framework in place, and then it's going beyond that and explaining and celebrating the historic environment that will bring people with you, because I think the more we say to local authorities, 'You have to talk to so and so, and you have to do this, and you have to—'. My understanding is they've got real challenges and they're going to have to make some very difficult decisions. I would prefer that they saw the advantages of this, rather than it being, 'Oh Lord, that's another thing we've got to do'.

[237] **Bethan Jenkins:** Just to be devil's advocate, potentially, unless there is that legislative edge on something, because of those very pressures on them, they may just say, 'Well, actually, this is not statutory; this is not something we have to do, so because of the situation we're in, we will put it on the back burner regardless'. So, I understand your sentiments, but I sort of come from a different place on how it's done, I suppose.

[238] **Dr Plunkett-Dillon:** I suppose, in the real world, what I'm probably saying is you need a bit of both. But, I would prefer to lose the battle but win the war. I see the Bill as a really fantastic first step on a journey, and that we really can start to bring in the sort of things you're talking about, but I don't think we'll achieve that huge cultural change overnight without a great deal more thought.

[239] **Christine Chapman:** Okay, thank you. Alun, you had a supplementary.

[240] **Alun Davies:** I agree very much with your view, but just for clarity, you agree with the statutory framework that's being created by this Bill, but you have concerns about delivery and implementation.

[241] **Dr Plunkett-Dillon:** Yes.

[242] **Alun Davies:** Are there any amendments that you would wish to see to this Bill in order to give you some certainty or to allay some fears over that delivery and implementation?

[243] **Dr Plunkett-Dillon:** At the moment, I don't think I would; I can't specifically say at the moment. I think that Cadw and the Welsh Government have done an admirable job at consultation; it's been a robust, thorough process. I think the National Trust admires the fact that it's been realistic; it's grounded in the reality of what can be achieved with the legislation. It hasn't set hares running. But, what we would like to see, as I've just said, is to build and perhaps future measures might come in. If you look at what the Environment (Wales) Bill is doing, it's measures to introduce further measures that may introduce additional legislation further along. That I think is probably something that the National Trust

would be thinking about, not changing the Bill as it stands at the moment.

[244] **Alun Davies:** Okay, that's fair enough. I want to move on to discuss some issues around the scheduled monuments. I think I'm right in saying that you've welcomed the enforcement powers that are being provided within this Bill. Are you happy with the balance of those powers?

[245] **Dr Plunkett-Dillon:** Absolutely; we welcome that hugely. There's been a lot of inconsistency around scheduled ancient monuments, and we think that the legislation as proposed is tightening that up. We think that it will give far greater protection and transparency, and owners will understand where they are, and people who are farming the land that scheduled ancient monuments occupy will have greater clarity of what the expectations are.

[246] **Alun Davies:** Okay. And the trust's view on the proposed extended definition of a monument under the Bill.

[247] **Dr Plunkett-Dillon:** I don't work as an archaeologist now, but I am an archaeologist by profession, and I have had many years of tortuous discussions around what exactly is or is not defined by the legislation, and so this tightens that up and it's really helpful.

[248] **Alun Davies:** Okay, thank you very much.

[249] **Christine Chapman:** Mike.

[250] **Mike Hedges:** Can I move on to historic parks and gardens? What impact does the trust think that the new statutory status that the register of historic parks and gardens will have on the historic environment in Wales?

10:45

[251] **Dr Plunkett-Dillon:** I think it's only for the good. I think that parks and gardens give people such a lot of pleasure and they are so important. They're not just gardens in private ownerships; a lot of the statutory parks and gardens are places that are publicly accessible and I think that by making it statutory, it sends a message out that we value these landscapes, we think they're precious, we think they're important and we think they're worth looking after. We all acknowledge that parks and gardens make a valuable contribution to our tourist income; people come to see them and I think it can only be a good thing.

