

# THE ARCHAEOLOGY FORUM

*a grouping of independent bodies concerned with archaeology*

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19 August 2009

Dear Phil and Duncan,

### **Preliminary TAF response to draft PPS and draft Planning Practice Guide**

I am writing with a preliminary response from The Archaeology Forum to the draft PPS 15 *Planning for the historic environment*, and the living draft Planning Practice Guide as it stood on 4 August 2009. Representatives of the Forum were pleased to attend the meeting hosted by CLG and English Heritage on 4 August, and thought it would be useful to offer these initial comments. The observations in this letter are without prejudice to a fuller response towards the end of the consultation period at which point more TAF members will have had the opportunity to attend seminars and a greater degree of discussion and consideration will have occurred. At that stage we will be able to give a more detailed response to the consultation questions.

The Archaeology Forum is a grouping of the key, non-governmental organisations concerned with archaeology in the UK. Its members include the Association of Local Government Archaeological Officers UK, the Council for British Archaeology, the Institute of Conservation, the Institute for Archaeologists, the National Trust, the National Trust for Scotland, Rescue, the Society of Antiquaries of London, the Society of Antiquaries of Scotland, the Federation of Archaeological Managers and Employers, and the Society of Museum Archaeologists UK.

## Draft PPS

Overall Forum Members consider the draft to be a good and logical progression from the existing PPGs. There is a general welcome for policies that recognise the positive contribution the historic environment makes to sustainable development and place making and the public benefits of an informed approach to understanding significance and creating new knowledge and understanding.

In the comments below we have highlighted the principal areas where TAF believes the guidance in the existing PPG required strengthening. We have also outlined, in relation to the consultation questions, the points that have emerged from initial discussion which appear to be problematic, requiring clarification or different emphasis.

TAF has previously argued for four principal improvements to PPG16 to correct deficiencies that have weakened its implementation in practice and have prevented achievement of the full public benefit that should have resulted

- a more comprehensive definition of the historic environment to incorporate artefact scatters and palaeo-environmental deposits
- advice that it is reasonable for LPAs to require work to provide opportunities for public participation
- advice that it is reasonable for LPAs to require appropriate levels of publication and dissemination
- advice that it is reasonable for LPAs to require work to be undertaken by accredited professional historic environment practitioners

We are pleased to see that the draft PPS has taken steps to address some of these shortcomings, which may be overcome if the relevant clauses in the PPS are backed up by clear guidance articulating recognised good practice. Two areas stand out as requiring further attention:

i. the approach to ensuring that there are sufficient museums or other repositories able to accept archaeological archives, as the guidance here fails to address current problems with inadequate provision.

ii. opportunities for participation and access to be included as a public benefit which a local planning authority can reasonably require where the impact of a development potentially involves a loss of significance to an asset. HE9.3 is a worthy new introduction to allow community views of significance to be included but if local people are not able to access and appreciate the significance and interest of their locality, they are much less likely to have an informed view. Access (intellectual and physical) should play strongly into the local sense of place and place-making policy area and deserves a place in the PPS as well as the PG.

(Q2) TAF has also argued for a more integrated approach to the protection of different elements of the historic environment through the planning process, and we are pleased that government is advocating such an approach through a single PPS to replace PPGs 15 and 16. We are particularly pleased to see clear guidance on the archaeological interest of the historic

built environment (including undesignated assets), as the previous lack of clarity had led to widely differing approaches between planning authorities. In a few places in both documents,

the approaches taken to different elements of the historic environment are conflated and do not sufficiently recognise the different issues and procedures that apply to, say, buried, unknown, non-reusable assets as opposed to visible, known and potentially viable structures. For example, we are not confident that HE 9.8 and HE 10.3 as drafted will produce the desired policy results for all assets.

(Q5) We welcome the intellectual advance of an emphasis on informed decision making, the move from preservation of fabric to the conservation or enhancement of interest and understanding of significance. Clarification that recording of destroyed or damaged assets should lead to public understanding rather than merely a record is particularly helpful.

(Q8) We have, of course, long argued that there should be a statutory duty for local authorities to have access to a Historic Environment Record, and we are pleased that the draft PPS takes steps to emphasise the importance of such records and the need for local authorities and applicants to make use of them. We acknowledge that this emphasis goes some way towards compensating for the delayed introduction of the Heritage Protection Bill, and we welcome the recognition that an HER needs to be an information service with expert staff.

(Q8) There are issues of terminology and definition that are potentially hazardous

- the definition of 'archaeological interest' is innovative but may not be clear or elegant enough to be readily understood
- use of 'significance' is out of kilter with the EIA definition and may cause confusion
- we also need some clarity about how 'significance' in the PPS would relate to 'national importance' as the statutory criterion for Scheduling, as this connection presently forms the basis for assessing non-designated assets via the planning process, and for which there is legal precedent.

(Q1, Q7, Q10) There will need to be careful attention to language to ensure that LPAs adopt principles of proportionality, weighing up the significance of the heritage asset and the benefits of development should their needs not coincide. The current economic climate should not leave us with a legacy of poor planning decisions due to a disproportionate emphasis on short-term economic benefits.

