

WHY LOCAL GOVERNMENT NEEDS ARCHAEOLOGY ADVISORS

1. England's heritage

England's heritage plays a major role in economic regeneration and prosperity, promoting inward investment, business growth and relocation and, in many areas, tourism <http://hc.english-heritage.org.uk/>

Only 5% of England's heritage is designated and protected by law. The rest depends for its care and protection on a network of local authority historic environment specialists including archaeology advisors. In 2010 there were 370 archaeology advisors in local authorities in England. They play a critical role in ensuring that the planning process takes account of the impact of new development on sites of potential archaeological importance.

Where the benefits of development outweigh those of protection, heritage assets are investigated, recorded and published by qualified professionals. In 2008, there were about 20,000 archaeological projects in England, employing over 3,000 people, and with a total value of £100-£150m [http://www.archaeologists.net/sites/default/files/node-files/Profiling the Profession 2007-8.pdf](http://www.archaeologists.net/sites/default/files/node-files/Profiling%20the%20Profession%202007-8.pdf)

2. Policy context

Environmental Impact Assessment

Under the Environmental Impact Assessment (EIA) Regulations, the historic environment must be taken into account in planning major developments, and its assessment included within the scope of Environmental Statements <http://www.legislation.gov.uk/ukxi/1999/293/contents/made>

The government's vision

The value of the historic environment "is recognised by all who have the power to shape it; that Government gives it proper recognition and that it is managed intelligently and in a way that fully realises its contribution to the economic, social and cultural life of the nation" http://webarchive.nationalarchives.gov.uk/+http://www.culture.gov.uk/reference_library/publications/6763.aspx

Planning Policy Statement 5: Planning for the Historic Environment (PPS5)

PPS5 establishes the historic environment, whether designated or not, as a material consideration in the planning process, and provides guidance on how to sustain and enhance its significance and setting. It emphasises the need for pre-application consultation, assessment and expert advice to inform local authority decision making, and for the recording, publication and archiving of heritage assets lost to development <http://www.communities.gov.uk/publications/planningandbuilding/pps5>

The National Planning Policy Framework

The government intends to replace existing planning guidance with a national planning policy framework, to simplify and localise the planning process and help promote sustainable development. However, government has indicated its intention to carry forward the principles of PPS5 into the new planning framework <http://www.communities.gov.uk/news/corporate/1804403>

Localism

The Localism Bill is designed to decentralise power to local communities. It includes proposals to introduce Neighbourhood Planning, reform the Community Infrastructure Levy, and introduce rights for community groups to purchase assets of community value and bid to run non-statutory local authority services. <http://www.communities.gov.uk/localgovernment/decentralisation/localismbill/>

3. Local government archaeology advisors

England's local authorities currently enjoy access to a comprehensive network of archaeology advisors, offering a range of specialist skills in the built, buried, coastal and submerged historic environment. They provide advice that is proportionate, consistent, informed, impartial and timely.

They can advise on

- Implementing national planning guidance to sustain and enhance the significance and setting of local heritage assets
- Strategic and local historic environment policies in Local Development Frameworks and Neighbourhood Development Plans
- The adequacy of Environmental Impact Assessments and Environmental Statements
- Pre-application consultation on development proposals
- Screening planning applications and Neighbourhood Development Orders to assess their impact on the significance and setting of heritage assets and local distinctiveness
- Measures necessary to conserve or record heritage assets affected by planning applications and Neighbourhood Development Orders
- Appeals and Public Inquiries
- Maintenance, transfer or disposal of assets of community value
- Potential devolution of English Heritage powers or resources to local partners and communities
- Identifying heritage-led regeneration opportunities
- Promoting place-shaping in new and existing communities
- Promoting localism through community engagement and volunteering opportunities
- Maximising grant aid through English Heritage, the Heritage Lottery Fund, the Community Infrastructure Levy and Environmental Stewardship

4. Historic Environment Records (HERs)

The bedrock of any historic environment service is the Historic Environment Record (HER), which should be a comprehensive, accessible and authoritative record of the local historic environment. England has a complete network of HERs, containing information on over 1.5 million heritage assets.

The HER is used to formulate advice to local authorities for informed planning and decision making, to communities engaged in neighbourhood planning, and to inform those who develop, manage, interpret or study the local historic environment.

