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Politics and Heritage: Developments in Historic Environment Policy and Practice in Wales

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ABSTRACT

The process of devolution in the U.K. since 1999 has created differences in policy and practice between the different parts of the U.K. This paper considers the historic environment sector in Wales. In practice the Welsh system has always been slightly different from other parts of the U.K, not least because of the role of the four independent Welsh Archaeological Trusts in performing duties that elsewhere are undertaken by public-sector bodies. The passing of the Historic Environment (Wales) Act in 2016 has made that divergence apparent in policy terms as well. The new legislation has also brought into being policy changes and new guidance across the planning system. This is broadly welcomed as a positive step for Wales. However, it has occurred at a difficult time for cultural heritage in the U.K. in general, and in Wales in particular, with economic and political issues close to the surface of policy and practice in the sector. This paper explores the interface between politics and heritage, both over the long term and in the context of implementing the new legislation, and discusses some of the implications for the future of the historic environment sector in Wales.

KEYWORDS

Historic environment;
legislation; policy; politics;
devolution; national identity;
archaeology; planning;
Wales; United Kingdom

Introduction

This paper describes the current situation of the historic environment sector in Wales, one of the constituent nations of the United Kingdom.¹ It sets out some recent advances in policy, and outlines some of the future challenges in practice. At first sight the current situation and future outlook is positive. The official position of Welsh Government is that the 'historic environment is central to Wales's culture and its character contributes to our sense of place and cultural identity'.² New legislation enacted by the recently devolved administration has improved the ways in which understanding, management and protection of the historic environment in Wales is undertaken. Moreover in recent years, the potential of the historic environment sector to contribute to areas such as environmental protection, mental health and wellbeing, accessibility, and public engagement has been recognised and encouraged. However, this optimism must be tempered by the availability of resources. Allocation of resources is in turn framed by political discourse at local, regional, national and international levels.

This paper looks at how the current system has evolved, and the background to and processes around the creation of the new Historic Environment (Wales) Act 2016. It also assesses how the system might remain resilient in the future. Historic environment policy and practice are discussed in the context of complex and ever-evolving relationships between political, administrative and professional actors.³

Devolution and Evolution

The current situation has resulted from legislative and administrative developments over more than a century. The devolution of power within the framework of the uniquely opaque U.K. constitution is a relatively new and unfinished process. To provide context, therefore, it is necessary – particularly for the international readership of this journal – to consider some of the longer term changes which have led to the present moment. This section provides an overview of the devolution process and the development of Welsh political institutions, before outlining the evolution of historic environment institutions.

Devolution: 'a process, not an event'

The formal devolution of the constituent parts of the United Kingdom, including the creation of the National Assembly for Wales, was undertaken between 1997 and 1999. This was in accordance with a Labour party election commitment to referendums on the devolution of power to a Scottish parliament 'with law-making powers' and a Welsh assembly 'with secondary legislative powers'.⁴ It was noted by the then Secretary of State for Wales that Welsh devolution was a 'process, not an event'.⁵ Indeed, the Government of Wales Act 1998 followed a century in which Welsh administrative autonomy had been increased, and was itself followed by further devolution of powers from Westminster. This is not the place for a detailed history of Welsh nationalism and devolution. Nevertheless it is worth summarising some of the key moments in the long trajectory that led to formal devolution, as these historical events are germane to understanding the past and future development of particular strands of historic environment policy and practice.

Since the late mediaeval period Wales (Figure 1) has been legally and administratively part of England. Following the death of Llywelyn ap Gruffudd in 1282, the Principality of Wales was governed by the English king, with indirect governance of territory along the border through a series of 'Marcher Lordships'. Wales was fully incorporated into the English legal system by two pieces of legislation enacted in 1536 and 1543, collectively known as the 'Laws in Wales Acts'.⁶ This legislation also abolished the Marcher Lordships and defined the modern border between England and Wales; the internal administration of Wales was re-organised, and English was made the official language. This last aspect in particular significantly contributed to the later rise of Welsh nationalism, which deployed many aspects of tangible and intangible cultural heritage in the creation of Welsh identities. Wales' legal status as part of England was fixed by the Wales and Berwick Act 1746.⁷

Official reversal of this process – and therefore an implicit recognition of the distinctiveness of Wales – began with legislation on education in 1889 and 1907.⁸ Later, the administration of National Insurance (from 1911) and public health (from 1919) was also devolved.⁹ Gradually through the first part of the twentieth century a number of ministries and government departments established Welsh branches with some degree of autonomy from



Figure 1. Wales. Map showing the location of Wales in the European Union. © Paul Belford.

Whitehall.¹⁰ In 1951, Wales gained its own (junior) Minister of State for Welsh Affairs. The Labour Party election manifesto for 1959 proposed a Secretary of State for Wales and a separate Welsh Office; but it was not until 1964 that a Labour government was able to make this a reality.¹¹ Meanwhile, this period saw a rise in Welsh nationalism at a popular level. Actions such as the flooding of the Tryweryn valley by Liverpool Corporation between 1958 and 1965 gave greater impetus to Plaid Cymru, a nationalist political party, who gained their first Member of Parliament at the Carmarthen by-election in 1966.¹² The following year the first Welsh Language Act was passed, which gave equivalent legal status to English and Welsh.¹³

In 1969 the then Labour government established a Royal Commission on the Constitution (the 'Kilbrandon Commission') to look at political devolution. Its final report – presented in 1973 to a Conservative administration – recommended directly elected Scottish and Welsh assemblies.¹⁴ Labour regained power at Westminster in 1974 and a referendum on devolution in Wales took place in March 1979; however the proposal for a Welsh Assembly was rejected.¹⁵ Two months later a Conservative government was elected for the U.K.; and remained in power for a further eighteen years. This was a period of decline in many traditional and culturally significant areas of the Welsh economy, and the Conservative government was unpopular in many parts of Wales. In the early 1970s frustration had been expressed that

‘there may be a Welsh nation, but there is not yet a Welsh state’¹⁶; however this feeling was only mobilised into a meaningful political force in the early 1990s. Increasing support for a Welsh Assembly was evident among senior figures in the Labour Party. ‘We now in Wales demand the right to decide through our own democratic institutions the procedures and the structures and the priorities of our own civil life’, declared the shadow Secretary of State for Wales at the 1994 Labour Party conference.¹⁷ Thus, a political commitment to devolution was made, and this commitment became a reality after Labour was re-elected in 1997.

The Government of Wales Act 1998 had created a National Assembly for Wales of limited powers: the ‘Welsh Assembly Government’ was effectively only a committee of the Assembly. The Government of Wales Act 2006 changed this by separating Government from the Assembly. This granted the Assembly competence to pass laws (‘Measures’, later ‘Acts’) and gave the Welsh Government (so renamed in 2014) the ability to propose such legislation to the Assembly in twenty fields of competence. Some of these fields had direct historic environment implications – such as ancient monuments and historic buildings, culture, tourism and language (including place-names) – but there were also others which impacted on the historic environment in less obvious ways. These included: agriculture, fisheries, forestry and rural development; economic development; environment; town and country planning; highways and transport; and housing. In practice, publicly funded historic environment work was politically directed to engage with government policy in fields such as education and training, health and health services, and social welfare.

Further devolution occurred as the result of successive Wales Acts passed in the U.K. parliament at Westminster. Among other things the Wales Act 2014 devolved some of the tax-collecting roles of government. More significantly, the Wales Act 2017 brought the arrangements in Wales closer to those in Scotland by changing the system of government to a ‘reserved powers model’. This enables the Welsh Assembly to ‘to legislate on any subject except those specifically reserved to the U.K Parliament’, including changing the operation of the National Assembly for Wales and the Welsh Government.¹⁸ At the time of writing a series of such changes is being developed, including changing the name of the Welsh Assembly to Parliament, and, more significantly, activating new revenue-raising powers.¹⁹ Welsh Government is also able to legislate for local government and public administration, which could also impact on the delivery of historic environment services.

The Evolution of Legislation and Institutions

It was against this political background that institutions, organisations and mechanisms for researching, conserving, protecting and managing Wales’ historic environment came into being. The Ancient Monuments Protection Act 1882 was the first U.K.-wide legislation in this area; it contained four key elements that have remained part of the historic environment protection system ever since. The first was a Schedule of Ancient Monuments – a list of what we would now call ‘heritage assets’ protected by the state. There were 68 sites in the first Schedule of Ancient Monuments: 26 in England, 21 in Scotland, 18 in Ireland and just three in Wales.²⁰ These were all prehistoric. A revision in 1892 extended the definition to later periods and monument types, but only in Ireland.²¹ A similar extension of protection was made to monuments in England, Wales and Scotland in 1900.²² The confusion created by several overlapping pieces of legislation, and the evident gaps in the increasingly large

Schedules, prompted the creation in 1908 of Royal Commissions in England, Scotland and Wales to make an inventory of sites and identify their need for protection.

