ARCHAE OLOGY MATTERS

Local Heritage Engagement Network

# Toolkit

## No. 3

# Local authority historic environment services: What do they do and why are they important?

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**This document will:**

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- **Give an explanation of what they do**
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- **Explain what is at stake if they are eroded**
- **Give advice on what can be done**

*Note: The first section of this document draws on advice previously prepared by The Archaeology Forum (TAF).*

# The impact of cuts

The places that we live today are fundamentally shaped by the past; from the shape of our cities, towns, and villages, to the design of our homes, local amenity services, and our local and national identities. This 'historic environment' is not just about the castles, cathedrals or other national or internationally important sites and monuments, it is about the legacy of the past in our daily lives and it affects us all, whether emotionally or physically, and can be both intensely personal or simply broadly interesting. Archaeology is about understanding and interpreting this influence of the past and heritage is about deriving the sense of what is important about it and how we should go about conserving and enhancing it.

This toolkit document describes the professional services within local planning authorities which exist to help manage this process and what functions they perform. It considers what the current threats are and what is at stake, and it considers some of the responses may be to how to deliver these services in a sustainable but effective way in the future.

In the current climate of cuts local authorities are under extreme pressure across the country to make budgetary savings. Central government have, in the recent past imposed cuts in the region of 50% of total budget to local government which have forced massive austerity across the country.

In this climate, local heritage services have been looked at by some authorities as soft targets, as many important components of their work are not underpinned by a firm statutory duty. It is therefore vital that those interested in local heritage are able to present a strong case for the value of these services and this starts with knowing what these services do and why they are important.

# What do historic environment services do?

### *i. Maintain Historic Environment Records (HERs)*

Historic Environment Records are the comprehensive, authoritative databases of records relating to the local historic environment, usually managed by local planning authorities. The HER is the primary resource used to inform the planning process of local impacts on the historic environment, archaeology, and heritage. HERs are also accessible to the public and have a variety of uses beyond the planning sphere as public repositories of information. Critically, the HER is constantly managed and updated to reflect changes in the nature of the historic environment such as new discoveries, designations, investigations, interpretations and changes in use, management or significance. There are 85 HERs in England, with millions of records which are growing at a rate of 2-5% per year.

HERs can be used by local groups wishing to discover information about their local heritage assets, whether to inform community excavations, community planning, local heritage initiative (for example walks, trails or site interpretation) or simply for personal interest. HERs should also facilitate the collection of knowledge from local communities. Some of the best examples are able to record community interest in places and add that data to the material which can be considered by developers in the development process.

A good example of how HERs can provide services of public value is Bristol City Council's 'Know Your Place' project: http://maps.bristol.gov.uk/knowyourplace/

### *ii. Provide advice to planners and developers as part of the planning process*

When development is likely to impact upon heritage assets, whether significant buildings, buried archaeology, open spaces of historic or community significance, and the views and setting of those assets, specialist advice is required to ensure that the proposed development does not adversely impact that development.

Most authorities employ specialist advice in both archaeological and buildings conservation which fulfils the following functions:

- Screening all development proposals for potential impacts;
- Requesting further information to enable sustainable planning decisions to be made;
- Recommending conditions on the granting of permissions;
- Encourage and help develop public engagement opportunities;
- Advise developers on risk management, mitigation;
- Advise planning officers through to appeal, where necessary, and on enforcement in extreme situations.

Specialist archaeologists are involved with the appraisal of land proposed to be allocated for development and employ specialist understandings of the distribution of buried archaeology, and geological factors which may impact proposals. They can advise upon impacts to scheduled monuments, including setting and views, and unscheduled remains. They can use data to predict the likelihood of the existence of archaeology being discovered even in places where nothing is previously known to exist.

Advice may be given both pre-application and post-application but pre-determination helps to reduce risk, minimise unnecessary harm and off-set any necessary impacts with positive benefits for local people.

Archaeological specialists also ensure that local and national policies are properly adhered to (in respect of such things as sustainable development), advise on rural land use impacts, and can trigger environmental impact assessments.

Specialist conservation officers are involved with similar processes of assessment of historic buildings and the local character of places. They ensure that designated assets (listed buildings, conservation areas, registered historic parks and gardens, etc.) are properly treated according to statutory requirements and that all heritage assets are treated appropriately according to the requirements of national planning policy (National Planning Policy Framework) and local plan policies. Conservation specialists can contribute to advice on high quality urban design, historic character, and give recommendations on options for re-use, adaptation, conservation, and repair of buildings and assets.

