



Briefing Note (April 2015)

West Sussex County Council Cessation of Archaeological Advice to District Planning Authorities

West Sussex County Council (WSSC) ended provision of archaeological advice to the District and Borough planning authorities in the county, Mid-Sussex, Crawley, Worthing and Adur, Arun and Horsham, at the end of March 2015. Chichester District Council has an archaeological advisor and no changes have yet occurred to this service. Maintenance of the West Sussex HER continues.

The council summarised the previous service agreements below:

“The County Council have provided specialist advice on statutory and non-statutory matters to the District and Borough Councils for many years in relation to ecological, archaeological, and landscape architecture services. The level and type of advice provided, primarily support for development management processes, has varied depending upon the relevant authority’s in-house expertise and their workloads. Historically, this non-statutory resource was provided free of charge by the County Council. A charge was introduced from April 2011, which recovered some of the cost, and a service level agreement was introduced from April 2012. Although the fee has been increased in recent years so that the time spent by the specialist officers is recovered (including on-costs), it does not cover all the overheads including administration and management costs incurred by the County Council. Specialist support to the South Downs National Park Authority ceased at the end of March 2014.”

To date, all planning authorities in the County have made alternative arrangements for archaeological advice, and have a system in place to provide archaeological oversight in the planning process. Horsham District Council is the exception.

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The national CBA and CBA South East, along with the Horsham District Archaeology Group (HDAG) wrote to the Head of Planning at Horsham Council asking for some clarity over the alternative arrangements in place in Horsham. The Council did not respond to HDAG until April 1st, which leaves a hiatus in the archaeological oversight of planning applications and archaeological works in the District. They have not responded to any letters from the national CBA and the Regional Group.

On 1st April 2015, HDAG finally had the below reply from HDC Planning Officer, Howard Cheadle:

'Yes, the Council is making arrangements to ensure we have professional advice on both ecology and archaeology. There are two processes being followed. There is cover being provided through a consultancy over the next few months while the Council, following new procurement rules that it has to follow, sets up a different type of arrangement whereby we are not reliant on one expert or one consultancy but have a framework agreement with several providers. This enables us to be sure of prompt responses to our consultations during busy periods and has adequate resources to draw on for appeals. The new procurement rules have to be followed to the letter as there are now opportunities for legal challenges to contracts being awarded by the Council by other suppliers of the same type of service. I will circulate the details of this will operate shortly but be assured the Council has no intention of failing in its duties regarding taking fully into account archaeological matters when determining planning applications.'

When asked for more details by HDAG, the following response was supplied on the 6th April by Horsham District Council:

'The Consultants are White Young Green who is a national company. The list of providers is being drawn up with the help of WSCC to ensure we use consultancies with knowledge of the West Sussex Area. The procurement rules are set by Government and the EU and they changes last month. There are two effects basically; first the rules regarding advertising and tendering now apply to a lower figure than previously and secondly, there are provisions whereby contractors who didn't get awarded a contract can challenge the actions of the Council. By having more than one provider, in other words what used to be referred to as preferred suppliers, we are able to call on more than one consultancies services in busy periods. This avoids delays where one provider is too busy to be able to respond within the time scales set by Government for dealing with planning applications.'

LHEN response:

There are a number of issues with Horsham District Council's response. The emphasis on procurement processes is not the issue here and as such this reply is substantially missing the point. LHEN believes that the following points need to be addressed by the Council:

- What other options were considered for delivery of advice and why was this option deemed the most suitable? For instance, buying in to a neighbouring authority's service would be able to provide local support and knowledge on a stable basis

- This does not give clarity over which services are going to be covered by the consultancy for instance if they will cover both archaeological and environmental services – and what the terms of reference and the contract for the service will be
- A vitally important part of archaeological advice processes is screening applications (see below). Under the proposed consultancy arrangements who will be responsible for screening? If non-specialist planning officers are responsible and effectively decide which cases require archaeological advice, this constitutes an erosion of historic environment protections. Are these people qualified to make that decision as the first stage of planning application triage? Who monitors the monitors?
- Transparency: What are the procedures by which the planning officer will notify the consultants? Will the consultants be expected to carry out site visits, conduct monitoring, provide pre-application advice etc?
- Public access: Archaeology is inherently a subject of public interest. Archaeological officers are able to act as public points of contact for those wishing to engage with archaeology and the historic environment. Will there be clear advice on the local authority website for what to do if they wish to report relevant information or seek advice?
- Conflict of interest: Who are the consultants and will they also be potentially tendering to undertake work in other related areas?
- Are the consultants local and what are their qualifications?
- How many hours are expected to be consulted in a year?
- Will the consultant have a working relationship with the West Sussex HER? Who will monitor and oversee this process?

The CBA recognise that the consultants named in the communication from Horsham District Council – White Green Young – are a registered organisation of the Chartered Institute of Archaeologists. Whilst this is a positive sign of their competence we would like to note that the Standard and Guidance for Archaeological Advice by Historic Environment Services (available here: http://www.archaeologists.net/sites/default/files/node-files/ClfAS&GArchadvice_2.pdf) states that;

“6.2 Screening and appraisal of development proposals

6.2.1 Advisors should seek to identify at an early stage in the planning process those development proposals with potential implications for the historic environment. Screening forms an essential part of the Environmental Impact Assessment (EIA) process, and may also be undertaken outside the process, through a variety of means.

6.2.2 Advisors may choose to screen weekly application lists or to identify ‘alert areas’ to trigger consultation by local planners. Alert areas may be a useful tool, but advisors should monitor the use of these areas to ensure that they are not used as a substitute for expert advice, and that they are updated regularly from the HER.

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6.2.3 Screening advice on the potential impact of development proposals on the historic environment should be based on an appraisal of an up-to-date HER and appropriate local and national records by staff with appropriate archaeological expertise”

This advice commits the Organisation to undertaking sufficient screening as part of the contract, and not simply when requested by the local planning authority.

Who to contact:

You can find your local West Sussex county councillor by using the postcode search facility on the council’s website – <https://www.westsussex.gov.uk/location-directories/find-your-councillor/>

Please write to:

- Howard Cheadle Development Manager: Howard.Cheadle@horsham.gov.uk
- Dr Chris Lyons Head of Planning: chris.lyons@horsham.gov.uk

Horsham District Archaeology Group: horshamarch@hotmail.co.uk

CBA South East: trustees@cbasouth-east.org