Two further elements of the early Ancient Monuments Protection Acts which survive today include the ability of the state to purchase 'any ancient monument to which this Act applies', and for an owner of a monument to make the state 'guardians of such monument'.²³ In both instances the state became responsible for maintenance. This responsibility was discharged by the 'Office of Works', a body established in 1378 to construct Royal castles, fortifications and residences. Six centuries later it had evolved into the Ministry of Works by the 1940s. Latterly known as the Ministry of Public Buildings and Works, it continued to have responsibility for the care and maintenance of ancient monuments.²⁴ In 1969 a Directorate of Ancient Monuments and Special Services was established within the Department of the Environment to which those functions were transferred for England; at the same time responsibilities for ancient monuments in Scotland and Wales were devolved to their respective Secretaries of State.²⁵ In 1984 the Welsh Office established Cadw, a body which combined regulatory, conservation and visitor management functions for the historic environment in Wales.²⁶ The name Cadw comes from the Welsh word meaning 'to care' or 'to protect'.²⁷ In 1991 Cadw became an executive agency, with a degree of autonomy provided by a framework document. In 2006 Cadw was brought back into government as part of the then Department of Culture, Welsh Language and Sport.²⁸

The final element inherited from earlier Ancient Monument legislation was the requirement for the state to appoint 'inspectors of ancient monuments, whose duty it shall be to report ... on the condition of such monuments, and on the best mode of preserving the same'.²⁹ The first Inspector of Ancient Monuments was General Pitt-Rivers. He took up his post with the Office of Works in January 1883 and made his first visit to Wales in June 1884, with further tours of inspection in 1886, 1888 and 1890.³⁰ There was a hiatus after his death in 1900, but in 1914 an Ancient Monuments Inspectorate was established within the Office of Works which had 'a Chief Inspector and separate inspectors for England, Scotland and Wales'.³¹ In practice, a separate Welsh inspector was only appointed in the 1920s. Until 1934 this post was held by C.A. Ralegh Radford³²; he was succeeded by Bryan Hugh St John O'Neil, who was incumbent until 1945.³³ There was considerable overlap between England and Wales, and, because the office was in London, none of the early Inspectors lived in Wales.

One of most influential Inspectors in the third quarter of the twentieth century was Oswin Craster, an aristocratic figure who – as a member of the Special Operations Executive during the Second World War – had been parachuted into France on undercover missions.³⁴ As Chief Inspector in Wales in the 1950s and 1960s he was responsible for scheduling most of the Principality's ancient monuments; he also developed the Welsh inspectorate, latterly being joined by John Lewis and Jeremy Knight.³⁵ Dai Morgan Evans joined the Welsh team following the devolution of ancient monuments responsibilities to the Welsh Office in 1969.³⁶ Michael Apted and Mike Thompson became Inspectors after Craster left in 1974. For most of the 1970s the system was relatively fluid; there were usually three and sometimes four Inspectors and varying numbers of Assistant Inspectors (later Field Monument Wardens).³⁷

The existence in Wales of both a Royal Commission and an Inspectorate for ancient monuments paralleled the situation in England until 2002 and Scotland until 2014.³⁸ However, uniquely in the U.K., Wales has had an additional tier for understanding, management and protection of the historic environment: namely the four regional Welsh Archaeological Trusts (WATs). These were established between 1974 and 1976 with the

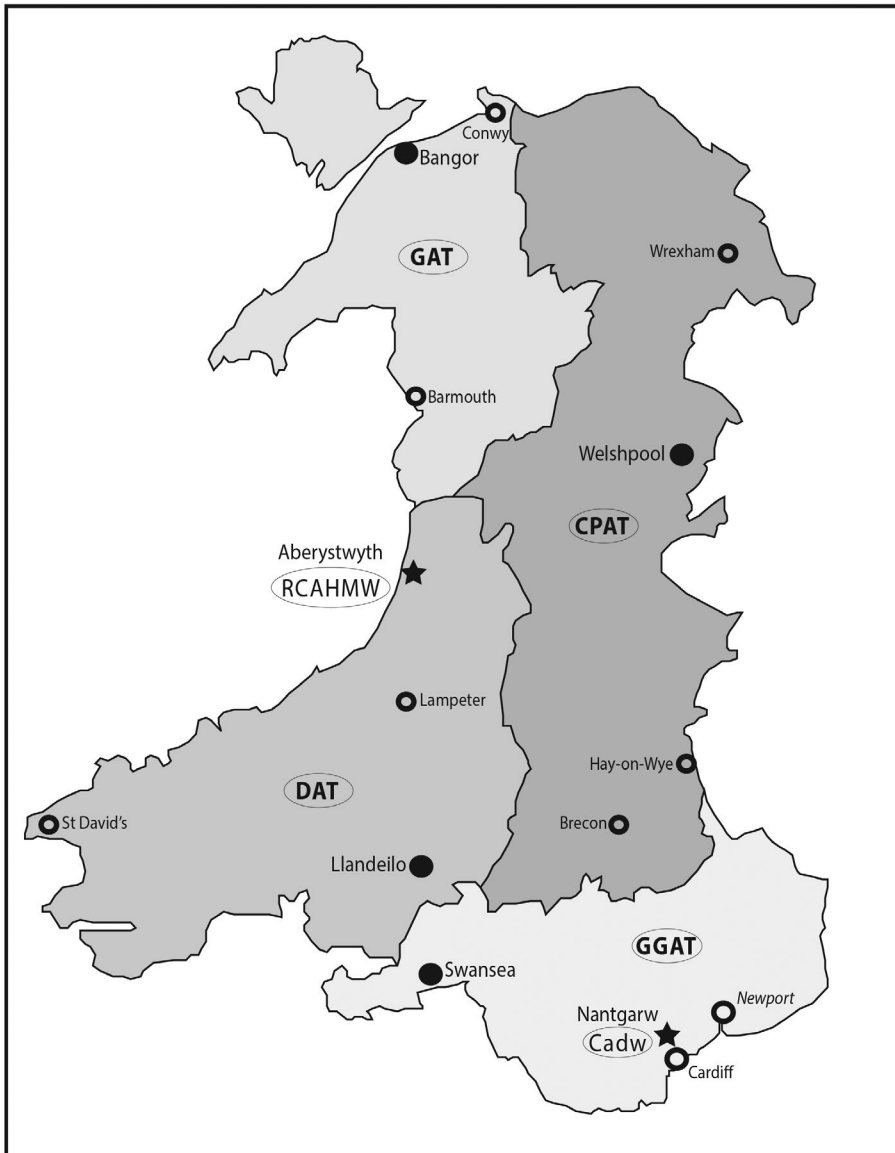


Figure 2. Historic environment organisation in Wales. Map showing the office locations of Cadw, the RCAHMW and the four Welsh Archaeological Trusts (WATs), and the territories of the four WATs. © Paul Belford.

support of the Welsh Office Ancient Monuments Branch; Dai Morgan Evans and Richard Avent, then respectively Principal and Assistant Inspectors of Ancient Monuments in Wales, were driving forces in their creation.³⁹ The Trust regions shared boundaries with new local government areas: hence the Clwyd-Powys Archaeological Trust (CPAT), the Dyfed Archaeological Trust (DAT), the Gwynedd Archaeological Trust (GAT) and the Glamorgan-Gwent Archaeological Trust (GGAT) (Figure 2). The Trusts were instrumental in setting up Historic Environment Records for their respective regions, and gradually took over

scheduling enhancement and survey work previously undertaken by the Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW). When archaeology was incorporated into the planning system from 1990, the WATs also took on archaeological development control aspects of planning work which in England were performed by local authorities.

Historic Environment Services in Wales Today

This unique tripod of institutions – Cadw, the RCAHMW and the four WATs – had evolved to meet changing circumstances, but has remained at the core of historic environment service provision in Wales. It is not an equal tripod: the ‘legs’ have different responsibilities, roles and resources; they are also very different types of organisation, with varying obligations and freedoms in the way they work and carry out their functions. All three legs receive funding from Welsh Government to undertake some or all of their functions, and all are required to deliver against government targets in these areas.⁴⁰ These targets do not always make explicit reference to cultural heritage; consequently it is not always easy to relate them directly to conservation and protection of the historic environment. In addition to the tripod, other bodies are engaged with aspects of historic environment practice. This section describes the roles and resourcing of these various actors.

Cadw

Cadw is the historic environment division of Welsh Government – in common European parlance the ‘state heritage agency’. It sits within government as part of the Department of Culture, Sport and Tourism which itself is in the portfolio of the Cabinet Secretary for the Economy and Transport. Cadw’s objectives are: to conserve Wales’s heritage to the best possible standard; to help sustain the distinctive character of Wales’s landscapes and towns; to help people understand and care about their place and history; and to make a ‘real difference to people’s wellbeing in Wales’.⁴¹ This last point relates to the broader Welsh Government objectives enshrined in the Well-being of Future Generations (Wales) Act 2015, and periodically refreshed or re-emphasised in the Programme for Government.⁴² To achieve these objectives Cadw is effectively split into two sections: statutory, regulatory and protection aspects are delivered by the Ancient Monuments Inspectorate, whilst the Commercial and Property Operations section is responsible for conservation of and access to the 129 monuments and sites in the care of the Welsh Government.

Cadw’s close relationship with Welsh Ministers – necessary because of its statutory role – means that it is intensely scrutinised for its delivery of the Programme for Government targets. It is also sometimes the case that details of policy and practice are subject to direct interventions from Welsh politicians. The case of a ‘mega dairy’ at Leighton near Welshpool was an example highlighted recently in this journal.⁴³ In addition, relationships within Cadw, and between Cadw and various historic environment bodies directly or indirectly administered by Welsh Government, have been subject to periodic re-appraisal in recent years. These reviews (discussed in the following section) have been motivated by political and financial considerations, particularly the desire to increase non-government income streams to enable better protection of heritage assets in state care.

Royal Commission on the Archaeological and Historical Monuments of Wales

The RCAHMW is a 'Welsh Government Sponsored Body': a non-departmental public body directly funded by Welsh Government. The RCAHMW operates under a Royal Warrant, which is revised periodically – most recently in 2000. The warrant describes the remit of the RCAHMW as providing for 'the survey and recording of ancient and historical monuments and constructions connected with, or illustrative of, the contemporary culture, civilisation and conditions of the life of the people in Wales from the earliest times'.⁴⁴ It is responsible for maintaining the National Monuments Record (NMR) and has 'oversight of local Sites and Monuments Records'. The RCAHMW can also establish and maintain standards in surveying, recording and curating records relating to archaeology and 'historical architecture' and provides guidance on these matters to other bodies.