### *iii. Monitor compliance*

Local authority historic environment advisors are responsible for ensuring that any work required by conditions of planning permission is carried out to a high standard. This may relate to the conduct of archaeological fieldwork, post-excavation and archiving, recording, or repair to historic buildings. They also promote broader public benefit through enhancing understanding and local engagement. As a result of this monitoring historic environment staff are responsible for initiating enforcement, where necessary.

### *iv. Contribute to community outreach, engagement, education*

Local historic environment officers are points of contact for those interested in learning about or better understanding local heritage. Ways in which this can be done vary widely, but can involve developing skills among communities (through training or events), enhancing communities abilities to develop projects of their own (by providing advice and resources), and contributing to wider social and environmental projects such as regeneration programmes, or social inclusion projects.

An example of good practice is the Greater Manchester Archaeological Advisory Service (GMAAS) maintains a forum of local archaeological groups which regularly conduct fieldwork, community excavations, events, exhibits. They also have access to training from specialists in GMAAS and the University of Salford, and actively contribute data to the HER. Information can be found at http://www.gmau.manchester.ac.uk/community/ (website not updated since 2010) and an example of the organisations involved here: http://www.mellorarchaeology.org.uk/links/archaeological-links.html.

### *v. Provide advice on the management of rural heritage*

Archaeology and conservation advice is also important in the development of rural land management plans, with local authority specialists responsible for assisting with conservation planning, archaeological assessment of agricultural land, and ensuring management agreements in collaboration with landowners and national agencies such as Natural England.

# What are the threats?

The National Planning Policy Framework contains strong guidance on the protection of heritage assets. However, in order for these safeguards to be effective, they require the skills that experienced professionals in archaeology and conservation bring to the process.

Since 2006, historic environment specialist staff numbers have declined by 32% (35% for conservation officers, 26% for archaeological advice) as of July 2014. In the last year of recording archaeological specialists declined 9.5% and conservation officers 2.4%.

In contrast to this decline, the total number of planning application decisions and the number of listed building consent decisions are now recovering following a slump after the 2008 crash, rising by 2 and 4% respectively in the last year of figures – a trend which looks set to continue. This means that work loads are rising while staff numbers are still falling.

In this climate there are several trends which are affecting local historic environment services which are having damaging consequences.

### *'Salami-slicing'*

Many, if not most, authorities, have already reduced staff hours or cut posts in their historic environment services. This can happen incrementally, year upon year leaving some authorities with a bare-bones service, with some operating with only one or less than one full-time equivalent post. This 'salami-slice' approach decreases the capacity of the service, increases stress on those remaining staff, and creates greater potential for sites to not be given sufficient attention or give considered advice.

Salami-slicing also tends to damage the non-statutory or added-value services first. This means that the role of services to engage with the public and contribute to the exploration of community heritage values are cut, decreasing the potential local benefit and meaning that advice cannot as effectively reflect the views of the public. As with many accounting decisions in government, the value of the social outcomes of processes are less easy to measure in terms of financial benefits, however, they are the most valuable in terms of public goods generated through the process.

### *Loss of senior specialists and succession planning*

Conservation officers and County Archaeologists often stay in post for many years, developing an in depth local knowledge of archaeological deposits, geological conditions, building styles, conservation techniques, and local community views and values. This knowledge is built up incrementally over time and allows the post-holder to make measured, proportionate and context specific judgements about sites and places. This creates a process which is efficient and effective for all stakeholders.

Many authorities are forcing senior staff members to take redundancy packages as their salaries are relatively higher compared with junior staff. This approach, unless coupled with careful succession planning procedures can create a dangerous lack of local knowledge which can contribute to poor decisions which carry the potential to delay development, create unsatisfactory burdens, or damage heritage.

Poor decisions, in turn, damage the trust invested in the service and erode the reputation of archaeology and conservation in the planning system. Doing this makes arguing for the value of the services harder. Damaging services in this way creates a cynical self-fulfilling cycle of underperformance which can be used as justification for further cuts.

### *'Black holes'*

In the most extreme cases local authorities have taken the decision to cut services entirely, creating 'black holes' where no specialist advice is available to the authority on staff. Some authorities will employ advice on an ad-hoc basis, usually only where designated assets are concerned.

This opens the potential for archaeology to be uncovered without proper planning, either increasing the risk for the developers that unexpected discoveries could slow down development and cost more money if archaeologists are called in late in the process, or risk archaeology being destroyed either unknowingly, or because there is no one there to prevent its destruction.