[252] **Mike Hedges:** How many do you think will actually be designated when they decide to designate parks and gardens? What sort of ballpark figure are we talking about—tens, hundreds, thousands? And, how does this fit in when local authorities have not got a duty to create parks, but most local authorities do have parks that are not part of their statutory responsibilities? Will that start making it a statutory responsibility of local authorities to look after the parks they've got?

[253] **Dr Plunkett-Dillon:** I can't give an answer to how many I think. There certainly won't be hundreds of them, because Wales just doesn't have—. It has some very precious parks and gardens and I think it's fair to say that Cadw did a fairly thorough job when it went around reviewing the first time around. So, I don't estimate that there will be additional huge numbers of parks and gardens. I may be completely wrong in that, because it's not something that I've given thought to.

[254] As for the responsibility, I think there will be a mixed picture. There needs to be clear further thought given to what we mean by looking after a garden, because trees blow over and



plants die. They can't be absolutely preserved in perpetuity, because gardens develop and grow, and climate change will come in. So, I think there are a lot of big challenges that will need to be faced up to about looking after parks and gardens in the future.

[255] **Mike Hedges:** I would actually guess that, in Swansea itself, there would be at least a dozen that would have been put forward. But, to move on, can the trust expand on its concern about the powers in the Bill for Welsh Ministers to remove parks and gardens from the register?

[256] **Dr Plunkett-Dillon:** I think that this can only be done if there's very clear criteria as to why you're removing it. It must be robust and transparent so that owners understand why a park or garden has been removed—you know, it has deteriorated beyond a point of no return—and it also has to be consistent, so that, across Wales, we can apply the same regulations and the same approach, wherever the garden is. Also, gardens vary enormously from urban parks to—. The trust has registered parks that are, to all intents, agricultural landscapes, so the criteria are going to have to be quite far reaching, so that we absolutely understand across the board what the criteria are for why we think that it's no longer worthy of statutory protection.

[257] **Mike Hedges:** Do you really want it to be consistent, because there may be one fairly large area of Wales that only has one; there may be another area that has 20, and the one that's there is in the same state as the 20 that are on the list? Would you want the consistency that the one would go and the 20 would go, or would you say that, because of the number that you've got there, which are of a certain standard, you'd try and protect the only one left in an area?

[258] **Dr Plunkett-Dillon:** I hear what you're saying and I can sympathise with what you're saying, but I think if it's statutory, you're up against legislation and it's the consistency that enables the legislation to be robust enough for, if you end up in a planning situation where there's a development proposed, you need to be able to apply a certain amount of consistency.

[259] **Christine Chapman:** Thank you, Mike. Janet.

[260] **Janet Finch-Saunders:** What does the trust think about the changes to listing arrangements in the Bill?

[261] **Dr Plunkett-Dillon:** Again, it's the same as the scheduling ancient monuments; we greatly welcome the tightening of the legislation. We greatly welcome the fact that there will be greater dialogue with owners and we welcome the fact that owners will be involved, although, de facto, they are already, but I think it will make a big difference. I think it's just much more transparent and much more fit for purpose. I think it enables; for instance, the changing of the power so that local authorities can intervene in buildings that are occupied, where they couldn't before, means that we've given local authorities the scope to work with owners on regeneration and options for using that building in a productive way that doesn't compromise significance. So, I think, altogether, it's a positive step.

[262] **Janet Finch-Saunders:** Thank you. And the National Trust raises a concern that local planning authorities may be wary of issuing temporary stop notices due to the potential cost of paying compensation to the owner, if this interim protection causes direct loss or damage. Would they like this issue to be addressed in the Bill? If so, how?

[263] **Dr Plunkett-Dillon:** I think this is another one that we would like to be considered going forward; I don't think at the moment that we would be arguing that that is of sufficient significance to hold up the progress of the Bill through the legislation process. We have

concerns about some of the details in the Bill, but overall we would like the Bill to go forward.

[264] **Janet Finch-Saunders:** Thank you.