Governance of the RCAHMW is through a body of up to ten Commissioners, recruited under the Welsh Government's public appointments process. This 'arms-length' structure means that the RCAHMW is less likely than Cadw to be directly influenced by day-to-day political considerations, although its broader direction of travel is still shaped by government policy. The work of the RCAHMW is undertaken by 30 staff, including a 'team of public service staff and archivists' who maintain the NMR, library and archive; there is also a small team of field investigators.⁴⁵ In fieldwork terms, the strengths of the RCAHMW are in the areas of historic building recording and aerial photography – indeed they are the only Welsh historic environment body with specialist expertise in this latter area. The RCAHMW also have a significant role in developing digital approaches to historic environment management and understanding, hosting an annual two-day 'Digital Past' conference that is well-attended by archaeologists and others from across the U.K.⁴⁶ Formerly based in its own office in Aberystwyth, the RCAHMW relocated to the National Library building (also in Aberystwyth) in 2015.

The Welsh Archaeological Trusts

Uniquely, the historic environment system in Wales relies heavily on the experience and expertise of the four WATs. The Trusts play a key role in delivering services that elsewhere are provided by state heritage agencies or local authorities. This takes place in three principal areas: maintaining the regional Historic Environment Records (HERs); providing Planning Services for local authorities, developers and other bodies; and undertaking Heritage Management work for Welsh Government, Welsh Government Sponsored Bodies and other agencies, local authorities, landowners and others. There is also a strong 'public engagement' strand to the grant-aided programme of work, closely linked to Welsh Government's social and economic objectives expressed in the Programme for Government. The WATs also undertake projects which contribute to Cadw's protection and designation role, including historic environment characterisation, site assessment surveys and threat-related survey and excavation. To support their charitable object the WATs also provide commercial archaeology and cultural heritage services to the private sector in Wales and England.⁴⁷

The Trusts are independent organisations. Nevertheless their shared origins, and the collaborative nature of many their operations, mean that the WATs have similar constitutions and outlooks. Governance is by a Board of Trustees, with a 'Director' (in modern parlance a Chief Executive) responsible for day-to-day operations.⁴⁸ The four Trusts are both charities

and limited companies; they therefore comply with the 'real world' of Company and Charity law. The Charities Commission ensures that the charitable object – which in the case of the WATs is the 'education of the public in archaeology' – is being met, and that governance is sound. Consequently the WATs are the most politically independent leg of the tripod. Each Trust has a slightly different organisational structure, as individual WATs have reacted to changing priorities in slightly different ways; nevertheless the structure remains subject to the requirements of the service. With 64 core staff in total, the WATs have different population densities reflecting the character of the territories they serve.

Other Actors

In addition to the 'tripod', there are other influences on historic environment policy and practice in Wales. These include the 25 local planning authorities (22 councils and three National Parks), whose Conservation Officers deal with built heritage in the planning context. The Built Heritage Forum provides an arena for communication between Conservation Officers, Cadw, the RCAHMW and the WATs. The three National Parks – Snowdonia, Pembrokeshire and the Brecon Beacons – also maintain their own archaeological staff. However, since the end of March 2018 none of the other local authorities in Wales have dedicated archaeological staff who deal with planning matters. In practice these authorities rely on various levels of support from the WATs in maintaining the HERs, and with planning and other casework from time to time.

Universities in Wales have no direct role in defining or implementing policy and practice, but they do have an influence in two key areas. First, the small size of the archaeological profession in Wales means that most academics have had some engagement with the 'tripod'. Some of this is formalised: many of the WAT Boards are populated by current or former academics, and currently two of the RCAHMW's eight Commissioners are university lecturers. Second, the Archaeological Research Framework for Wales, which has been described as a 'truly collaborative and positive initiative',⁴⁹ provides a forum for collaboration across the academic and professional sides of the discipline. The Council for British Archaeology (CBA) and the Chartered Institute for Archaeologists (CIfA) also have strong regional groups in Wales which provide training opportunities and act as a conduit for the dissemination of information and good practice. Other institutions have a voice, but their role in developing policy is more limited.⁵⁰ The direction of travel within the sector is influenced by the Historic Environment Group: a strategic forum established in 2004, with a membership representing 18 organisations at a senior level.⁵¹ This acts as a mechanism for the exchange of information across the sector, and between the sector and politicians.

The Historic Environment (Wales) Act 2016

The process of administrative devolution, together with the evolution of a strong and stable 'tripod' of historic environment provision, meant that by the early 2010s it was possible to satiate a long-standing appetite – both in government and within the sector – for a distinctively Welsh archaeology and cultural heritage agenda. Central to this was the creation of new legislation, which would simultaneously support cultural enrichment and inclusion, while enabling a more effective and coherent delivery of historic environment services.

Although delivered against a backdrop of diminishing resources, the new legislation reflected enthusiasm and self-confidence in Wales.

The gestation of the Historic Environment (Wales) Act 2016 (hereafter ‘the 2016 Act’) provides an interesting study in the formulation of historic environment policy in a devolved administration. Its embryo was a 2011 Welsh Labour Party election manifesto commitment to a ‘Heritage Preservation Bill’ primarily aimed at listed buildings.⁵² It ended up becoming much more than that. Ultimately there was broad agreement – both within the Welsh historic environment sector, and among members of the Welsh Assembly – about what the 2016 Act should try to achieve, and what it could include. Inevitably compromises were made on a voyage which required careful navigation around legislative and political obstacles. One was the limited range of competences enjoyed by the Welsh Government.⁵³ Another was the *realpolitik* of a narrow political majority: during the 2011–16 Assembly only half of the seats in the Senedd were held by the governing Labour party, who had proposed the legislation in the first place.⁵⁴ Therefore, a consensual approach was needed to frame the new legislation.

Reviews, Mergers and Other Red Herrings

As well as the day-to-day party-political lunges, parries and ripostes of the Welsh Assembly, the development of the 2016 Act took place against the background of an ongoing review of the historic environment sector in Wales.⁵⁵ This influenced some of the conversations around what was in 2011–12 still called a ‘Heritage Bill’. A central question was a long-running consideration of a merger of Cadw and the RCAHMW, periodically mooted since the 1980s, and initially part of early-stage ‘Heritage Bill’ discussions. Although ultimately something of a red herring for the 2016 Act, discussion of structural change in the Welsh historic environment sector has continued. It is a point of friction that is unlikely to disappear, and so is worth considering here.

A governance review of the RCAHMW in 2009 highlighted a ‘significant risk of duplication in the heritage sector’ and identified a need for ‘a more closely integrated national strategy’.⁵⁶ Consequently the then Minister for Culture commissioned an assessment of historic environment services in Wales, specifically focussing on those areas funded by Welsh Government: survey and investigation, records, and public engagement. The resulting 2011 report, widely known as ‘the Chitty report’ after its lead author, concluded that there was less duplication and overlap than originally perceived; it nevertheless outlined possible future scenarios in which a merger of Cadw and the RCAHMW could result in a new ‘Historic Wales’ body.⁵⁷ The ghost of the Chitty report has haunted subsequent discussions about historic environment policy and practice in Wales.

In the summer of 2012 an inquiry was undertaken by the Welsh Government Communities, Equality and Local Government (CELG) Committee into historic environment policy. This was intended to simultaneously inform the direction of travel for a ‘Heritage Bill’ and examine the merger of RCAHMW functions with those ‘of other organisations, including Cadw’.⁵⁸ The consultation asked five questions, one of which was about merger. There were 83 responses. About half of these raised concerns about merger – although none as vehemently as the RCAHMW itself, which accused Cadw of a ‘predatory’ approach lacking ‘impartiality and objectivity’, and embarking on a ‘crude asset-stripping exercise’.⁵⁹ The CELG Committee report

recommended a cautious response to the merger question, which was accepted by the Minister.⁶⁰

Meanwhile a *Historic Environment Strategy* was published in October 2012, confirming the commitment to a 'Heritage Bill' and concomitant changes to relevant planning policy.⁶¹ It also noted ongoing consideration of options to secure the 'future delivery of the RCAHMW functions', a position which was restated in May 2013.⁶² Shortly afterwards the options appraisal was published, which not only discussed the merger of Cadw and the RCAHMW, but also a range of other suggestions including situating local authority Conservation Officers within the WATs.⁶³ In a further round of consultation on the 'Heritage Bill' in 2013 – described in more detail below – options for merger inside or outside government were again proposed. Unsurprisingly responses remained uneasy, with a majority viewing a merger as having a neutral or negative impact.⁶⁴ Following publication of consultation responses in January 2014, the Minister announced that 'both organisations will remain separate for the time being'.⁶⁵ Further discussion around structures for 'Historic Wales' continued during and after the development of the 2016 Act, which are discussed briefly in a later section.

Consultation and Political Minefields

Consultation on the 2016 Act was a genuinely open and transparent process, and where possible accommodations were made that reflected the responses of the sector. The second round of consultation and analysis was launched in July 2013 with the publication of 57 proposals. As already noted, four of these concerned the merger – although by this time it was widely known that this option had been effectively ruled out. The remaining proposals explored issues around designation, management and accountability. A total of 177 responses were received, providing 'detailed and insightful views that reflect the importance of the historic environment to the people of Wales'.⁶⁶ There was particular support for extending the definition of designation, providing interim protection, streamlining consent procedures and expanding the scope and accessibility of registers various elements of historic landscapes. In addition to the consultation there were two sector-based workshops, and key actors were also invited to the Senedd to give evidence to the CELG Committee in person.