In past cases where archaeology services have been cut completely, the number of cases where archaeological conditions the HER have declined dramatically showing that a number of cases that would have merited from investigation or recording are likely to have been lost. Northamptonshire closed its archaeology service between 2007-10, meaning that no specialist archaeological advice was given to district councils in this period. When the service was restored in 2010, over 400 cases that year required archaeological advice, with thousands being assessed.

Black holes can also lead to the mothballing of the HER, meaning that new information about the historic environment cannot be added. In previous cases this has led to public access to the HER not being possible, or unreasonable charges levied.

It should be noted that where an archaeology service has been closed down, any decision to subsequently restart the service could be very costly. In two previous cases (Northamptonshire and Merseyside) decisions to shut down archaeology services have been reversed after the impacts have been realised by council bosses. Several services remain with no current service, and many more are operating with an unclear service or are under imminent threat.

Examples of this can be seen in Merseyside and Northamptonshire.

*Merseyside:* In March 2011 Merseyside Archaeological Advisory Service was closed and the HER, previously hosted by National Museums Liverpool (NML) was moth-balled before being eventually transferred to Merseyside Environmental Advisory Service (MEAS). In the interim period, NML were effectively left holding the baby with no funding for the Merseyside authorities. For a time there was no access at all to the HER, meaning that planning applications had to look to other (older and more patchy) sources on information to comply with planning policy.

Eventually, by August 2011 the Museum instituted a £500 day charge (with a minimum £250 fee) for accessing the HER.

Archaeological advice in Merseyside was restored in a much reduced form in 2013. The HER was moved to MEAS in April 2014 and charges have now also been rationalised.

*Northamptonshire:* This is a slightly older case, pre-dating the 2008 'crash' which set the austerity agenda in motion: In 2003 Northamptonshire county council cut its historic environment services, and in 2006 restricted such help to council and major developments. The HER and the archaeological digging unit survived, but neither planners nor builders benefited from comprehensive archaeological advice. During this period the archaeological reports submitted to the HER dropped by 60%. Requests for tenders dropped 25%.

The council responded to pressure from archaeologists and the district planning authorities, and reinstated the advisory service in 2009/10 on a much firmer basis. Planning applications with identified archaeological implications rose by 80%.

***Outsourcing***

Some authorities have withdrawn from shared archaeology service agreements and have put out tenders to third party organisations to deliver services. However, many of these tenders have been inappropriately resourced and it has not been possible to find appropriate private sector contractors to take on the job. In these cases, cutting an efficient shared service and expecting to find a cheaper private sector contractor is highly cynical.

Other authorities who maintain otherwise well-performing outsourced services have seen budgets slashed (as easy targets where job losses do not count towards internal council figures) and contractors are under short term contracts with no guaranteed continuation of funding and thus at constant risk, particularly in a climate where councils are searching for 'easy' options to make cuts.

One example was seen at Teeside in October 2011, Middlesbrough Council announced that it was consulting on withdrawing funding from the out-sourced archaeological service provider Tees Archaeology, which it shared at the time with fellow unitary authorities Redcar and Cleveland, Hartlepool, and Stockton on Tees. Shortly afterwards Redcar and

Cleveland followed suit. Following a short 6-week consultation Middlesbrough formally withdrew from the service. Redcar and Cleveland did not consult. This forced Tees Archaeology to axe two posts, continuing to provide services in Hartlepool and Stockton on Tees.

The resulting situations was been opaque and exact procedures have been difficult to ascertain. However, it seemed that for 18 months or more there was no archaeological advice being given in either authority. In theory, it would seem, archaeology was being dealt with by non-specialist planning officers, although procedures for this were not made public.

It is known now that Middlesbrough contracted for *ad hoc* advice from an archaeologist when known sites were affected by applications. However, it is not known what kind of screening of HER data was completed – although it certainly is not done by a specialist. The HER is, allegedly, accessible, however it was not online, and had one of the largest (if not the largest) fees for public access in the country.

There have been a number of examples in 2014 in Middleborough which have shown the inadequacy of these processes. For example, there was no procedure for monitoring and as such no action was taken at Acklam Hall (a partly scheduled site) where unauthorised ground-works commenced without an archaeological report. This was reported by a member of the public and the works ceased.