[265] **Dr Plunkett-Dillon:** So, we would welcome the opportunity for further discussion on that. But it really needs to be said at this stage that our experience is very much based on what we own, and a lot of that wouldn't apply to us. So, we are making a broad statement in that we would welcome, for the good of Wales, further discussion, but, from a National Trust perspective, at this point in time we wouldn't argue that the Bill should be held up.

[266] **Janet Finch-Saunders:** And can the trust expand on its comment that it would have wished to have seen far greater emphasis on buildings at risk in the Bill, including monitoring, intervention and reporting, and how would you like this to be addressed?

[267] **Dr Plunkett-Dillon:** I think the reason we've made that statement is that we feel that you can make the most of your building as an asset both in terms of an asset from a historical perspective and an economic asset, if you really understand your buildings and you understand what you have and what the potential is. And therefore I think that your listed buildings are deemed to be the best—architecturally and historically; all the criteria for listing. And I think that if local authorities understand what they have and what the value is and what the future potential is, they can make far more of those buildings to deliver some of their other strategic objectives.

[268] **Janet Finch-Saunders:** Thank you.

[269] **Christine Chapman:** Okay, thank you. Rhodri.

[270] **Rhodri Glyn Thomas:** Yn eich tystiolaeth, rydych yn cyfeirio at y cytundebau partneriaeth treftadaeth; rydych yn eu croesawu nhw, ond, ar yr un pryd, rydych yn amheus o'r defnydd a fydd yn cael ei wneud ohonyn nhw, ac rydych yn mynegi pryder hefyd, fel y gwnaeth Cymdeithas Llywodraeth Leol Cymru a nifer o dystion eraill, ynglŷn ag ariannu'r partneriaethau yma. A allwch chi ehangu ar hynny? A ydych chi'n credu bod y cyfeiriadau atyn nhw yn adrannau'r Bil wedi cael eu drafftio'n gywir?

**Rhodri Glyn Thomas:** In your evidence, you refer to the heritage partnership agreements; you welcome them, but, at the same time, you doubt the use that would be made of them, and you express concern also, as the Welsh Local Government Association and a number of other witnesses did, about the funding of these partnerships. Can you expand on this? Do you think that the references to them in sections of the Bill have been drafted correctly?

[271] **Dr Plunkett-Dillon:** The answer to the last question—'yes' is the simple answer to the last one. We are particularly concerned about these partnerships, because we have had conversations with Cadw over the years on several occasions because we are a very strong supporter of this. We think it really has huge potential to cut through a lot of bureaucracy that is holding up profitable use of complex landscapes where there are different designations, and we think that we can come to a very useful—. It can be used to develop a very profitable, useful and valuable partnership between local authorities, Cadw, Welsh Government and owners, which will mean that it will just streamline processes. So, my first point is that we strongly support these—we really think they're very good.

[272] Our concern is that, from our standpoint, our primary aim is the protection of the historic asset but we have a concern as to how it will be implemented outside our area, in that we do believe it could be resource-hungry to get it right the first time, and, if you don't get it right at the beginning, people won't take it up, because they will say, 'It doesn't work there,

and didn't work there, so we're not going to bother'. So, it may mean that there will be an upfront resource ask to try and make things work—really make it work at the beginning, and celebrate that it works well. And the knock-on impact is that lots of other owners and local authorities will be prepared to work with it.

[273] **Rhodri Glyn Thomas:** Felly, o ran y blaenlwytho yma sy'n angenrheidiol yn eich barn chi, pwy ddylai fod yn gyfrifol am sicrhau yr adnoddau hynny? Ai lywodraeth leol, ai partneriaid, neu a ddylai ddod o'r Llywodraeth yn ganolog?

**Rhodri Glyn Thomas:** So, in terms of the frontloading that's required in your opinion, who should be responsible for ensuring those resources? Should it be local government, or partners, or should it come from Government centrally?

[274] **Dr Plunkett-Dillon:** Well, I'll be quite specific: I think it should come from Government. I think this is an innovative, creative way of doing things, it's a way of bringing people with the Welsh Government into looking after these complex landscapes, it reassures owners. I don't think it should be a permanent solution, but I certainly think the Welsh Government should give consideration to funding it upfront to start off.