With the merger question out of the way, it was possible for the team working on the Bill to focus on key areas. In May 2015 a draft 'Historic Environment (Wales) Bill' was published.⁶⁷ This was followed by further consultation, which received 56 responses.⁶⁸ On the whole these were positive, although respondents expressed some disappointments. For example, there was a provision in the 1979 Act which allowed ignorance of the existence of a Scheduled Monument to be used as a defence by someone accused of damaging it; some suggested that amendment of the 'defence of ignorance' in the 2016 Act should have been more robust.⁶⁹ However, this was felt to be too complex a legal minefield for the Welsh Government to cross.⁷⁰ The provision of statutory HERs was warmly and widely welcomed; particularly the 'arrangement for discharge of functions ... which will allow the Welsh Archaeological Trusts to continue their role of maintaining and supporting regional HERs'.⁷¹

The consultation was accompanied by further evidence-taking by the CELG Committee and debate in the Senedd. Political negotiation brought further revisions. An important addition was a register of historic place names: essentially a political concession by the Labour Party to gain support from Plaid Cymru. This period also saw the dashing of some

hopes on the rocks of legislative competence. Responses to the consultation had largely supported a change to the status of World Heritage Sites (which currently have no status in U.K. law, being protected by existing designations); there was also strong support for removing aspects of 'Class Consent' (whereby established but potentially damaging land use – such as arable or forestry – is permitted on Scheduled Monuments). However, as areas of competence reserved for the U.K. parliament at Westminster, these were ultimately unachievable.

One relatively late change was made to preserve one of the most important provisions of the 2016 Act: making Historic Environment Records (HERs) statutory. Originally this had been intended as a duty to be discharged by local planning authorities through the WATs. However, it became clear that the HERs needed enhancements to make them 'fit for purpose' under the new legislation, including a Welsh language aspect which was a particular concern for Plaid Cymru. This process of enhancement sat uneasily with local authorities, who had obtained assurances from Welsh Government that the new Bill would be 'cost neutral'. The solution was to make maintenance of HERs a statutory duty for Welsh Ministers, discharged through the WATs.⁷²

Key Provisions of the 2016 Act

On 9 February 2016 the Historic Environment (Wales) Act was passed by the National Assembly for Wales, and became law after receiving Royal Assent on 21 March 2016. The 2016 Act had three principal aims: to give more effective protection to listed buildings and scheduled monuments, to improve the sustainable management of the historic environment, and to introduce greater transparency and accountability to decisions taken on the historic environment. It also made approaches to above- and below-ground archaeology and cultural heritage more consistent. It achieved these aims through amendment of existing U.K. legislation enacted at Westminster: the 1979 Act noted above and the Planning (Listed Buildings and Conservation Areas) Act 1990 (hereafter 'the 1990 Act'). The 2016 Act also affected other legislation and regulations.

Implementation of the 2016 Act was staggered: some provisions came in to force on the day it was enacted, the majority were implemented at 31 May 2017, and others commenced by 1 April 2018. This meant that the scale of adjustment was manageable, not only within Cadw, but also for local authorities and the WATs. The emergence of a distinctly 'Welsh' approach to the historic environment was further enabled by the creation of a suite of guidance documents underpinning the 2016 Act. Figure 3 shows relationships between the 2016 Act and other legislation and guidance.

To improve protection the 2016 Act altered three principal aspects of existing legislation. The first was definition. In the 1979 Act a scheduled monument could be 'any building, structure or work' or its remains (or a vehicle, aircraft or vessel).⁷³ The 2016 Act widened the definition to include any 'thing, or group of things, that evidences previous human activity' – for example, a prehistoric flint scatter or potentially ecofactual evidence.⁷⁴ The second was limiting the 'defence of ignorance' noted above: prosecution in Wales is now possible if a person 'knew or ought reasonably to have known that it was a protected monument'.⁷⁵ In practice it still may be difficult for the law to gain traction on recalcitrant landowners.⁷⁶ Nevertheless it is hoped and expected that more robust responses will emerge in due course. The third was the extension of state powers to act in the event of damage (or threat of

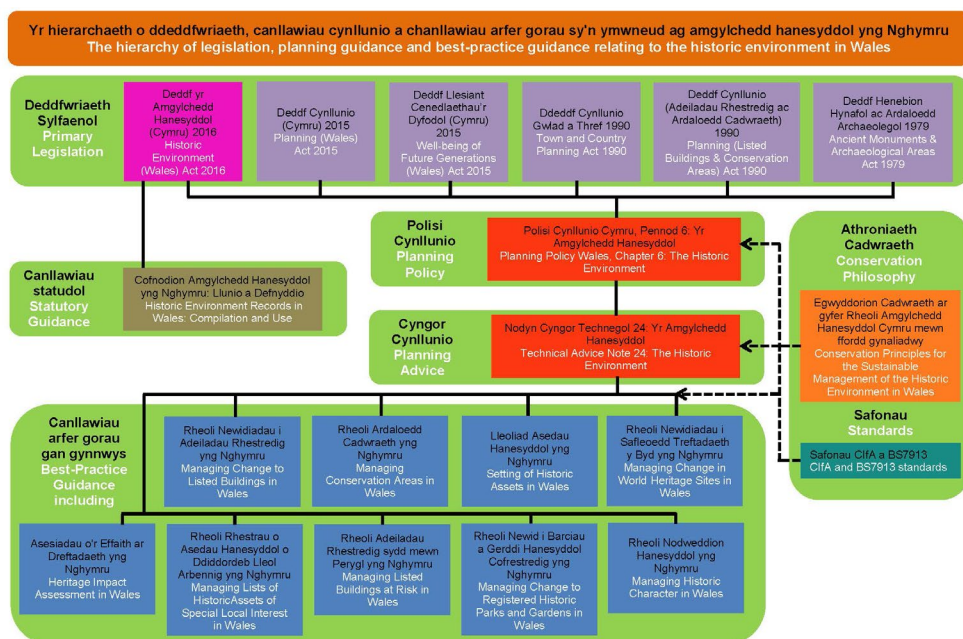


Figure 3. Hierarchies of historic environment legislation and guidance in Wales. © Welsh Government.

damage) to Scheduled Monuments and listed buildings. As well as enhanced powers of entry and improved stop notices, this also included the ability to authorise archaeological works without the owner's consent. Urgent works notice powers were also extended for listed buildings, with provision for recovery of costs incurred.⁷⁷

The 2016 Act also contained provisions to improve the sustainable management of the historic environment. These included streamlining the process of Scheduled Monument consent, and consideration of an application for a building to gain immunity from listing without a planning application in place.⁷⁸ There was also a statutory register for historic parks and gardens, and a statutory list of historic place names. As noted already, the 2016 Act also placed the HERs on a statutory footing.⁷⁹ This latter development – the first of its kind in Europe and very warmly welcomed across the sector – was accompanied by guidance on how the HERs should be used by public bodies. The 2016 Act also introduced to Wales the idea of 'heritage partnership agreements', following recently established practice in England, in which several designated assets could be grouped together in the creation of long-term management plans.⁸⁰ During consultation it was felt that this would probably not be widely taken up; however at the time of writing this provision has yet to be commenced so its impact remains to be seen.

In improving accountability the 2016 Act focussed on two main areas. The first was introducing greater scope for consultation on designation decision-making, enabling owners and other interested parties to comment on the designation process. Crucially this also modified both the 1979 and 1990 Acts so that heritage assets (whether monuments proposed for scheduling or buildings proposed for listing) received 'interim protection' from the moment the announcement was made that they were under consideration for designation. This was intended to prevent heritage assets from being damaged or destroyed

during the consultation period. There is still some delay in practice between a specialist noting that a building may be of interest and the official commencement of 'consideration for designation'; hopefully this can be improved as the 2016 Act becomes embedded.⁸¹ Finally, the 2016 Act provided for the establishment of a statutory Advisory Panel for the Welsh Historic Environment to provide Welsh Ministers 'with advice on matters relating to the formulation, development and implementation of policy and strategy in relation to the historic environment in Wales' together with an annual work programme.⁸²

The Future of Historic Environment Policy and Practice in Wales

Despite some omissions, and its status as an 'amending' piece of legislation, the 2016 Act has been broadly welcomed by the historic environment sector in Wales. It has also been viewed positively in England and Scotland – particularly the creation of statutory HERs (although this particular aspect of the 2016 Act is possible in Wales only because of the unique position of the four WATs). The 2016 Act provides for coherent policy, but in practice the delivery of good historic environment outcomes in the future is vulnerable to a number of pressures. These are both inherent to the Welsh system and emerge from external factors.

Structural Strength and Stability

Probably the greatest strength of the Welsh system is the way in which national policy is delivered in practice at a regional level. This is a reflection of the high level of co-operation and collaboration between the three primary actors of the 'tripod', and in particular the way the statutory HER and efficient planning services are delivered by the WATs. There is also very close co-operation between the four WATs and Cadw, partly as a result of the requirement for regular meetings under the terms of the grant-aid programme. The Chitty report noted that the sector's 'manageable scale and close-knit character is envied' outside Wales.⁸³ As well as the high-level instruments noted above, there is also a great deal of co-operation at officer level – for example, through the four strategic groups concerning Survey and Investigation, Heritage Management, Records and Public Engagement. These are actively engaged in developing pan-Wales approaches to the management, understanding and interpretation of the historic environment. This closeness is not without its shortcomings – notably a tendency towards insularity and 'group think' which can be detrimental to consideration of developments elsewhere in the U.K. and Europe.

Another aspect of the Welsh system is the relative stability of employment in the historic environment sector compared with other areas of the U.K. At the time of writing the four WATs employ 64 core staff, who have 1100 years collective archaeological experience.⁸⁴ The WATs staff represent approximately 22% of all the archaeologists in Wales; over the last 15 years Welsh archaeologists have consistently accounted for between 5% and 7% of all archaeologists in the U.K.⁸⁵ In addition most WATs at one time or another have a number of non-core subcontracted staff who are taken on in response to demand. The existence of the 'tripod' is responsible for archaeological salaries in Wales being 108% of average salaries in the region, compared to the U.K. as a whole where archaeological salaries are only 78% of the national average.⁸⁶ Whilst this is good for individuals, it may be a factor in relatively low inter-organisational mobility. Outside of the 'tripod', the majority of archaeologists in Wales

are self-employed or work for commercial organisations based outside Wales. These may be seen as threats (for example to standards) but also provide opportunities for changes in working practices and outlooks.