But the HER is not a static record. It needs to be continuously managed and updated to reflect the changing nature of the historic environment as a result of new discoveries, designations, investigations, interpretations and changes in use, management or significance.

5. Critical mass

Experience has shown that it is essential for the archaeology advisor to be co-located with the HER, in order to provide a cost-effective one-stop response to commercial enquiries, to ensure the HER is continuously updated with new casework, and to maintain the critical mass of an effective service.

The scale of the local authority historic environment service must be proportionate to the extent, nature and condition of the local heritage resource, the risk of its development, the capacity of the local authority to sustain it, and the feasibility or otherwise of alternative forms of service delivery.

6. The benefits and risks

The service provided	The benefits of the service	The risks of no service
Implementing national planning guidance on the historic environment	Conformity with national guidance Sustaining and enhancement of local historic environment	Unsustainable development Ombudsman referral, judicial review, possible fines Loss of significance of local historic environment
Historic environment policies in Local Plan, LDF, NDP	Conformity with legal requirements Sustaining and enhancement of local historic environment	Unsustainable development Inspectorate challenge Loss of significance of local historic environment
Environmental Impact Assessments	Conformity with EIA Regulations	Non-conformity with EIA Regulations Judicial review Potential rescinding of consents
Pre-application consultation on development proposals	Early indication of impact on heritage assets Avoidance of wasted applications Managed risk Forward planning and costing of potential heritage gain	Unexpected discoveries of heritage assets such as human remains Wasted applications Unmanaged risk Unplanned costs and delays to application
Screening planning applications and NDOs to assess their impact on local heritage assets and distinctiveness	Early indication of impact on local heritage assets and distinctiveness Managed risk Forward planning and costing of potential heritage gain	Unexpected discoveries of heritage assets such as human remains Unmanaged risk Unplanned costs and delays to development Potential compensation liability
Measures to conserve or record heritage assets affected by planning applications and NDOs	Heritage gain for local community Impartial and informed judgement on proposed mitigation	Heritage loss for local community Uninformed judgement on proposed mitigation Judicial review
Appeals and Public Inquiries	Specialist in-house advice and support	Unexpected consultancy costs
Maintenance, transfer or disposal of assets of community value	Early indication of heritage significance and likely constraints on transfer or disposal Forward planning and costing of maintenance, transfer or disposal	No indication of heritage significance and likely constraints on transfer or disposal Unplanned costs and delays to maintenance, transfer or disposal
Potential devolution of EH powers or resources to local partners and communities	Existing capacity, expertise and information base for informed decision making and community engagement	Loss of capacity, expertise and information base Uninformed decision making Potential legal challenge
Heritage-led regeneration initiatives	Opportunities for economic regeneration, inward investment, business growth and relocation, tourism	Lost opportunities for economic regeneration, inward investment, business growth and relocation, tourism
Promoting place-shaping	Maintenance of local distinctiveness and sense of place	Loss of local distinctiveness and sense of place
Promoting localism and community engagement	Enhanced sense of community pride and ownership	Unenhanced sense of community pride and ownership
Maximising grant aid through English Heritage, HLF, CIL and ES	Increased resources for local community initiatives	No increase in resources for local community initiatives

7. Alternative forms of service delivery

Alternatives to the in-house delivery of historic environment services might include:

Shared services

There are many successful examples of shared services, in areas where either the workload cannot justify, or the available resources sustain, a stand-alone historic environment service. Such an arrangement is usually secured through a service level agreement, or on a consultancy basis, between neighbouring local authorities.

Outsourcing

The Localism Bill aims to diversify the supply of non-statutory public services, by encouraging their provision by external groups and organisations.

However, the bill also places a duty on local authorities to consider whether such provision would promote or improve the social, economic or environmental wellbeing of the authority's area.

Precedents for outsourcing historic environment services have proved problematic due to

- Hidden costs, such as those of data licensing
- Data ownership and copyright issues arising from the legacy of English Heritage and local authority investment
- The legal and policy framework, which is based on an assumption of local authority delivery
- Community accountability, which is often incompatible with that of an external provider
- Potential conflicts of interest, where an external provider also competes for commercial work

Where transfer or outsourcing is being considered, it is therefore essential that its scope and standard are very clearly specified through the procurement process, both to manage the potential legal risks to the transferor authority, and to ensure that there is no future deterioration in service quality, or threat to its long-term sustainability.