[275] **Rhodri Glyn Thomas:** Diolch yn fawr.

**Rhodri Glyn Thomas:** Thank you very much.

[276] **Christine Chapman:** Okay, thank you. Bethan.

[277] **Bethan Jenkins:** Jest i fynd ymlaen i siarad am y cofnodion amgylchedd hanesyddol, beth yw eich barn chi ynglŷn â sut y bydden nhw'n gallu sicrhau ansawdd y wybodaeth am yr amgylchedd hanesyddol trwy sefydlu'r ffaith y bydd yn oblygiad statudol ar yr awdurdodau lleol i sicrhau eu bod nhw'n cael eu hadfer?

**Bethan Jenkins:** If I could just go on to talk about the historic environment records, what is your view on how these can improve the quality of the information on the historic environment by establishing the fact that there will be a statutory requirement on local authorities to ensure that they are properly maintained?

[278] **Dr Plunkett-Dillon:** So, again, we think that knowledge is the tool to opening up and celebrating the historic environment. If we don't know what we own and we don't manage the information properly, we miss out on the potential that the historic environment has to create a sense of wellbeing, pride, ownership—all the things that give people a sense of wellbeing. So, the National Trust strongly welcomes the proposal to put the HERs on a statutory footing.

[279] We think that, practically and pragmatically, they work very well at the moment, the historic environment records. They are run by the Welsh archaeological trusts. They do an exemplary job. If we can keep it going like that, we just keep going forward, make sure they're properly resourced, but, actually, from the pragmatic, practical point of view on the ground, Wales already has a system that works really well and is envied in other parts of the United Kingdom, and I think we should continue to support that and keep that going.

[280] **Bethan Jenkins:** Felly, a oes gyda chi gonsŷrn ynglŷn â sut y mae'r gyfraith wedi cael ei hysgrifennu yn y Bil newydd, lle bydd goblygiad statudol ar yr awdurdodau lleol a hefyd y ffaith eu bod nhw'n gallu creu HERs eu hunain os ydynt yn moyn, oherwydd rydych yn sôn yn eich tystiolaeth ynglŷn â'r baich ychwanegol byddai arnyn nhw pe tasen nhw'n creu eu rhain eu hunain?

**Bethan Jenkins:** Therefore, do you have any concerns about the way in which the law has been drafted in this new Bill, where a statutory requirement is placed on the local authorities and there's also the fact that they can create their own HERs if they want to do so, because you mention in your evidence the additional burden that would be placed upon local authorities if they were to draw up their

Yn amlwg, roedd y Gweinidog wedi dweud nad oedd yn gweld y byddai hynny'n digwydd, ond, eto i gyd, yn y memorandwm, mae'n dweud bod hynny'n bosibl. Felly, jest eich barn chi ar hynny.

own historic environment records? Clearly, the Minister has said that he didn't anticipate that being the case, but in the memorandum, it says that that's a possibility. So, I'd like your view on that.

[281] **Dr Plunkett-Dillon:** Well, when the discussions about the historic environment records were taking place during the consultation about the Bill, there was a feeling in the sector that the Bill needed to allow for the fact that there could be a service level agreement, which would allow a third party to maintain the historic environment record on behalf of the local authority. So, we greatly welcome that that provision is there. We think that that is the key for making sure that the system that works very well at the moment goes ahead like that. Personally, I would share the confidence of the Minister that this will continue and, given the pressures we've talking about earlier on, that are on local authorities, why would they go on a different route when there's a perfectly good system working already?

[282] **Bethan Jenkins:** Jest un cwestiwn ychwanegol, felly: os mai hynny yw'r achos, a ydych chi'n credu y dylai'r memorandwm hepgor y ffaith y byddai awdurdodau lleol yn gallu creu eu rhai eu hunain, os ydy'r system yn gweithio fel y mae, gyda'r ymddiriedolaethau yn rhedeg y system?