# What is at stake?

Without the services previously described, archaeology and heritage would be at considerable risk of being eroded or destroyed by inappropriate decisions and poor planning. Not only does this mean that local communities and the nation lose unique heritage assets and irreplaceable information about our past forever, but they also lose opportunities to create developments that reflect the character of a place, enhance appreciation for heritage and diminish the potential to add commercial value to the venture and surrounding businesses by creating positive engagement and high quality, place specific design.

Additionally, because archaeological investigation within the planning process is funded by developers under the 'polluter pays' principle, the archaeological conditions for investigation, recording, excavation, and publication of results, along with the accessioning of finds to local museums for potential exhibition can be seen as money levered by archaeological and conservation professionals. Every year these archaeological conditions bring in over £100 million of developer funding which contributes to physical conservation or enhancement and public understanding of heritage. This is equal to roughly 30-40 times the salary of each individual specialist post.

Eroding historic environment services creates the risk that:

- Development proposals will not be able to be appropriately assessed for archaeological potential;
- Authorities will not be able to fulfil the NPPF's requirements of sustainable development that adequately takes into account heritage assets' significance;
- Authorities will lack resources to adequately engage the public and understand local values;
- Authorities will lose out on a vast resource of private money which is levered by archaeological conditions which contributes to public benefits;

- Developers will put themselves at increased risk of delay and increased cost due to unexpected discovery of archaeology late in the development process;
- The reputation of planning authorities will be damaged;
- Archaeological sites, historic buildings, and the character of places will be at risk as authorities give permissions without proper investigation or mitigation measures;
- There will be less support for groups wishing to engage in community archaeology and contribute to knowledge and understanding of the past;
- There will be less support for groups wishing to engage in community planning.

For a relatively modest staff resource, historic environment services ensure that the importance of the local heritage is understood by planners and developers, that appropriate measures are put in place to protect, conserve, and enhance heritage, and that the greatest public benefit is accrued in the process.

Less than 1% of known archaeological remains are statutorily protected and overall it is estimated that fewer than 5% of all heritage assets are designated. This means that the primary protection of these assets comes from the planning process, where specialists within the planning authority have a vital role in both discovering the significance of valued assets, and ensuring that they are protected to a level proportionate to that significance.

Prior to 1990 there were no protections for undesignated archaeology, and it is only since 2010 that locally significant heritage assets, including the positive character of areas, have been considered to form part of national planning policy. Without specialist advice, these protections would be substantially eroded. Even designated assets need to be interpreted by experts in order that their significance can be properly maintained. Ideally, this process should allow for public consultation as well. Planning officers who do not have extensive experience in understanding heritage significance are much less capable of providing this advice.

# What can be done by authorities?

The financial situation faced by local authorities is real and it should be recognised that tough decisions need to be made. Nonetheless it is important to ensure the value of historic environment services has been recognised, that all options have been considered for how to deliver services more sustainably, and that the services are not seen as a soft target.

More broadly than making sure services are retained by whatever means necessary, there is a benefit in thinking long term about what the real value of services is and how best we should preserve those values. For instance, finding more sustainable ways to promote the contribution of public heritage values to the HER and feed into the planning decisions.

***Maintaining 'critical mass'***

Assessing the lowest reasonable level of service is highly problematic as different authorities will have different procedures for giving advice, different commercial charging rates, different levels of development in their areas, and different services that they provide. Nonetheless, it is reasonable to assume that there is an appropriate level of resource which is required for the maintenance of minimum functionality. This can be termed critical mass.

However, it is not simply the case that services can cut staff to the bare bones and continue with business as usual. There is always a trade off in terms of quality of advice and recommendations, unreasonable workload (meaning some less important cases are not given sufficient attention). Ensuring that authorities recognise the impacts of their decision is important.

The number of staff required by authorities is likely to be dependent upon many variables, including what the rate of development is in the area, the type and frequency of the archaeology in the area, and what other responsibilities the officers have (for example outreach or external contracting).

Authorities should be aware that there are several distinct skills sets which are employed by specialists in historic environment roles: Archaeological specialists, Historic Environment Record specialists and buildings conservation specialists.

### *Brigading services within authorities*

Some authorities have benefitted from brigading historic environment services with others within council structures. This is usually most productive when allied with wider built environment teams, encompassing conservation, archaeology, planning, urban design, and environment specialists. However, it may be possible to consider wider cultural services as potential locations. However, the benefits gained from close working with planning teams means that this can be at the cost of effective joined-up working.

### *Sharing services with other authorities*

Some authorities have successfully entered sharing arrangements with other authorities. This is more common with archaeological advice, which is often shared among local district LPAs, situated at County level. Some Unitary and County authorities also share services across boundaries, with services acting over wider areas.

