



26th March 2021

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Agriculture(Wales) White Paper
Land Management Reform Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Dear Sir/Madam

Agriculture (Wales) White Paper – ALGAO:Cymru response

The Association of Local Government Archaeological Officers (ALGAO) is the UK-wide organisation that represents all archaeologists working for local authorities and national parks. Member local authorities are represented by the senior professional archaeologist (employed directly within the authority or in some cases by independent joint services) whose primary responsibility is to advise that authority, principally through the planning process, on conservation and management of the archaeological resource within the boundaries of that authority, and who has been nominated by that authority to represent it. The Association has four key objectives:

- To provide a strong voice for local authority historic environment services and promote these within local government to strengthen and develop their role within local government in delivering local, regional and national government policy.
- To ensure that local government historic environment services are included within policy (national, regional and local) for culture and education.
- To ensure that policy aims to improve the sustainable management of the historic environment.
- To promote development of high standards in the historic environment profession.

ALGAO: Cymru is the national ALGAO body for Wales. The membership of ALGAO: Cymru comprises archaeologists who work in a curatorial capacity within the four Welsh Archaeological Trusts as well as archaeologists working for local authorities and Wales' three national parks. In addition to the protection of the historic environment through the planning process the members work more broadly to develop greater understanding and improve the conservation of Wales' historic environment. Much of the work of the members is carried out in partnership with Cadw and the Royal Commission on the Ancient and Historic Monuments of Wales, as well as other national bodies and agencies such as the Natural Resources Wales and the Welsh Government.

Comments on this consultation have been sought from the membership of ALGAO: Cymru and collated into the response below.

Consultation Questions

1 What are your views on:

(a) The proposed approach to the creation of the National Minimum Standards?

ALGAO: Cymru welcomes the creation of National Minimum Standards including consolidating existing legislation and standards. However, we are concerned and disappointed by both the lack of detail regarding the historic environment, and by the low profile afforded to the historic environment in both the White Paper and accompanying impact assessment in general.

The section of the White Paper entitled 'Our Rural Communities' (1.17) refers to the longevity of farming and woodland management in Wales and its close association with tourism and rural communities, including the nurture of the Welsh language. The historic environment is interwoven with this landscape history and traditional culture, and makes a significant contribution to both tourism and Wales' national and regional identities. Land management policies and land managers have a crucial role in the conservation of Wales' unique heritage: approximately 80% known archaeological sites in Wales are in rural land, the majority of which do not benefit from statutory protection, being managed solely through planning and regulatory processes, and schemes such as the proposed Sustainable Farming Scheme (SFS). The White Paper indicates that the proposals outlined will result in 'some visible changes at a landscape scale': the possible implications for the historic environment are therefore far-reaching and potentially significant.

Previous schemes have been successful and largely welcomed in implementing conservation work to our historic buildings and monuments, developing longer-term management plans for archaeological sites, enhancing our knowledge of Wales' historic environment, and establishing good working relations with farmers and land managers. Collectively this has delivered substantial public benefit in conserving the resource for future generations and benefitting farmers and land managers directly for their positive actions. The absence of acknowledgement, therefore, of the important contribution that agri-environmental/support schemes have made to the historic environment of Wales to date, is disappointing, and ALGAO: Cymru is concerned by the apparent lack of commitment to ensuring that this important contribution is able to continue as part of future mechanisms.

At present, apart from existing legal safeguards, the only consideration of the historic environment appears to be under basic cross-compliance requirements, with specific reference made to landscape features and hedgerows. It is certainly important that the interaction between measures implemented in the interests of soil conservation or biodiversity, for example, and the historic environment are recognised in this process - such measures will often, but not always, be beneficial for historic assets. However, we would seek reassurance that this is not the only means by which provision to conserve historic assets, and to reward farmers and land managers for doing so, will be available.

This we feel would constitute a serious reduction and retrograde step in the protection afforded to Wales' historic rural environment and undermine the achievements that have been made in recent decades, of which Wales can be justly proud.

b) The need for flexibility to amend the National Minimum Standards where necessary? Are there any further considerations which are needed? Please provide comments to support your view e.g. potential benefits and impacts.