**Bethan Jenkins:** Just one additional question, therefore: if that is the case, do you think that the memorandum should remove the fact that local authorities should be able to create their own, if the system is currently working as it is, with the trusts running the system?

[283] **Dr Plunkett-Dillon:** Well, I think we can't futureproof everything, and I think that, at the moment, I wouldn't see a need to remove it. I think that, as it stands, it's covering all bases. We are all saying very strongly to the Welsh Government there's a system there that works, but I would imagine that the Government has a legislative duty to make sure that its options are kept open. If the choice was between a Welsh archaeological trust no longer being able to sustain a record, it would not be helpful if the local authority couldn't take it over and maintain the record itself.

11:00

[284] **Christine Chapman:** Okay, thank you. Peter.

[285] **Peter Black:** Just looking at the proposed advisory panel, you've expressed concerns that there's an overlap in roles between the historic environment group and the advisory panel. Could you outline what the role of the historic environment group is, and whether you think that that risk of overlap can be mitigated?

[286] **Dr Plunkett-Dillon:** I think there is overlap. With all of these things, the overlap can be mitigated with good communication. But I think we do have some concerns and we would like to see further discussion around the roles of each panel, because the terms of reference for the historic environment group refer to identifying strategic issues and priorities for action. So, that mirrors some of the language that's used in the memorandum about what the role of the panel will be. I think there's room for both because one is harnessing the work that's done by key stakeholders that have responsibility for the historic environment, bringing people together and sharing their expertise and working. And yet I do think that the Welsh Government and Cadw would greatly value more specific technical expertise of particular people, as opposed to organisations. So, I think there is a role for both, but I think at this stage considerable thought needs to be given to what the panel will actually do. And probably in terms of the use of some case studies—no, probably not case studies, but actual specific work streams; examples of what they might do. It's proposed that the panel will cost £50,000 to run, and that's a lot of money when most of the questions that we've faced this morning have

been around the challenge of implementing the Bill in a scenario where local authorities and Welsh Government and even the National Trust have limited resources. So, I just think it's a case of getting some clarification around what each will do and what will be the measure of success that the panel has succeeded: how will we know they've actually made a reference at the end?

[287] **Peter Black:** What is the status of the historic environment group? Is it a Government organisation? It is just an informal grouping of historic bodies?

[288] **Dr Plunkett-Dillon:** The historic environment group is chaired by Cadw and the secretariat is provided by Cadw. It has—I'm struggling to remember off the top of my head how many—about 12 or 13 organisations represented there. It meets four times a year. There's a work programme which is circulated in advance and agreed at each—. And there are task and finish sub-groups, so there would be a climate change sub-group, there's a records sub-group and there's a skills sub-group, which the Heritage Lottery Fund contributed to. There's been a lot of conversation around the Bill recently. The Minister has come and spoken to us about some of his challenges. So, it's very much a partnership co-ordinating—you know, who's doing what, how we can work together and how we can work with Welsh Government. Whereas my understanding of the panel is that it will be much more targeted by particular individuals on areas of work.

[289] **Peter Black:** They do sound very similar. Would it not be possible to say it's the historic environment group and actually make it the advisory panel to avoid that duplication?

[290] **Dr Plunkett-Dillon:** I think the Welsh Government then has to face up to whether or not they want organisations or people around that table, because one is organisations. So, I sit on it for the National Trust but, if I can't attend, I ask other colleagues to represent the trust, and that wouldn't be the case if I was on the panel—it would be me, not 'me, the National Trust'. I would be there as my individual—. That's my understanding of how it would work, anyway.

[291] **Peter Black:** And yet that £50,000 is quite a lot of money that could make a big difference in—.

[292] **Dr Plunkett-Dillon:** As I say, I think there is a role for both, but I think there will be a lot of confused people out there if you've got two groups.

[293] **Peter Black:** Okay, so maybe the Minister needs to clarify that issue. Okay, thank you.