Archaeological work has tended to maintain high technical standards in Wales. This is related to the high level of support in Wales for the Chartered Institute of Archaeologists (CIfA), an international professional institute that provides independent accreditation.⁸⁷ The WATs were among the first archaeological organisations in the U.K to join the CIfA 'Registered Organisation' (RO) scheme. Since the WATs have curatorial roles as well as contracting ones, this means that – in theory at least – all work in Wales is being undertaken in accordance with the CIfA *Code of Conduct* and the various *Standards and Guidance*.⁸⁸ One of the successes of the 2016 Act was the inclusion in supporting guidance of the requirement that archaeological work should be 'carried out by competent expert archaeologists to the appropriate standards',⁸⁹ with explicit endorsement by Welsh Ministers of the use of the CIfA standards and guidance.⁹⁰

Finally it is worth noting the increasingly close co-operation with the natural environment sector, exemplified by the Memorandum of Understanding (MoU) signed in 2016 between the WATs and Natural Resources Wales (NRW), the Welsh Government Sponsored Body responsible for the natural environment. NRW is a relatively recent creation resulting from the merger of three formerly separate entities in 2013.⁹¹ The MoU is a positive pan-Wales development which builds on a long history of more localised inter-sectoral initiatives. In March 2018 the four WATs and NRW won an award at the Institute for Continuous Improvement in Public Services for collaborative working under the MoU.

Finance and Resources

Notwithstanding its core strengths, the historic environment sector in Wales remains vulnerable to declining resources. Funding to the three 'legs' of the tripod essentially comes from two sources: public funding from Welsh Government and 'earned income'. The proportions of public and earned income vary between the three legs: around 55% of the combined income of the four WATs is 'earned', compared with less than 22% of Cadw's and just over 3% of the RCAHMW's.⁹² The sources of earned income also vary tremendously. Most of the WATs' earned income is derived from the sale of archaeological and cultural heritage expertise (in the form of commercial services) to private-sector developers to satisfy regulatory compliance. In contrast, most of Cadw's earned income comes from visits to the sites and monuments in its care, and from sales of merchandise and consumables at those sites.⁹³ The RCAHMW's narrower earned income comes mainly from licences, publications and permissions. None of these streams generate particularly high margins, nor are they likely to see significant expansion in recessionary times. Although the WATs have significantly increased their commercial operations in the last decade, the relatively low levels of economic activity in Wales mean that markets for archaeological services are less vibrant than elsewhere in the U.K., and consequently extremely competitive.

At the time of writing, public funding to the three legs is around £15.7 m. Turning first to Cadw – the 'state heritage agency' – its total budget in 2017–18 was £14.09 m (£10.83 m revenue and £3.26 m capital).⁹⁴ This compares unfavourably with other 'heritage' functions of Welsh Government. For the same period around £16 m was allocated to the National Library of Wales, whilst Amgueddfa Cymru – National Museums of Wales had a budget of



Figure 4. The funding of heritage bodies in Great Britain 2013–14 (£ millions) © Paul Belford.

more than £30 m.⁹⁵ The Cadw budget of 2017–18 also compares unfavourably with its own position just four years previously. Its allocation in 2013–14 was £18.38 m (£13.76 m revenue and £4.62 m capital).⁹⁶ In cash terms this represents a 23% cut – in real terms a 30% reduction over four years.⁹⁷

In contrast, in 2013–14 the equivalent body in England – then English Heritage, now Historic England – had a total income of £186.55 m, of which £99.85 m was government grant-in-aid, and £86.70 m ‘earned, operating and investment income.’⁹⁸ In the same period Historic Scotland had a total income of £83.50 m, £45.30 m of which was from Scottish Government with £38.19 m ‘generated income.’⁹⁹ In both cases, as with Cadw, most of the non-grant income came from admissions, sales and other revenue from sites and monuments in state care. The Cadw budget was clearly dwarfed by those of its equivalents elsewhere in Great Britain (Figure 4).¹⁰⁰ The English figure is not strictly comparable, as the functions of English Heritage included those of the former RCHME. More detailed comparisons with Scotland for this period, however, are legitimate, since the state heritage agency (Historic Scotland) still co-existed with the RCAHMS in 2013–14.

These are absolute figures, which do not allow for the different populations and numbers of properties in care in Scotland and Wales. However, when these are taken into account it is clear that even in 2013–14 there were serious discrepancies. In mid-2013 the population of Scotland was 5,327,700, and that of Wales 3,082,412.¹⁰¹ In this context, funding for the state heritage agency amounted to £15.67 per head in Scotland compared with £7.55 per head in Wales. Equally, Historic Scotland managed 345 ‘properties in care’ compared to Cadw’s 129; meaning that in Scotland in 2013–14 the state heritage agency received £242,029 for every property for which it is responsible, whereas in Wales the equivalent figure was £180,465. In reality, spending is not equally distributed across populations of people or monuments, so inevitably some will have been better provided for than others. It is important to remember that these figures relate to 2013–14 (the last year for which detailed figures from Cadw are in the public domain); resourcing for Cadw is now at 70% of those levels.

In 2016–17 the RCAHMS had an income of nearly £1.8 m, of which 90% was from Welsh Government.¹⁰² Again, comparisons with Scotland are useful. The accounts of the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) relating to

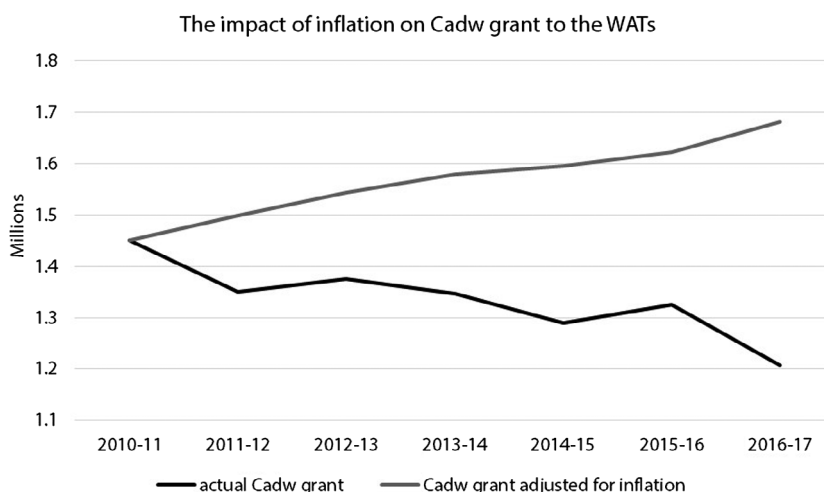


Figure 5. The impact of inflation on Cadw grant aid to the Welsh Archaeological Trusts from 2010 to 2017. The black line shows the actual grant aid paid to the four WATs, the grey line shows the value of the 2010–11 grant aid adjusted for inflation. © Paul Belford.

the last year of its existence (2014–15) show that its total income then was £6.16 m, of which £4.30 m was from the Scottish Government (70%) with a further £671,962 of grants from other sources, bringing the total proportion of grant support to just over 80%.¹⁰³ Other income came from licencing, merchandise and consultancy. Against the respective populations, public spending on this function in Wales – £0.58 per person – is exactly half the equivalent figure for Scotland of £1.16.¹⁰⁴ It is also the case that the RCAHMW has seen serious erosion of its resources in recent years, leading to the loss of one-third of its staff between 2014 and 2017.¹⁰⁵

Collectively the four WATs had a combined income in 2015–16 of £2.97 m, of which £1.33 m (around 45%) came as grant aid from Cadw.¹⁰⁶ The Cadw grant aid is intended to cover the costs of maintaining the HER, part of the planning service, heritage management, outreach and other projects. This is supplemented in some areas (planning and agri-environment work) by other streams of public funding, for example from local authorities. This aspect of the WATs' work is therefore vulnerable. Indeed since 2015–16 the level of grant aid to the WATs has fallen to £1.17 m. When inflation is taken into account, the overall Cadw grant to the four WATs has reduced by over £230,000 since 2010, or nearly 16% overall (Figure 5). However given the budget reductions noted above, it is to Cadw's credit that support for the Trusts has been sustained at this level.

Political Pressures

There are essentially three inter-related levels of political pressure to which historic environment policy and practice in Wales is susceptible: Welsh politics, U.K. politics and international politics. The Welsh Government is subject to checks and balances by the Welsh Assembly. As noted above, only 50% of members in the 2011–16 Assembly belonged to the governing Labour Party (which was alone in committing to a 'Heritage Bill' in its 2016 Manifesto).¹⁰⁷ After the 2016 elections the Labour Party had only 29 seats in the Assembly. This still

constituted a working minority, and the Welsh Labour leader was elected as First Minister of the devolved government. Despite some changes across the political spectrum, at the time of writing the Labour party continues to hold 29 seats.¹⁰⁸ The balance of power in the Welsh Assembly is effectively held by Plaid Cymru (traditionally a left-of-centre nationalist party). This is arguably a good situation for the historic environment sector, in that 41 of 60 seats are held by parties who are openly committed to the preservation of Welsh cultural heritage in some form or another. Since November 2017 the Minister for Culture, Tourism and Sport has been Dafydd Elis-Thomas, a veteran politician who was formerly the leader of Plaid Cymru but since 2016 has been an independent Assembly Member.

However, positive political support within a broadly left-of-centre Welsh Assembly for a vigorous historic environment sector – which can help deliver wider social and economic benefits – sits uneasily with the broadly right-of-centre composition of the U.K. Parliament. Since 2010 the U.K. government has been either a coalition of the Conservative and Liberal Democrat parties, or, from 2015 a Conservative administration. The outcomes of the EU referendum in 2016 resulted in a further political shift to the right by the Conservative administration at Westminster; a position which became more pronounced after the result of a General Election in June 2017.¹⁰⁹ Since 2010 there has been a consistent focus on ‘austerity’. This has seen substantial real-terms cuts to a wide range of public services – including health, education, training and industrial support.