No comments

2 What are your views on:

(a) How advice and guidance can effectively support farmers to understand the National Minimum Standards; and

ALGAO: Cymru strongly agrees that there needs to be provision for advice and guidance. Farmers and land-owners have a key role in protecting and enhancing the historic environment, and require access to historic environment advice and guidance to assist them with this responsibility.

Wales has an established framework of resources and staff with expertise that are well placed to deliver this advice and guidance, including Cadw, the Welsh Archaeological Trusts, local authorities (including national park authorities) and the Royal Commission on Ancient and Historical Monuments of Wales. Many of these organisations also manage publicly accessible comprehensive databases that provide information about the historic environment (e.g. Cof Cymru, the regional Historic Environment Records, the National Monuments Record of Wales).

These are expected to be used by farmers and land managers in identifying legally protected sites within their landholdings and can be consulted for general information about the historic resource on their land. Guidance must be readily accessible and will need to signpost farmers, woodland and land managers to where they can obtain expert historic environment and conservation advice (e.g. from curatorial bodies).

(b) The further considerations needed for advice and guidance? For example, what form guidance should take, who should provide it, the scope of guidance and how farm advisory services may support farmers.

Ensuring that the historic environment is adequately protected under the new arrangements will be dependent upon the implementation of clear, efficient procedures for obtaining and acting upon properly funded professional advice.

Cadw and the Welsh Archaeological Trusts are expected to be pivotal in delivering this advice, supported by other organisations with relevant expertise. Local authorities and national park authorities, for example, will have in-house archaeological and conservation expertise, and may be able to draw on their own experience with land management and existing working relationships with farmers and land managers.

It is recommended that any new guidance should build on the existing body of literature that has been produced in relation to previous schemes and other areas of heritage management. As noted above, Wales benefits from an established network of organisations with existing curatorial and advisory responsibility for the historic environment, notably Cadw as the national historic environment agency for Wales and the Welsh Archaeological Trusts, which provide information and advice at a regional level. It is expected that these organisations would have significant involvement in the development of any new guidance, along with input from other organisations with relevant experience and expertise, including local authorities and national park authorities.

3 What are your views on the proposals for civil sanctions to enable proportionate enforcement of regulations? Are there any further considerations which are needed?

ALGAO: Cymru are supportive of the proposal for civil sanctions in principle. These would form a useful addition to the toolkit in managing the majority proportion of the rural historic environment that lacks statutory protection and is therefore more vulnerable to unsympathetic activity, presently with little opportunity for restitution.

The finite and non-renewable nature of historic assets means that the principle of 'equivalent benefit' can be problematic; where a historic asset has been damaged and cannot be satisfactorily restored (as in the case of destruction of archaeological remains), it may only occasionally be possible for other historic

environment enhancement work to serve as a proxy. However, adequate safeguards must be in place to ensure firstly that sanctions taken specifically mitigate the effect on the historic environment; and secondly, that civil sanctions are not open to exploitation as a perceived less onerous alternative to observing due diligence towards more substantial historic environment responsibilities.

ALGAO: Cymru consider however that civil sanctions are unlikely to be appropriate in cases where activity constitutes a breaking of the law under existing legislation, as in damage to a scheduled monument. Civil sanctions may present an additional deterrent but would not preclude criminal proceedings in these cases.

4 What are your views on the proposed purposes for funding in support of the delivery of SLM? Are there other purposes which you feel should be considered?

Heritage and archaeology should be specifically included in this section. Although mentioned in paragraph 2.68, this however can be perceived as a step backwards, in seeking only to ensure that activities do not undermine existing value, rather than to encourage proactive conservation and enhancement.

ALGAO: Cymru strongly believes that the integral role that the historic environment plays in the shape of Wales' landscape, along with the multitude of public benefits it provides, means it should be seen as a primary consideration in relation to sustainable land management rather than being a passive participant in other practices. A holistic management approach generates mutual benefits for the natural, historic and agricultural landscape.

In most cases features of the historic environment can be easily protected and maintained at no or minimal impact or cost to the land manager/owner. Assets may have survived for hundreds or thousands of years; but their continued survival relies on sensitive management. This in turn is reliant on farmers and land managers being aware of the resource on their land; access to professional advice on sensitive management; and the opportunity/incentive for financial support to achieve this.

