



Ymddiriedolaeth Archaeolegol Gwynedd
Gwynedd Archaeological Trust



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

This MEMORANDUM OF UNDERSTANDING (hereinafter “Memorandum”) is entered into this 5th day of February 2020 between **Natural Resources Body for Wales (NRW)** of 29 Newport Road, Cardiff, CF24 0TP and the four **Welsh Archaeological Trusts** (hereafter referred to as ‘the WATs’); **Clwyd-Powys Archaeological Trust Ltd** of 41 Broad Street, Welshpool, SY21 7RR, **Dyfed Archaeological Trust Ltd** of Corner House, 6 Carmarthen Street, Llandeilo, SA19 6AE, **Glamorgan-Gwent Archaeological Trust Ltd** of Heathfield House, Heathfield. Swansea SA1 6EL and **Gwynedd Archaeological Trust Ltd** of Craig Beuno, Garth Road, Bangor, LL57 2RT.

Objective

An accessible, sustainably managed, well-protected and understood natural and historic environment that contributes positively to the economic, cultural and social vitality of Wales.

Legislation

NRW and the WATs are subject to the duties and requirements identified within the Well-being of Future Generation (Wales) Act 2015 (WFG); the Environment (Wales) Act 2016, the Historic Environment (Wales) Act 2016 and the Planning Act (Wales) 2015.

Both the WFG and Environment (Wales) Act legislation utilise “Principles” or ‘ways of working’ to aid decision making. Through working together, we can better ensure the sustainable management of natural resources and thereby retain and enhance the benefits to the social, economic, environmental and cultural well-being of Wales. We will do this by applying the Sustainable Development principle in the WFG Act and the SMNR principles in the Environment (Wales) Act to our decision making in line with the legislation and statutory guidance.

The Historic Environment (Wales) Act 2016 places specific duties on Natural Resources Wales in regard to supporting Historic Environment Records. This is further amplified in Statutory Guidance *Historic Environment Records in Wales: Compilation and Use* for which Natural Resources Wales and other bodies named in the Act must have due regard. The duties on Welsh Ministers in respect of Historic Environment Records in the Historic Environment (Wales) Act 2016 are partially discharged through a five-year term contract with the respective Welsh archaeological trusts.

1. Aim and purpose of the Memorandum

- 1.1. This Memorandum records the understanding of NRW and the WATs in respect of their common objectives relating to matters of mutual interest, primarily in the provision of joint working arrangements for the historic and natural environments.

It sets out a framework through which the parties seek to enhance the delivery of mutual objectives by sharing knowledge and information.

- 1.2. This Memorandum recites the responsibilities of the parties and establishes the general principles for their cooperation.
- 1.3. This Memorandum provides a clear and consistent framework for improved collaboration, liaison and contact with working arrangements defined at both a strategic policy and delivery level
- 1.4. This Memorandum shall be effective from the date recorded in paragraph [7] and it will be regularly reviewed in accordance with paragraph [6] of this Memorandum.

2. Roles and functions of the signatories

2.1. NRW

2.1.1 The Natural Resources Body for Wales, as a Welsh Government Sponsored Body, is accountable to Ministers and the Welsh Government as set out in the Natural Resources Body for Wales (Establishment) Order 2012. NRW's general purpose is to pursue the sustainable management of natural resources, the Body must both

- (a) Pursue sustainable management of natural resources in relation to Wales, and
- (b) apply the principles of sustainable management of natural resources in the exercise of its functions, so far as consistent with their proper exercise.

2.1.2 The roles and responsibilities are many and varied, but amongst NRW's key activities are:

- Maintain almost 2000 miles of flood defences, reducing the risk of flooding to approximately 73,000 homes
- Manage 120,000 hectares of woodlands and market over 650,000 tonnes of timber.
- Protect important, recognised sites that make up 30% of Wales' land and waters - including: 76 National Nature Reserves, one Marine Nature Reserve, 1060 Sites of Special Scientific Interest.
- Issue Flood Warnings directly to over 101,000 homes and businesses to give them time to prepare themselves and their properties if the worst was to happen.
- Issue licences and permits including approximately:
 - 10,000 environmental permits to businesses
 - 55,000 rod licences
 - 100 marine licences
 - Respond to over 9,000 planning applications/ year fulfilling our duties on key issues like flood risk, conservation and water quality.
- The NRW estate includes 144 Scheduled Monuments, 68 Listed Buildings, 43 Registered Parks and Gardens and several thousand undesigned historic assets as reflected in the 10,537 individual Historic Environment Record (HER) entries, some of these designations may be applied to all or part of the same physical features.

2.2. The WATs

2.2.1. The four WATs are independent limited companies with charitable status. The object for which they are established is to advance the education of the public in archaeology.

2.2.2. The powers which the WATs have and which may be exercised in promoting the Object include:

- To undertake, prepare or promote archaeological research, excavations, surveys, reports and advice and for any consequent or similar activities;
- To publish or otherwise distribute information;
- To arrange for the safe-keeping of all records resulting from such archaeological work and for their eventual deposition;
- To arrange for the safe-keeping of all materials and objects recovered as a result of such archaeological work and, where appropriate to arrange for their eventual deposition and/or display;
- To arrange conferences and training opportunities.

2.2.3. Welsh Ministers support the WATs and expect certain other bodies to support the WATs in exercising certain functions including, amongst others:

- Maintaining the regional Historic Environment Records (HERs), which includes records for over 200,000 non-designated historic assets and more than 34,000 designated assets, historic landscapes, parks and gardens (4,000 Scheduled Monuments, 58 Registered Historic Landscapes, 118 Parks and Gardens, more than 30,000 listed buildings).
- Acting as an advisor on the historic environment, including to local planning authorities, advice within and without the planning regime is provided by different staff.
- Implementing schemes of investigation to mitigate the adverse impact of development on archaeological remains.