So whilst there has been a squeeze on public funding from Westminster, there has been a desire to increase public spending on health, wellbeing and social inclusion in Wales. This means that culture and heritage are given a lower priority, although the wider heritage sector (including ‘heritage tourism and heritage construction’) continues to make powerful arguments for its broader relevance – for instance in supporting 2.9% of Welsh employment, or generating £963 m per year.¹¹⁰ Nevertheless the historic environment tripod remains vulnerable to political actions.

As noted above the ‘Historic Wales’ question has never entirely gone away. In 2015 the Minister for Economy, Science and Transport constituted a commercial advisory panel which reported that there was ‘potential for Cadw to generate more revenue by adopting a more commercial approach.’¹¹¹ The following year Baroness Randerson chaired a group which considered this in more detail; a report was commissioned which looked at ways of ‘generating commercial income from property operations including visitor services.’¹¹² Subsequent discussion around a multi-organisation ‘Historic Wales’ continued, this time under the aegis of a ‘Heritage in Wales Steering Group’, which in February 2017 recommended that Cadw re-establish itself outside government in one form or another. This was rejected by the Minister, who commissioned a further review of the business case.¹¹³ In the light of this review, it was decided in November 2017 to maintain the status quo for the time being.¹¹⁴ Nevertheless closer collaboration and possible mergers seem likely to be a recurring theme in future. Other political action outside the historic environment sphere will also have an impact. There have been, for example, periodic discussions about local authority reorganisation and planning policy reform in Wales, which could have implications in the medium term.

The greatest political threat to the historic environment sector – and indeed to the historic environment itself – are the consequences of Brexit. It is outside the scope of this paper to discuss all of the implications of a Brexit-induced economic downturn, which was addressed in broader contexts in a recent issue of this journal. Wales is a net beneficiary of EU funding,

receiving £245 million in 2014 (0.4% of Welsh GDP), the equivalent of £125 per person.¹¹⁵ In 2014–2020 Wales will receive £2 bn of European Structural Funding, as well as a further £957 m for the Rural Development Programme – this is on top of the £200 m annual subsidies to Welsh farmers from the Common Agricultural Policy (CAP).¹¹⁶ In addition, more than two-thirds of the budget for the higher education sector in Wales comes from the EU; the EU also contributes 38% of funding for archaeology at Universities in the U.K. as a whole.¹¹⁷ A report commissioned by Welsh Assembly immediately after the June 2016 referendum noted that ‘the scope of EU involvement within the areas of language, culture and tourism is limited’.¹¹⁸ Nevertheless there could be significant indirect impacts.

EU funding has enabled a wide range of infrastructure projects with archaeological and cultural heritage outcomes. Without such projects there will be less archaeological activity. The CAP has maintained farming regimes in ways that largely protect the historic environment; withdrawal of subsidy (and restricted access to markets) could lead to changes in the scale and nature of agricultural production, with concomitant increased pressures on historic landscapes. The consequences of Brexit are not just financial. Divergence from European legal frameworks – including requirements for Environmental Impact Assessments, for example, or the ‘polluter pays’ model of meeting archaeological planning obligations – would be potentially disastrous. There is also the possibility that in ‘taking back control’ powers from the EU, the U.K. government may seek to reverse some aspects of the devolution process. Most poignantly, the freedom of U.K. archaeologists to collaborate with their European colleagues, sharing ideas and developing new approaches, will be curtailed.

Conclusion

The historic environment sector in Wales remains remarkably resilient in the face of sometimes dramatic political and economic turbulence. The tripod, as currently constituted, has been in place for over 30 years – and some of its legs have been in place for much longer: over 40 years in the case of the WATs and more than a century for the RCAHMW. The Welsh system is widely admired in the U.K: both for its national coherence, including the excellence of the RCAHMW research programmes, and its regional presence exemplified by the four WATs. It is too early to assess the impact of the 2016 Act; nevertheless its provision for statutory HERs and its streamlining of the regulation of designated assets have already been welcomed by historic environment colleagues and bodies in other parts of the U.K. and further afield.

There are some systemic risks, including insularity (perceived or otherwise), lack of mobility within and across the system, and reliance on a core of well-established staff. These are manageable. However, the main risk is financial, and resourcing is very much a political issue. The tensions within and between Welsh Government, U.K. Government and the wider world could potentially generate forces which will test the system for historic environment protection, conservation and interpretation in Wales. Close co-operation and flexibility will be essential in the years ahead.

Notes

1. The United Kingdom consists of Great Britain (England, Scotland and Wales) and Northern Ireland.
2. Cadw website, accessed June 2, 2017, <http://cadw.gov.wales/historicenvironment/?lang=en>.

3. This paper is written by a native U.K English speaker, so shorthand conventions are used to refer to administrative centres in geographical terms: for example the U.K Government may be referred to as 'Whitehall' (administration) or 'Westminster' (parliament), the Welsh Government as 'Cardiff' or 'the Senedd', Scottish Government as 'Edinburgh' or 'Holyrood'.
4. Labour Party, *New Labour, New Life For Britain*.
5. *Hansard* HC Deb 21 January 1998, vol 121, cols 1102–1109.
6. Davies, *History of Wales*, 228–31.
7. *Ibid.*, 327.
8. Welsh Intermediate Education Act 1889, 52 & 53 Vict. Ch. 40; Education (Administrative Provisions) Act 1907, 7 Edw. 7. Ch. 43.
9. National Insurance Act 1911, 1 & 2 Geo. 5. Ch. 55; Ministry of Health Act 1919, 9 & 10 Geo. 5. Ch. 21.
10. The National Archives, *Welsh Office and the Wales Office*.
11. Evans, *Devolution in Wales*, 129–41.
12. Thomas, *Hands off Wales*, 128–35.
13. Davies, *History of Wales*, 627.
14. Evans, *Devolution in Wales*, 138–59.
15. Tanner, "Facing the New Challenge," 273–80.
16. Morgan, "Welsh Nationalism," 153.
17. cited in Osmond, *Welsh Europeans*, 79.
18. House of Commons, *Wales Bill Explanatory Notes*, 6–7.
19. BBC News, *Welsh Assembly Set to be Renamed Parliament*.
20. Ancient Monuments Protection Act 1882, 45 & 46 Vict. Ch. 73. The Berwick and Wales Act 1746 meant that 'England and Wales' were treated as one in this legislation; also at this time all of Ireland was under British rule, only three of the monuments in the 1882 Schedule were in what subsequently became Northern Ireland.
21. Ancient Monuments Protection (Ireland) Act 1892, 55 & 56 Vict. Ch. 46.
22. Ancient Monuments Protection Act 1900, 63 & 64 Vict. Ch. 34.
23. Ancient Monuments Protection Act 1882, 45 & 46 Vict. Ch. 73.
24. Thurley, *Men from the Ministry*, 131–5.
25. Transfer of Functions (Wales) Order (SI 1969/388); Transfer of Functions (Scotland) Order (SI 1969/383).
26. Clark, *Cadw Workstream*, 10.
27. Cadw website, accessed October 19, 2017, <http://cadw.gov.wales/about/introducingcadw/?lang=en>.
28. Clark, *Cadw Workstream*, 10.
29. Ancient Monuments Protection Act 1882, 45 & 46 Vict. Ch. 73.
30. Thompson, *General Pitt-Rivers*, 64–5, 125.
31. The National Archives, *Ancient Monuments Branches and Inspectorates*.
32. Gilchrist, *Courtenay Arthur Raleigh Radford*, 343.
33. Moore, O'Neil, *Bryan Hugh St John*.
34. Van der Vat, *Oswin Craster*.
35. Sian Rees, pers. comm. (23 June 2017).
36. Williams, *Dai Morgan Evans*.
37. Sian Rees, pers. comm. (23 June 2017).
38. The Royal Commission on the Ancient Monuments of England (RCHME) was formally absorbed into English Heritage (now Historic England) in 2002, although the process had begun in 1999; the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) was merged with Historic Scotland (formerly a quango roughly equivalent to Cadw) in 2014 to form a state heritage agency within Scottish Government called Historic Environment Scotland.
39. Wakelin, *Richard Avent*; and Welsh Archaeological Trusts, *Archaeology in Trust*, 4–5.
40. Welsh Government, *Taking Wales Forward*, 2.
41. Cadw website, accessed October 19, 2017, <http://cadw.gov.wales/about/introducingcadw/?lang=en>.