[294] **Christine Chapman:** Obviously, with the potential of having two groups, do you think there is a—. Obviously, we know about the £50,000, but do you think there's a quicker way of doing this that we could possibly consider then as part of the Bill that would be better, in your opinion, with your expertise?

[295] **Dr Plunkett-Dillon:** Coming at it in another way, I was on the ancient monuments board—there were two boards before, and I was on that for a while as an individual. And I felt that that, although it was—. It certainly needed overhauling—it wasn't delivering what Cadw really needed, but it actually gave very precise technical advice. We talked about climate change; there was a lot of conversation around guardianship sites and the management of that; repair and conservation of some of the big castles; and managing visitors. There were very specific needs, and I still think that the Welsh Government and Cadw need that kind of technical input. I think that, inevitably, we all do better working with each other and working in partnership, and so there is still a need for that partnership working. So, my point was that I think there is a need for both, but you would need, I think,

further clarification of what each group does. And there may be different ways of delivering it.

[296] **Christine Chapman:** Okay. Thank you. John.

[297] **John Griffiths:** In terms of historic landscapes, the National Trust's stated view is that the proposals within this legislation are weak. Would you like to expand on what you believe the weaknesses are and how they could be addressed through this legislation?

[298] **Dr Plunkett-Dillon:** Well, as you might imagine, the National Trust cares very passionately about landscapes. We own significant parts of Wales and landscapes are core to our purpose. We observe on a daily basis how people react to landscapes, value landscapes. We all know about Cynefin. We all know about sense of pride and ownership. We know that it gives people security. We also know how much our landscapes contribute to our tourist economy. People come to Wales to see these landscapes, so we are puzzled that the Bill makes so little reference to landscapes. We have the register of outstanding and important landscapes, and we feel that the Bill could have been an opportunity to build on that. We note, as a result of conversations with Cadw officers, that legislation for large areas of countryside could be a challenge, but we also note that, if you look at the environment Bill, they're looking at measures that will cover legislation for natural resource spatial planning, which is on a catchment basis, which we understand will be large areas as well. Our understanding is that their proposal is not to try and solve it all immediately; they understand that this is a complex process.

[299] Therefore, we feel, again to make the point that I referred to a couple of times, that we wouldn't necessarily expect the Welsh Government to solve the problem of giving greater protection to landscapes at this stage, but it would have been good if they could have flagged up somewhere that they had an intention—that they acknowledged the importance of landscapes and that there might be a potential to do something about this in the future.

[300] **John Griffiths:** Okay. So, you're not necessarily advocating an amendment to this Bill but, as you say, a statement of intent and a clear understanding or recognition of the importance—

[301] **Dr Plunkett-Dillon:** We fully understand that the legislation—. When I spoke first, I recognised that one of the features that gives this Bill its solidity and robustness is that the legislation has been thought through very carefully. There aren't loopholes and gaps and we're not opening doors that we can't close or have to come back to because of a difficult planning enquiry. But, I think, therefore, it would be good if there was some notice of intent that we can build on this and tackle more tricky issues. I also think that landscapes are just key. They are the bit that holds together some of the other legislation the Welsh Government is tackling—the future generations Act and the environment Bill. It is the glue that pulls a lot of these together, and I think it's a bit of a shame that the Bill doesn't make any reference to that so we can build on those links.

[302] **John Griffiths:** Obviously, one of the challenges for the Government in terms of this legislation is to make sure that different pieces of legislation are complementary and not taken forward in isolation but make the necessary links. I think that what you're saying about the environment Bill then is that, in terms of natural resource management planning, there isn't that common agenda between this piece of legislation and the environment Bill and that there might be, perhaps, a greater link in terms of landscapes and the historic significance of landscapes and that natural resource management planning. Would you be looking at some sort of legislative mechanism, then, to make that link in this particular Bill?