(Q8) We believe that the PPS should be clearer about the use of conditions. HE 13.3 needs to be redrafted. By mentioning conditions at the end, and by beginning the final sentence with 'where appropriate', it gives the impression that the provision of the preceding part of the paragraph can be achieved without conditions. Further sentences are required on discharging conditions. A significant element of archaeological investigation, analysis and dissemination takes place after the development has been completed: thus it is necessary to delay discharging conditions until the full requirements of the WSI have been completed or secured by contractual agreement or performance bonds. Provision for such late discharge of conditions would be in line with the recommendations of the Killian Pretty report.

(Q8) The Forum is concerned that the use of phrases such as 'taking the opportunity' to record and disseminate information about significant assets that are to be destroyed or demolished is weak. It suggests a degree of option whereas it is a requirement if the loss of interest is sufficient: there is a difference between a missed opportunity and an unfulfilled obligation – the gaining and disseminating of such information is one of the three Government objectives set out in the draft PPS.

(Q4, Q8) Finally, we welcome the definition of 'heritage asset', in particular, the recognition that it includes undesignated assets. Many of the archaeological remains protected and conserved through the planning process since the introduction of PPG 16 in 1990 have been undesignated, and it is essential that such remains are similarly protected or conserved in future. In this connection, we also support the statement in paragraph 1.10 that the PPS envisages a proportionate response to change and that we should focus on what is significant in heritage terms. The application of this principle will encourage a more consistent approach across the historic environment and will encourage local authorities and developers to assess the significance of heritage assets at an early stage in the planning process, identify any possible conservation implications of development and undertake necessary risk management. It will also ensure that any conservation measures are linked directly to the identified significance of the heritage assets.

The Forum is keen to work with CLG and EH during the consultation period to test the application of aspects of both documents across the range of heritage assets and against a range of planning scenarios, including legal and planning challenges. We hope that this approach will help ensure that the PPS and PG are successfully implemented.

### **Planning practice guidance**

While at a less developed stage of drafting than the draft PPS, the concepts of the Practice Guidance are clear and articulate well with EH's Conservation Principles (though the read across to the draft PPS is not sufficiently secure in some places).

It is essential that the status of the PG as a material consideration in planning needs to be made explicit, both within the document and elsewhere. We understand that the word 'should' has been avoided in this document to avoid confusion of its status with that of the PPG, but we believe that in many cases the PG language is too vague and too weak. We could point out instances where there are better ways of avoiding 'should': eg 'it will be advantageous to', 'best practice is to', 'it is advisable to' etc

The PG does require a lot more work and some intellectual uplift to understand and explain where the common approach to different heritage assets requires different processes.

Paragraph 10 needs to advise that many assets are hidden in structures or buried and require investigation to inform a planning decision. Similarly, paragraph 17 needs to take account of unknown but suspected potentially sensitive assets.

Paragraph 15 should be more 'joined up': it appears to have been drafted primarily with the built environment in mind and should include the value that time depth contributes to the historic character of an area and that understanding and appreciation of this (whether assets are visible or hidden) strengthens local distinctiveness and a sense of place.

Paragraph 28 should more directly address the potential of the historic environment to add value to development.

Paragraph 29 should make reference to the IfA Register of Organisations as a source of quality assured experts with demonstrated competence to comply with IfA's industry standards: ALGAO members will be able to comment on any local supplementary standards, should they apply.

Paragraph 43 would benefit from redrafting to work for the full range of assets.

Paragraph 59-64, while it contains very valuable advice, needs rewriting: simple cross-reference to accepted industry standards produced by IfA with some explanation and gloss will make this a shorter, simpler and more credible section. Forum members would be pleased to work with you on a redraft for this section.

Paragraph 63's reference to offering archives to museums is inadequate and problematic: the issue is that some areas do not have museums capable of receiving archives. There must be funding to enable museums to receive and curate the archive, and deposition with them should be a requirement of the condition.

Paragraph 64: This is a key public benefit which it was not possible to achieve through PPG16 and has an important role in securing public interest and support for the enhancement and protection of the historic environment and its contribution to a locally distinctive sense of place. We would like to see this strengthened in redrafting and clearly reflected in the PPS as well.

TAF members welcome the offer from EH to meet to discuss and test the robustness of some the clauses in the PPS, and are similarly very willing to assist in redrafting sections of the PG.

Yours sincerely,



Peter Hinton

Convenor, The Archaeology Forum

**The Archaeology Forum's members are:**

*The Association of Local Government Archaeological Officers UK  
The Council for British Archaeology  
The Institute of Conservation  
The Institute for Archaeologists  
The National Trust  
The National Trust for Scotland*

*Rescue: the British Archaeological Trust  
The Society of Antiquaries of London  
The Society of Antiquaries of Scotland  
The Federation of Archaeological Managers and Employers  
The Society of Museum Archaeologists UK*