3. Principles of working together

NRW and the WATs each recognise the independent remit of the other party and the requirement for each party to exercise its own discretion in all decision making. The work of NRW and the WATs will be defined by their duties, legal powers, functions and planning obligations. Both will aim to:

- Collaborate and cooperate in the achievement of their shared and respective objectives in the historic and natural environments;
- Engage in open discussion in areas of mutual interest to achieve their respective objectives in contributing to the sustainable development of the historic and natural environments, meeting regularly to discuss issues and casework of mutual interest;
- Operate in a transparent way while undertaking their responsibilities;

- Involve and work with each other in areas of shared interest or concern, with other relevant delivery partners included, where appropriate and agreed;
- Share and keep each other informed of any data, research, collected information or other work or development that either party believes would be helpful to the other in connection with the decisions or activities of either party, taking account of their respective obligations under the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679 and subject to any intellectual property or confidentiality restrictions placed on the parties;
- Explore further opportunities to develop shared working practices;
- Consistently seek advice and take this advice into account in decision-making, make best use of existing expertise, resources and capacity, reducing duplication of effort;
- Seek to deliver consistent and coordinated messages when working together on projects and when working with Government, delivery partners and the public.

4. Status

- 4.1. The WATs have entered into Memoranda or Agreements with the local planning authorities within their geographical areas. Similarly, the Natural Resources Body for Wales, as a Welsh Government Sponsored Body, is accountable to Ministers and the Welsh Government, as set out in the Establishment Order for the Body and the agreed Governance Framework.
- 4.2. The parties agree that this Memorandum is not legally binding between them and does not create any form of partnership or legal rights or obligations. It is however a statement of their shared intention to work together in a spirit of co-operation.
- 4.3. Nothing in this Memorandum of Understanding shall limit the discretion of the WATs with regard to their legal obligations.
- 4.4. NRW recognises that WAT staff have a duty to be impartial, fair to all affected persons and advise in accordance with the requirements of relevant legislation at all times. Accordingly, this Memorandum does not limit or affect WATs exercise of their responsibilities.
- 4.5. Similarly, the WATs recognise the significant regulatory responsibilities of NRW and its duties to be impartial, fair to all affected persons and to exercise (and be seen to exercise) its functions in accordance with the requirements of relevant legislation at all times. Accordingly, nothing in this Memorandum is to be taken as limiting or affecting NRW's exercise of its powers and duties.

5. Communication and announcements

- 5.1. NRW and the WATs will adopt a proactive approach to forecasting and identifying opportunities for raising awareness, understanding and marketing of mutually relevant key messages and campaigns.
- 5.2. Whilst no formal communication strategy is required for the MoU itself, the MoU should be promoted within other communications activity. The WATs and NRW have agreed a standard paragraph on how to refer to the MoU as follows.

'NRW and the four Archaeological Trusts in Wales have a signed Memorandum of Understanding that outlines how the organisations will collaborate and cooperate for

the benefit of Wales' historic and natural environments. A well-managed, protected and understood natural and historic environment that integrates the historic environment within Natural Resource Management will help us realise the potential of the natural and historic environment assets in contributing to the economic and social vitality of Wales'.

- 5.3. Whenever one party refers to the other they will share and endeavour to get timely approval before going to publication. Enough time will be built in to allow for this.
- 5.4. Each to endeavour to keep one another informed in advance of any forthcoming significant public or policy announcements on material matters of mutual interest in addition to adopting a responsive approach to realising unplanned opportunities that may arise.
- 5.5. Communications and announcements should respect; corporate positions and points of view, potential sensitivity of information and any confidentiality or obligations owed to third parties.
- 5.6. NRW and the WATs will each nominate a primary contact. These primary contacts will be responsible for encouraging a fluent and transparent relationship between NRW and the WATs, resolving difficulties and monitoring the smooth operation of this Memorandum. Relevant additional contacts will be established, shared and kept up to date.

6. Review and appraisal of the Memorandum

6.1. In addition to meetings as business dictates, NRW and the WATs will also meet once a year ("the Annual Meeting") to review the shared wider strategic context of the environments in which they operate and explore opportunities for the improvement of joint working practices.

6.2. This Memorandum will be reviewed:

(a) At the Annual Meeting; and





(b) Whenever substantial changes occur to the policies, external relationships and structures of the parties concerned, or to the interaction between governments within the UK;

Any amendments to this Memorandum consequent upon those reviews will be incorporated into it by the parties through mutual agreement.

6.3. To comply with Welsh Government grant conditions the Welsh Archaeological Trusts are required to provide quarterly reports to Welsh Government. For the period of the Memorandum this will include a report on the volume and nature of advice being provided in support of this Memorandum in order to ensure that it remains within acceptable parameters. In the event that the workload is considered by the Welsh Archaeological Trusts or Cadw to impact on the broader delivery of heritage services grant-funded by Welsh Ministers through Cadw, NRW will be informed. A meeting should then take place between the signatories of the Memorandum in order to establish a mutually acceptable solution.

7. Signatories

7.1. The parties agree to the terms set out in this Memorandum.

Clare Pillman	Chief Executive	Natural Resources Body for Wales	
Paul Belford	Chief Executive	Clwyd-Powys Archaeological Trust Ltd	
Ken Murphy	Chief Executive	Dyfed Archaeological Trust Ltd	
Andrew Marvell	Chief Executive	Glamorgan-Gwent Archaeological Trust Ltd	
Andrew Davidson	Chief Executive	Gwynedd Archaeological Trust Ltd	