[303] **Dr Plunkett-Dillon:** No. Again, I fully accept that giving legislation protective to

registered landscapes at this stage is a very challenging undertaking. The National Trust accepts that fully. What we would like to see is an acknowledgement that there is an opportunity here for joined-up integrated thinking, and an acknowledgement of the potential of this integrated thinking would be very welcome. We're not asking at this stage for any amendment to the Bill, but we would like to see—. The Bill, as it stands, has a lot of supporting documentation—there's planning guidance being changed, and there's other guidance. Those are very useful. There's a supplementary document coming out on historic environment records and managing world heritage sites. It's a thinking piece, as much as anything else, to try to bring the landscapes up the agenda and make the connections. Having said that, I have been party to discussions about the environment Bill and the heritage Bill, and I am aware that Welsh Government officials are talking to each other, from the different departments. But, we would really welcome a more obvious statement of intent with regard to the value of historic landscapes and what we can do to make sure that we look after these in the way that they deserve.

[304] **John Griffiths:** Just one further point, Chair, in terms of natural resource management planning and the environment Bill, would you like to see some formal mechanism, statutory or otherwise, for Cadw and other heritage bodies to feed into that natural resource management planning?

[305] **Dr Plunkett-Dillon:** I think that would be helpful. I sit on the natural resource and food reference group—I think that's what it's called; it's changed its title a couple of times—and we discuss the Bill. There are a couple of us on that, but there isn't the same input that there could be. It could be a one-off task and finish group. You know, it could be a small group that just explores the options for that.

[306] **John Griffiths:** The options. So, you wouldn't have a particular option in mind as to how that might be seen.

[307] **Dr Plunkett-Dillon:** No. The National Trust fully accepts that this is a big ask, but we also think that there are big gains from this. We think that the Welsh Government is missing out on the potential by not making these connections.

[308] **John Griffiths:** Okay.

[309] **Jocelyn Davies:** Okay. I've got Bethan and then Peter.

[310] **Bethan Jenkins:** Rwyf jyst eisiau gofyn ynglŷn â'r ffaith bod nifer o bobl wedi dweud am bethau sydd ddim yn y Bil. Mae pobl wedi dod atom a dweud y dylai fod goblygiad statudol i adfer neu amddiffyn enwau llefydd, enwau ar gyfer mynyddoedd neu ar gyfer llwybrau penodol sydd yn bwysig i'w hardal nhw, er mwyn eu hadfer i'r dyfodol. A oes gennych chi, fel ymddiriedolaeth, unrhyw farn ar hynny yn benodol?

**Bethan Jenkins:** I just want to ask about the fact that a number of people have told us about things that aren't included in the Bill. People have approached us and said that there should be a statutory requirement to restore or protect placenames, the names of mountains or some specific paths, which are important in their specific areas, to protect them for the future. Do you, as a trust, have any view on that specifically?

[311] **Dr Plunkett-Dillon:** I can see that elements of the historic environment mean a lot to different people. I feel, again, that the Government faces a big challenge in trying to acknowledge what people feel is important in their local area. I think that the Bill actually gives the mechanisms for doing that without actually placing a statutory duty on it. It acknowledges the importance of local value and significance. I think that, as the Bill stands at the moment, the trust would not be seeing that as something that we would want to see

amended at the moment because we would see that there may be other mechanisms for doing it other than through the legislation.

[312] **Bethan Jenkins:** Like what? Because, for example, you might have seen last night on the *The Wales Report* that somebody was saying that one in Blaenau Ffestiniog, Cwm Cneifion—which is to shear sheep—now has been called ‘the nameless mountain’ because, allegedly, people can’t say ‘Cneifion’. If you’re going to lose that heritage in a name, what other way can you do it if you’re not going to do it through legislation?

[313] **Dr Plunkett-Dillon:** I can’t give you a straight answer for a placename off the top of my head, but I do genuinely believe that you can’t legislate for everything. I think that you could do it through different mechanisms at a local authority level rather than at a legislative Welsh Government level. I think that might be a way through.