The *Sustainable Farming and Our Land* consultation (2019) made numerous references to the opportunities for SLM and the proposed SFS to incorporate heritage management as a specific topic, highlighting the following among the examples of actions that could be taken:

- *Management of heritage features* – this could involve actions such as removing damaging scrub from sites, or proactive enhancement such as re-profiling erosion scars on ground level features. Direct management of sites could be facilitated through heritage bodies such as Cadw. (Fig. 2.3, p.17)
- *Heritage* - Considering heritage during ongoing farming practices, and taking proactive steps to protect and preserve specific sites (p.109, p.123-4)

The consultation also noted, among the benefits and outcomes of SLM, as a contributor to Well-being benefits :

- *Outcome: Welsh language, culture, access, landscape and heritage* - The contribution of farmers and foresters to supporting the Welsh language and culture. The contribution of agriculture to preserving historic monuments, landscapes and archaeological sites (Fig.3.7, p.43)
- the opportunities for delivering social outcomes such as improved access or heritage management (Fig. 4.1, p.48)

correlating with the goal under the Wellbeing of Future Generations Act 2015 for '*A Wales of vibrant culture and thriving Welsh language; 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 consultation further noted that “a number of responses to the *Brexit and our Land* consultation supported the inclusion of heritage within the (then) Public Goods Scheme. We will consider how our proposals can actively promote and protect culture and heritage and encourage people to participate in recreation” (p.95).

The subsequent consultation (July 2020) included the following specific elements in relation to cultural heritage, as a proposed extension to the scope of EU legislation in force at the time of writing:

- Measure 4 (Investment in Physical Assets) included the proposal to include cultural heritage objectives.
- Measure 7 (Basic Services and Village Renewal I Rural Areas) included the proposal to allow for revenue as well as capital funding projects to include options for cultural heritage assets to be supported.

In light of these very positive early indications, it is especially disappointing that the historic environment is not explicitly recognised as one of the non-market goods and outcomes for which farmers and land managers are rewarded. The impact assessment which accompanies the White Paper unfortunately offers little reassurance, despite the recognition in Chapter 3 of the integration and importance of culture and heritage within rural landscapes; the absence of specific mention of archaeology (as opposed to landscape features and the built environment), which tends to be most at risk, is especially concerning.

Furthermore, the statement that the proposals 'do not specifically target culture and heritage' but rather, that benefits will accrue incidentally merely through continuity of farming, biodiversity measures and general legislation, not only implies a lack of understanding about the interaction between the historic environment and rural land management practices, but also intimates a considerable reduction in the protection of rural heritage, or at the least, a missed opportunity to embed conservation within the new Bill.

The comments made under Q1 indicate how specific inclusion of the historic environment within agri-environment support schemes has benefitted this resource over the past 20 or so years. In light of the potential withdrawal of this provision under the proposed scheme, ALGAO: Cymru disagrees with the assessment under point 3.1b of the impact assessment, in that the proposals may indeed have a negative effect on the promotion and protection of culture and heritage.

5 What are your views on the proposed priorities for industry and supply chain support?

No comment

6 What are your views on the proposed purposes for collecting, sharing and linking data? Please provide comments to support your view e.g. potential benefits and impacts.

The proposals appear generally sensible. Wales already has a range of useful resources, including the Historic Environment Records, Cof Cymru/Lle portal, Coflein, Historic Wales and these should be utilised. This should be a mutual arrangement, whereby any additional data produced of relevance to the historic environment should be made available to the relevant national or regional body.

As agri-environment schemes are publicly funded, it is crucial that additional data produced under this umbrella should be made available to the public wherever possible. Opportunities for public/community engagement should be investigated alongside increased accessibility.

7 What are your views on the establishment of a national database for farms and livestock?

No comment

8. In terms of the future scheme, what are your views on the proposals to enable the data we collect on a farm to be used by farmers to track progress and demonstrate their sustainability credentials?

No comment

9 What are your views on the proposals for improving the monitoring of regulatory compliance?

No comment

10 What do you think needs to be considered in future to enable regulators to effectively monitor regulations?

No comment

11 What are your views on the proposed amendments to forestry legislation?

ALGAO: Cymru recommends that managers of woodland environments have access to elements of the Sustainable Farming Scheme. Since woodlands will include historic environment features (and can themselves be of historic value), managers of these landscapes will also be responsible for managing features that contribute to Wales' past, identity and culture. As such, promoting and supporting best practice within the woodland setting will represent public benefit. Without such support, there is a risk that irreversible (and possibly undocumented) damage may occur to these important features.