This approach can bring benefits in terms of economies of scale, allowing fewer members of staff to serve a proportionately large area. There is likely to be an appropriate balance to be found between keeping local expertise and generating economies of scale.

There is, however, an associated danger that sharing arrangements will be entered into between partners without ensuring a proportionate increase in resource.

### *Charging for services*

Charging commercial users to access the HER is a common way to generate income. The costs vary markedly between authorities and some authorities do not charge at all.

Some authorities also charge developers for advice given both prior to an application being submitted and during the course of submission and determination. These charges can be a significant way to recoup running costs although charging levels will depend on various factors such as profit margins of local developers, land prices, etc.

The CBA maintains that services to access the HER should be free to members of the public, however, it is not inherently unreasonable to put in place certain income generating procedures to cover some searches either, for instance, by charging a fee to register for the first time, or charging £10 if making more than 5 requests to the HER in a month. In person visits to the HER may also generate charges for the public to cover staff time.

***Directing S106 and CIL funds to archaeology/conservation***

The community infrastructure levy (CIL) is a new levy that local authorities in England and Wales can choose to charge on new developments in their area. It is gradually replacing previous similar measures known by the shorthand 'Section 106' (S106) referring to a similar provision of the Town and Country Planning Act 1990. CIL payments are made to local authorities by developers as contribution to local infrastructure or amenity developments and are proportionate to the size of the development.

Areas in which there is an active neighbourhood plan can receive between 15 and 25% of CIL funds to spend on community-led schemes which can be about many things, including heritage or conservation. Where there is no neighbourhood plan, money can still be assigned to any beneficial local project including cultural or heritage projects.

Authorities which have yet to move to using the CIL will have to consult on categories for spending, and culture and heritage should be included and can be lobbied for. Two of the common categories for cultural spending of CIL are museums and public archives, which could include HERs, if authorities were so minded. The emphasis of CIL should be on public benefits, and these can be argued in the case of HERs.

S106 can be used to mitigate on-site impacts; this includes archaeology. In theory, S106 could be directed to fund the maintenance of the HER, for instance, as a fundamental part of that process.

Many authorities have historically not considered historic environment services for receipt of S106 funds, and the introduction of CIL arrangements in some authorities risks the new arrangements also bypassing heritage.

### *Exploring voluntary capacity*

While volunteer capacity should not be considered a replacement for dedicated professional specialists, volunteer passion for the historic environment can be a highly beneficial way to *add value* to authority-delivered services.

Promoting the working of volunteer agreements with local authorities can increase the perception of community engagement and public value of services, which arguably increases the value of investing in heritage specialist posts in the council. Many benefits could be targeted by groups such as, actively engaging in community archaeological investigations, working with the heritage officers to contribute findings to the HER, setting up community advisory panels to assess the impact of development on local amenity and historic character, or receiving skills training to contribute to survey or recording.

Some of these examples can help to reduce pressure on officers, others will add-value to their work, legitimise council actions by providing a route for community advice, or allow more junior officers (who lack in depth local knowledge) understand the specific histories or conditions of sites and places.

### *Undertaking contract work*

Some Historic Environment, particularly archaeology, services earn income by engaging in project work. This kind of work can help to cover the costs of specialists, or even make a profit.

Similarly, services which expand to take on the work of other authorities historic environment advice will be able to earn income from SLAs.

Heritage Lincolnshire is an outsourced service which operates by earning a large proportion of its income from external contract for work in the historic environment. The service that it offers running the HER is therefore able to be delivered at a lower cost.

### *Creating training programmes*

Authorities who have successful succession plans for training and the development of skills of junior officers are more able to function sustainably and at a greater effectiveness following the retirement of senior members of staff. Options for workplace training schemes and funding for bursaries are all things which councils could explore to improve the viability of staff skills whilst also minimizing costs.

# Advice for letters and responses

- Don’t wait for the cuts – write now to stress the value of these services (consider writing a couple of months before budget annual negotiations are due to begin.
- Funding should be proportionate to the importance of the historic environment, both to people and to the planning process.
- Stress the inclusion of protections for historic environment in the NPPF
- Stress the contribution of the services to sustainable development
- Stress the way the services are used and valued locally
- Draw on examples from your experience of the services (e.g. these services were responsible for the discovery of a particular site which is now a valued local heritage asset; we use this service annually in order to deliver the local community archaeology annual dig and local heritage exhibit)