42. The Well-being of Future Generations (Wales) Act 2015 sets out seven goals (§4), which affect a number of areas. One of these directly concerns culture – ‘A Wales of vibrant culture and thriving Welsh language’, and requires public bodies ‘as well as certain other persons who exercise functions of a public nature’ to work towards ‘a society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation’. The Programme for Government 2016–2021 is set out in two documents that are closely tied to the 2015 Act: *Taking Wales Forward*, and *Prosperity for All*. These mention ‘culture’ but not specifically heritage, archaeology or cultural heritage.
43. Griffiths, *Regulatory Management*, 55–9.
44. Royal Warrant, on the RCAHMW website, accessed July 8, 2017, <https://rcahmw.gov.uk/about-us/corporate-information/royal-warrant/>.
45. RCAHMW, *Annual Report* 2016–17, 5–7.
46. RCAHMW, *Digital Past*, on the RCAHMW website, accessed March 20, 2018, <https://rcahmw.gov.uk/digital-past-conference/>.
47. The commercial (‘practitioner’) sections of the Trusts are separated by a ‘Chinese Wall’ from the curatorial (‘advisory’) functions; one that is very strictly maintained and supported by a Code of Conduct. There are similar arrangements elsewhere in the U.K (for example in Surrey, Warwickshire, Worcestershire, and the East Riding of Yorkshire).
48. Both CPAT and DAT have retained the original title of ‘Director’ for this post. The equivalent posts at GGAT and GAT are now called ‘Chief Executive’ and ‘Chief Archaeologist’ respectively.
49. Chitty, Andrews, and Carter, *Welsh Historic Environment Assessment*, 25.
50. For example, the Portable Antiquities Scheme in Wales is administered by Amgueddfa Cymru – National Museum Wales, but this organisation does not directly contribute to setting priorities for historic environment policy and practice.
51. HEG membership comprises: Cadw, Visit Wales, Welsh Government Museum Archives and Libraries, Architectural Heritage Fund, Civic Trust Cymru, Council for British Archaeology, Canal & River Trust, Heritage Lottery Fund, Historic Houses Association and Country Land and Business Association, History Research Wales, Institute of Historic Building Conservation, National Park Authorities (and AONBs), National Library Wales, Amgueddfa Cymru – National Museum Wales, National Trust in Wales, Natural Resources Wales, the RCAHMW, Wales Council for Voluntary Action, Welsh Archaeological Trusts, Welsh Local Government Association; the Arts Council of Wales has observer status. There are some notable omissions – for example the Chartered Institute for Archaeologists (CIfA) and the University sector. See Welsh Government, *Heritage Counts*, 14.
52. Labour Party, *Standing up for Wales*, 104.
53. ‘Competence’ here means those areas in which Welsh Government can create legislation (as listed in the first section of this paper). This is further discussed below in the context of World Heritage Sites.
54. The Senedd is the building which houses the Welsh Assembly. In 2011–16 the numbers of Welsh Assembly Members (AMs) in the chamber were: Labour 30, Conservative 14, Plaid Cymru 11, Liberal Democrat 5. See note 108 below for the current composition of the Assembly.
55. Chitty, Andrews, and Carter, *Welsh Historic Environment Assessment*; Hyder Consulting, *Options Appraisal*; PwC, *Investing in the Future*; and Historic Wales, *Roadmap*.
56. Chitty, Andrews, and Carter, *Welsh Historic Environment Assessment*, 9.
57. *Ibid.*, 76–9.
58. National Assembly for Wales website, accessed December 2, 2017, <http://senedd.assembly.wales/mgConsultationDisplay.aspx?id=26&RPID=0&cp=yes>.
59. RCAHMW, *Evidence*, 9–10.
60. National Assembly for Wales, *Inquiry*, 5; and Griffiths, *Written Response*, 3.
61. Welsh Government, *Historic Environment Strategy* (1), 6, 11; and Welsh Government, *Headline Action Plan*, 2–4.
62. Welsh Government, *Historic Environment Strategy* (2), 6–7.
63. Hyder Consulting, *Options Appraisal*, 42–71.
64. Welsh Government, *Future of Our Past*, 51–5.

65. Heritage Alliance website, accessed November 15, 2017, <http://www.theheritagealliance.org.uk/update/plan-to-merge-royal-commission-on-the-ancient-and-historical-monument-of-wales-and-cadw-shelved/>.
66. Welsh Government, *Future of Our Past*, 3.
67. The 2013 consultation identified that the scope of the 'Heritage Bill' was wider than its name suggested, resulting in the change of title. Welsh Government, *Future of our past*, 65.
68. National Assembly for Wales website, accessed December 2, 2017, <http://senedd.assembly.wales/mgConsultationDisplay.aspx?id=176&RPID=0&cp=yes>.
69. For example the Clwyd-Powys Archaeological Trust noted that

The Bill improves the situation with regard to the 'defence of ignorance' in the case of damage to scheduled monuments, but in our view there is still room for improvement in this area. In practical terms we are also concerned that there remains insufficient support in the Bill for Welsh Ministers to successfully prosecute cases where damage has occurred without consent, or where the conditions of scheduled monument consent have been breached.
- CPAT, *Response to Consultation*, 2.
70. Gwilym Hughes, pers. comm. (8 February 2016).
71. CIfA, *Response to Consultation*, 5.
72. Gwilym Hughes, pers. comm. (8 February 2016).
73. Ancient Monuments and Archaeological Areas Act 1979, Eliz. Ch. 46, §61(7).
74. Historic Environment (Wales) Act 2016, §22.
75. Historic Environment (Wales) Act 2016, §16.
76. CPAT, *Dating Offa's Dyke*.
77. Historic Environment (Wales) Act 2016, §§12–17, 19–22, 24–7, 29–31.
78. Historic Environment (Wales) Act 2016, §§5, 6, 27.
79. Historic Environment (Wales) Act 2016, §§18, 34–7.
80. Historic Environment (Wales) Act 2016, §§11, 28.
81. Two cases occurred in Powys in 2017 in which a building was subject to an archaeological assessment but was demolished by the owner before the archaeologist could notify Cadw and the local authority of the need for formal consideration of listing.
82. Historic Environment (Wales) Act 2016, §38.
83. Chitty, Andrews, and Carter, *Welsh Historic Environment Assessment*, 67.
84. Welsh Archaeological Trusts, *Headlines*, October 2017.
85. Aitchison and Rocks-Macqueen, *Profiling the Profession 2012–13*, 92.
86. Aitchison and Edwards, *Profiling the Profession 2007–08*, 73.
87. Belford and Wait, *Adding Value*, 7–9.
88. Chartered Institute for Archaeologists website. Accessed December 12, 2017, <http://www.archaeologists.net/codes/cifa>.
89. Welsh Government, *Planning Policy Wales*, 96.
90. Welsh Government, *TAN24*, 17–18.
91. These were: the Countryside Council for Wales (a Welsh Government Sponsored Body), the Forestry Commission Wales (a non-ministerial government department), and Environment Agency Wales (a Welsh Government Sponsored Body which was also part of the Environment Agency for England and Wales).
92. For the WATs, these figures (and all other references to the financial activities of the four WATs in this paper) are taken from the respective Annual Reports which are publicly available on the Charities Commission website. For RCAHMW see their *Annual Report 2016–17*; Cadw's current figures are set out in *Welsh Government Draft Budget 2018–19*, the most recent detailed figures are from 2013 to 2014: Cadw, *Report to the Minister*.
93. The most recent year for which detailed figures are available for this stream is 2013–14, at which point 'earned income' represented £4.9 m of a total budget of £23.2 m. Cadw, *Report to the Minister*, 5.
94. Welsh Government, *Draft Budget 2018–19*, accessed November 30, 2017, <http://gov.wales/funding/budget/draft-budget-2018-19/?lang=en>.

95. Welsh Government, *Draft Budget 2018–19*, accessed November 30, 2017, <http://gov.wales/funding/budget/draft-budget-2018-19/?lang=en>.
96. Cadw, *Report to the Minister*, 5.
97. The 2013–14 budget of £18.38 m would be worth £19.92 m in 2017–18, so the actual settlement in 2017–18 of £14.09 m is 70.73% of the 2013–14 allocation when inflation is taken into account.
98. English Heritage *Annual Report and Accounts 2013–14*, 15.
99. Historic Scotland, *Annual Report 2014–15*, 5.
100. Heritage services in Northern Ireland are funded and delivered very differently from the other parts of the U.K, and so this comparative analysis is limited to Great Britain.
101. National Records of Scotland, *Mid-2013 Small Area Population Estimates*, 7; and ONS, *Annual Mid year Population Estimates: 2013*.
102. RCAHMW, *Annual Report 2016–17*, 6.
103. RCAHMS, *Commissioners' Report*, 26–7.
104. Using the population figures at mid-2013 cited in Note 99 above.
105. Christopher Catling, *pers. comm.* (27 November 2017).
106. These figures, and all other references to the financial activities of the four WATs in this paper, are taken from the respective *Annual Reports* which are publically available on the Charities Commission website.
107. Labour Party, *Standing up for Wales*, 104.
108. See Note 54 above for the 2011–2016 Assembly. Assembly Members returned at the 2016 election comprised: Labour 29, Plaid Cymru 12, Conservative 11, UKIP 7 and Liberal Democrat 1. Subsequently two members resigned from their parties and became Independent (Dafydd Elis-Thomas, formerly Plaid Cymru and Nathan Gill, formerly UKIP). A third member (Labour's Carl Sargeant) died in November 2017, but his son Jack Sargeant was selected as the Labour candidate and was elected to the seat in February 2018. Therefore at the time of writing (March 2018) the composition of the Assembly is: Labour 29, Plaid Cymru 10, Conservative 12, UKIP 5, Liberal Democrat 1 and Independents 3.
109. By accepting the 'Brexit' result of the referendum, the Conservative Party effectively absorbed the hard-right perspective of UKIP into its mainstream thinking, whereas hitherto Eurosceptic Tory MPs were a vocal minority on the fringes. After the 2017 General Election the Conservatives held only 316 of the 650 seats at Westminster, and formed a minority government in a 'confidence and supply' arrangement with the Democratic Unionist Party (DUP). The DUP are also a hard-right party.
110. Welsh Government, *Heritage Counts*, 2–5.
111. Clark, *Cadw Workstream*, 13–14.
112. PwC, *Investing in the Future*, 85–93.
113. Historic Wales, *Roadmap*, 2–3; Skates, *Letter*, 2; and Clark, *Cadw Workstream*, 16–18.
114. Welsh Government, Cadw to remain in Government, accessed March 20, 2018, <http://gov.wales/newsroom/culture-tourism-sport/2017/171121-cadw-to-remain-in-government/?lang=en>.
115. National Assembly for Wales, *Wales and the EU*, 40.
116. Welsh Government, EU funds in Wales, accessed December 12, 2017, <http://gov.wales/funding/eu-funds/2014-2020/?skip=1&lang=en>.
117. Technopolis, *Role of EU funding*, 10–11; 32–3.
118. National Assembly for Wales, *Wales and the EU*, 33.