ALGAO: Cymru recognises that tree planting plays an important role in addressing climate change, however it is important that this takes place within appropriate sections of the landscape. Planting schemes must be informed by a sound understanding of the potential historic environment impacts. This should be considered in the earliest stages, as part of 'opportunities mapping', as this provides the best chance of safeguarding and putting best practice in place. This high level review will need to be supplemented by more detailed, landholding scale archaeological assessment, on a case by case basis. Given that there is a likelihood that applications for woodland creation will increase, the need to appropriately assess their impact on the historic environment will become ever more important.

Advice and guidance will be crucial and will require appropriate funding mechanisms to be in place.

12 What are your views on how the Welsh Government can support landowners in Wales to benefit from carbon markets for planting trees?

No comment

13 Do you think the dispute resolution procedures described in the proposals should be extended to FBTs?

No comment

14 Do you think there will be instances where landlords may require the same access to dispute resolution as described above?

No comment

15 Do you think it would be appropriate to allow joint landlord/tenant SLM scheme agreements? Please provide evidence to support.

No comment

16 What are your views on the proposals for additional powers for Welsh Ministers to: a) Establish Movement Control Zones to control the movement of animals, semen, embryos, animal products, animal by-products and/or other things that can spread infection e.g. equipment and utensils, in the event of a significant, new animal disease threat, where there is currently no or limited power to do this? b) Specify 'animal', 'farmed animal', 'livestock', 'pet animal' and 'animals intended for agricultural purposes', beyond the current rigid traditional definitions to ensure animal disease control measures can be applied appropriately and flexibly to any species of kept animal where there is a potential disease risk?

No comment

17 What are your views on the proposal for a power to enable increased controls covering such matters as the manufacture, sale and use of snares? Do you think such a power is required? If not, why not? If so, what matters do you think the power should be used to address?

No comment

18 What are your views on the impacts we have identified in the integrated impact assessments? Are there any further impacts that should be considered?

No comment

19 We would like to know your views on the effects that the White Paper proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

No comment

20 Please also explain how you believe the proposed policy could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

No comment

21 We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

ALGAO: Cymru is extremely concerned and disappointed to note the almost total absence of reference to the historic environment in the White Paper. Rather than achieving clarity for all, considerable ambiguity exists over the provision for this important resource.

The historic environment in Wales is rich, diverse, unique and irreplaceable. It encompasses archaeological remains above and below the surface, historic buildings, ancient trackways and field patterns and rich cultural heritage. This variety is not fully recognised within the consultation documents. It is important that future legislation, guidance and supporting documentation clearly and positively defines all that is meant by the terms 'heritage' and 'historic environment' to ensure that farmers, land managers, stakeholders and regulators are fully able to engage with these assets and that they can be specifically provided for within the proposed scheme.

Chapter 1 would have benefitted from including a section on cultural heritage in its broadest sense, explaining the breadth and importance of the resource and detailing national commitments to the promotion and protection of the culture and heritage of Wales. It is important that future guidance and other supplementary documentation adequately highlights the opportunities and responsibilities for heritage management in the rural environment, including links to relevant guidance (such as Cadw's *Conservation Principles for the Sustainable Management of the Historic Environment: Conservation Principles*).

ALGAO: Cymru is happy to contribute to those elements of the proposed Bill and SFS pertaining to management of the historic environment, if this would be helpful.

If you have any queries regarding the above comments, please do not hesitate to contact us.

Yours faithfully



Jenny Emmett
Vice-Chair, ALGAO: Cymru

Tomos Jones
Chair, ALGAO: Cymru



ALGAO:Cymru Chair – Tomos Jones, Pembrokeshire Coast National Park Authority, Parc Llanion, Doc Penfro, Sir Benfro SA72 6DY /
Llanion Park, Pembroke Dock, Pembrokeshire, SA72 6DY

ALGAO:UK Chair – John Lawson, City of Edinburgh Council, Museum of Edinburgh, 142 Canongate, Edinburgh EH8 8DD