11:15

[314] I think that we could end up with very complex legislation that would be very difficult to implement if we went down that route. But that’s not to say that the trust doesn’t acknowledge that people value—. Placenames would be something that we, as an organisation, care about passionately and think that they are incredibly important, and would seek to maintain them. We’ve reverted to Welsh names—proper Welsh names—at properties when they’ve had different names for many years. So, we would think that was extremely important.

[315] **Christine Chapman:** Thank you. Peter.

[316] **Peter Black:** I just wanted to come back to landscape. I live in Swansea, so I very much acknowledge the contribution of the National Trust in terms of preserving the landscape in Gower, mostly through ownership, which I think is very important in conservation work. I’ve seen, for example, the renovation of the vicarage in Rhossili. But, there are particular aspects of landscape you own in Gower—and I’m thinking particularly of the strip farming in Rhossili—where there are similar features on land in Wales that isn’t owned by the National Trust and doesn’t have that same protection. So, where you get those sorts of environments, and particularly historic environments like that, which are not protected through that trust ownership, does the Bill do enough in terms of making sure they are legislatively protected? It’s very easy to plough up a strip farm, isn’t it?

[317] **Dr Plunkett-Dillon:** I think it depends on the scale. I think that the expansion of the scheduled ancient monuments power means that I think that can be applied in a way that it wasn’t before, so it can cover larger areas—and I think that it could be. That’s my understanding—that it could be. So, my concern with regard to landscapes wouldn’t be something like the Vile, because it probably could be argued that you might be able to cover that with the scheduled ancient monuments power. You certainly couldn’t under the previous legislation, because we tried to get it protected that way. But, if you were talking about the registered landscape for the Gower, which is almost the whole of the western half of the Gower, that is something that’s worthy of protection, and the legislation at the moment is not giving that any statutory protection, apart from scheduled ancient monuments.

[318] **Peter Black:** And apart from areas of outstanding natural beauty, of course. Gower has that AONB status, and, of course, we have national parks as well, with also status, but, elsewhere in Wales, there isn’t really any proper protection there at all.

[319] **Dr Plunkett-Dillon:** Well, they come into the planning guidance, and they are a material consideration in planning, but they are not protected, and they are not even acknowledged. That would probably be—



[320] **Peter Black:** If someone can wreck part of Offa's Dyke without knowing what he's doing, then it's very easy to do that elsewhere in Wales, isn't it?

[321] **Dr Plunkett-Dillon:** Yes. It's about celebrating our landscapes. I genuinely think that the Welsh Government, through Cadw and what was then CCW, and ICOMOS, did a fantastic job on those registers, and they're absolutely wonderful documents, which describe these parts of Wales really clearly. They're something that could be celebrated in a far wider way than we do at the moment.

[322] **Peter Black:** Okay, thanks.

[323] **Christine Chapman:** Thank you. I think we've come to the end of this particular session, so can I thank you, Emma, for attending? It's been an excellent session today, and a lot of views have been expressed in questions. Thank you very much for answering those questions.

[324] We will send you a transcript of the meeting so that you can check to see whether you feel there are any factual inaccuracies. Thank you very much.

[325] **Dr Plunkett-Dillon:** Thank you for hearing me.

11:18

### **Papurau i'w Nodi Papers to Note**

[326] **Christine Chapman:** There are a number of papers to note, if the committee can agree to note those.

### **Cynnig o dan Reol Sefydlog 17.42(vi) i Benderfynu Gwahardd y Cyhoedd o Weddill y Cyfarfod Motion under Standing Order 17.42(vi) to Resolve to Exclude the Public from the Remainder of the Meeting**

*Cynnig:*

*bod y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42(vi).*

*Cynigiwyd y cynnig.  
Motion moved.*

*Motion:*

*that the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(vi).*

[327] **Christine Chapman:** I would like to invite the committee to move into private session for the remainder of the meeting. Are you content to do that? Okay. I would now like to close the meeting.

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11:19.  
The public part of the meeting ended at 11:19.*