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Bibliography

- Aitchison, K., and R. Edwards. *Archaeology Labour Market Intelligence: Profiling the Profession 2007–08*. Reading: Institute of Field Archaeologists, 2008.
- Aitchison, K., and D. Rocks-Macqueen. *Archaeology Labour Market Intelligence: Profiling the Profession 2012–13*. London: Landward Research, 2013.
- BBC News. *Welsh Assembly set to be Renamed Parliament by Law*. 2017. Accessed June 13, 2017. <http://www.bbc.co.uk/news/uk-wales-politics-40263684>
- Belford, P., and G. Wait. "Adding Value: An Independent System of Accreditation for Archaeology and Cultural Heritage." *Archäologische Informationen* 41 (2017): 1–10.
- Cadw. *Report to the Minister for Natural Resources, Culture and Sport 2013–14*. Cardiff: Cadw, 2014. Accessed October 19, 2017. <http://cadw.gov.wales/about/introducingcadw/?lang=en>
- Chitty, G., G. Andrews, and S. Carter. *Welsh Historic Environment Assessment Exercise*. York: Council for British Archaeology, 2011.
- CIfA. *Response to consultation on the Historic Environment (Wales) Bill*. 2015. Accessed October 30, 2017. <http://senedd.assembly.wales/documents/s41494/HE%2018%20-%20Chartered%20Institute%20for%20Archaeologists.pdf>
- Clark, K. *Historic Wales – Cadw Workstream: Business Case for Change*. Cardiff: Welsh Government Historic Environment Service, 2017.
- CPAT. *Dating Offa's Dyke*. 2014. Accessed December 4, 2017. http://www.cpat.org.uk/projects/longer/offachirk/dating_offas_dyke.pdf
- CPAT. *Response to consultation on the Historic Environment (Wales) Bill*. 2015. Accessed October 30, 2017. <http://senedd.assembly.wales/documents/s41660/HE%2002%20-%20Clwyd-Powys%20Archaeological%20Trust.pdf>
- Davies, J. *A History of Wales*. Harmondsworth: Penguin, 1990.
- Edmonds, T. *The Barnett Formula*, House of Commons Library Research Paper 01/108. London: House of Commons, 2001.
- English Heritage. *Annual Report and Accounts 2013–14*. Swindon: English Heritage, 2014. Accessed October 20, 2017. <https://historicengland.org.uk/images-books/publications/eh-ann-rep-accounts-13-14/>
- Evans, J. G. *Devolution in Wales: Claims and Responses, 1937–1979*. Cardiff: University of Wales Press, 2006.
- Gilchrist, R. "Courtenay Arthur Ralegh Radford." IN *Biographical Memoirs of Fellows of the British Academy*, XII, 341–358. London: The British Academy, 2013.
- Griffiths, C. "Regulatory Management of the Setting of Historic Assets: Lower Leighton Mega-dairy – A Case Study from Wales." *The Historic Environment: Policy and Practice* 8, no. 1 (2017): 48–63.
- Griffiths, J. 2013. *Written Response by the Welsh Government to the report of the Communities, Equality and Local Government Committee entitled Inquiry into the Welsh Government's Historic Environment*

- Policy. Accessed December 2, 2017. <http://senedd.assembly.wales/documents/s23217/Welsh%20Government%20Response%20-%20April%202013.pdf>
- Historic Scotland. *Annual Report 2014–15*. Edinburgh: Historic Scotland, 2015. Accessed October 20, 2017. <https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=9a0cbf58-491c-485b-849d-a5c500bfa8d9>
- Historic Wales. *A Roadmap towards Success, Resilience and Sustainability for the Heritage of Wales*. Report for the Cabinet Secretary for Economy and Infrastructure. 2017. Accessed October 21, 2017. <http://gov.wales/docs/drah/publications/170202-historic-wales-en.pdf>
- House of Commons. *Wales Bill Explanatory Notes*. London: The Stationery Office Limited, 2016. Accessed June 13, 2017. <https://www.publications.parliament.uk/pa/bills/cbill/2016-2017/0005/en/17005en.pdf>
- Hyder Consulting. *Options Appraisal for the Future of Third Sector Support for the Historic Environment in Wales*. Cardiff: Hyder Consulting (UK), 2013.
- Labour Party. *New Labour, New Life For Britain*. 1997. Accessed June 8, 2017. <http://www.politicsresources.net/area/uk/man/lab97.htm>
- Labour Party. *Standing up for Wales: Welsh Labour Manifesto 2011*. 2011. Accessed December 2, 2017. <https://welshlabour.s3.amazonaws.com/welsh-labour-manifesto.pdf>
- Moore, D. O'Neil, Bryan Hugh St John. Dictionary of Welsh Biography. National Library of Wales, 2001. Accessed June 2, 2017. <http://yba.llgc.org.uk/en/s2-ONEI-JOH-1905.html>
- Morgan, K. O. "Welsh Nationalism: The Historical Background." *Journal of Contemporary History* 6, no. 1 (1971): 153–172.
- The National Archives. *Records of Ancient Monuments Branches and Inspectorates*. n.d. Accessed June 2, 2017. <http://discovery.nationalarchives.gov.uk/details/r/C852>
- The National Archives. *Records Created or Inherited by the Welsh Office and the Wales Office*. n.d. Accessed May 31, 2017. <http://discovery.nationalarchives.gov.uk/details/r/C26>
- National Assembly for Wales. *Inquiry into the Welsh Government's Historic Environment Policy*. Cardiff: Communities, Equality and Local Government Committee, 2012.
- National Assembly for Wales. *Wales and the EU: What does the vote to leave the EU mean for Wales?* Research Briefing. Brussels and Cardiff: Research Service, Legal Service and EU Office, 2016.
- National Records of Scotland. *Mid-2013 Small Area Population Estimates Scotland: Population Estimates by Sex, Age and Data Zone*. Edinburgh: National Records of Scotland, 2014. Accessed October 19, 2017. <https://www.nrscotland.gov.uk/files/statistics/population-estimates/sape2013/2013-sape-publication.pdf>
- ONS. *Annual Mid-year Population Estimates: 2013*. Newport: Office for National Statistics. Accessed October 18, 2017. <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/annualmidyearpopulationestimates/2014-06-26>
- Osmond, J. *Welsh Europeans*. Bridgend: Seren, 2006.
- PwC. *Investing in the Future to Protect the Past*. Cardiff: PwC, 2016. Accessed December 1, 2017. <http://gov.wales/docs/drah/publications/160928-investing-in-the-future-to-protect-the-past.pdf>
- RCAHMS. *Commissioners' Report and Consolidated Financial Statements*. Edinburgh: Royal Commission on the Ancient and Historical Monuments of Scotland, 2015.
- RCAHMS. *Evidence of the Royal Commission on the Ancient and Historical Monuments of Wales [to the] Inquiry into Historic Environment Policy*. 2011. Accessed December 2, 2017. <http://senedd.assembly.wales/documents/s9187/Consultation%20Response%20-%20CELG4%20HIS%2077%20Royal%20Commission%20on%20the%20Ancient%20and%20Historical%20Monuments%20of%20W.pdf>
- Skates, K. *Letter of 30 March 2017*, in response to Historic Wales 2017. 2017. Accessed on October 21, 2017. <http://gov.wales/docs/drah/publications/170330-letter.pdf>
- Tanner, D. "Facing the New Challenge: Labour and Politics 1970–2000." In *The Labour Party in Wales 1900–2000*, edited by D. Tanner, C. Williams, and D. Hopkin, 264–293. Cardiff: University of Wales Press, 2000.
- Technopolis. *The Role of EU Funding in UK Research and Innovation*. Academy of Medical Sciences, British Academy, Royal Academy of Engineering and the Royal Society, 2017. Accessed October 30, 2017. <https://royalsociety.org/topics-policy/publications/2017/role-of-EU-funding-in-UK-research-and-innovation/>

- Thomas, W. *Hands off Wales: Nationhood and Militancy*. Llandysul: Gomer Press, 2013.
- Thompson, M. W. *General Pitt-Rivers: Evolution and Archaeology in the Nineteenth Century*. Bradford-on-Avon: Moonraker Press, 1977.
- Thurley, S. *Men from the Ministry: How Britain Saved Its Heritage*. New Haven, CT: Yale University Press, 2013.
- Van der Vat, D. 2006. "Oswin Craster (Obituary)." *The Guardian*, May 2, 2006. Accessed June 23, 2017. <https://www.theguardian.com/news/2006/may/02/guardianobituaries.mainsection>
- Wakelin, P. 2006. "Richard Avent (Obituary)." *The Guardian*, August 25, 2006. Accessed June 4, 2017. <https://www.theguardian.com/news/2006/aug/25/guardianobituaries.mainsection>
- Welsh Archaeological Trusts. *Archaeology in Trust: 40 years of the Welsh Archaeological Trusts*. Llandeilo: Dyfed Archaeological Trust, 2016.
- Welsh Government. *The Future of Our Past. Consultation – Report on Responses*. Cardiff: Welsh Government, 2014.
- Welsh Archaeological Trusts. *Headlines*, Unpublished Document for Cadw. Welshpool: Clwyd-Powys Archaeological Trust, 2017.
- Welsh Government. *Heritage Counts Wales 2016*. Cardiff: Welsh Government, 2017.
- Welsh Government. *Historic Environment Strategy for Wales*. Cardiff: Welsh Government, 2012.
- Welsh Government. *Historic Environment Strategy for Wales*. 2nd ed. Cardiff: Welsh Government, 2013.
- Welsh Government. *Historic Environment Strategy for Wales: Headline Action Plan*. Cardiff: Welsh Government, 2012.
- Welsh Government. *Planning Policy Wales* (Chapter 6: The Historic Environment). Cardiff: Welsh Government, 2016.
- Welsh Government. *Planning Policy Wales. Technical Advice Note 24: The Historic Environment (TAN24)*. Cardiff: Welsh Government, 2017.
- Welsh Government. *Prosperity for All: The National Strategy*. Cardiff: Welsh Government, 2017.
- Welsh Government. *Taking Wales Forward 2016–2021*. Cardiff: Welsh Government, 2016.
- Williams, H. 2017. "Dai Morgan Evans Obituary." *The Guardian*, April 17, 2017. Accessed June 2, 2017. <https://www.theguardian.com/science/2017/apr/17/dai-morgan-evans-obituary>