

THE ARCHAEOLOGY FORUM

a grouping of independent bodies concerned with archaeology

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31 May 2007

Dear Ms Brosnan and Mr Coward,

HERITAGE PROTECTION FOR THE 21ST CENTURY

The Archaeology Forum (TAF) 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 of Field Archaeologists, the Institute of Historic Building Conservation, the National Trust, the National Trust for Scotland, Rescue, the Society of Antiquaries of London, the Society of Antiquaries of Scotland, the Standing Conference of Archaeological Unit Managers, and the Society of Museum Archaeologists UK.

TAF welcomes the programme of radical reforms set out in the Heritage Protection White Paper and the government's commitment to placing the historic environment at the heart of an effective planning system.

There is a strong consensus of support from archaeological bodies for the White Paper's proposals. It is nearly 30 years since the last legislation to protect archaeology was introduced. The present systems for protecting the heritage have developed in a piecemeal fashion and are complex, inefficient to operate, lacking the transparency and accountability that a credible, modern system should provide. The White Paper is therefore welcomed as a once-in-a-generation opportunity to modernise the heritage protection system, to make it more open and more inclusive. We are pleased to see its radical and reforming approach and are expecting

government to honour its commitment to streamlining without weakening the mechanisms that protect some of the most important parts of our heritage.

In particular **TAF welcomes the proposals** to

- unify the listing of buildings, scheduling of monuments, registration of parks, gardens and battlefields into a single designation regime, including World Heritage Sites
- expand designation to include the sites of early human activity without structures
- integrate Listed Building and Scheduled Monument consents into a single, streamlined heritage consent system, determined at local level
- introduce a more transparent system for designation including public involvement in shaping future designation programmes
- encourage local designation with greater protection of local historic assets and community participation in decisions about the future of the historic environment
- enhance local historic environment services by introducing a statutory requirement for local authorities to have access to Historic Environment Records, available to all through an accessible gateway
- introduce interim protection to sites and structures while they are being considered for designation
- enhance protection of archaeological sites under cultivation, and revocation of Class I Consent though we await further details of what is proposed

TAF also welcomes the proposal for a new legislative framework for protecting the marine historic environment being taken forward in conjunction with the measures proposed in the Marine Bill White Paper. We believe these should establish a common approach to extending protection for the marine heritage across the UK but that statutory powers should be framed flexibly so that devolved governments may, as appropriate, introduce their own measures .for protection of the marine heritage, as is the case for heritage on land in England, Wales, Scotland and Northern Ireland. TAF would welcome review of the role of the Advisory Committee on Historic Wrecks in view of the proposed expansion of its remit to the wider historic environment and beyond territorial waters. We note with concern that reform of the salvage and reporting law has not been addressed in this White Paper, believes strongly there is a case to be made for change in this area and looks forward to contributing to progress with this issue.

In response to the three specific questions in the White Paper

Q1: Should Conservation Area Consent be removed as a specific consent and merged with planning permission?

TAF believes that this is a logical consequence of a more streamlined approach to heritage protection. However, to ensure that present levels of protection are strengthened and not weakened

- statutory guidance will have to make very clear that conservation areas have not lost status, and set out the responsibilities of planning authorities to have appropriate professional advice on decisions affecting conservation areas, particularly for proposals for demolition or partial demolition.
- GPDO must be amended to reverse the precedent set by the Shimizu decision

Q2: As a means of promoting early consideration of heritage issues in large scale developments, should there be new statutory guidance promoting pre-application assessment and discussion for all major planning applications which may affect historic assets?

TAF welcomes this proposal which has worked well for archaeology using pre-application assessment to determine the potential impact of proposals and to inform the design

process. However, we share concerns with others that pre-application discussions for large-scale developments may result overall in a 'closed' process that potentially excludes some stakeholders. We hope that formal guidance on the process will address this issue.

Q3: As a means of providing greater certainty to developers, should the current operation of Certificates of Immunity be expanded to enable an application to be made at any time, and for a site as well as an individual building?

TAF has grave reservations about this proposal and commends the response of Heritage Link. Elsewhere the White Paper proposes more robust and transparent procedures with opportunities for public participation: great care must be taken not to create a loophole that allows COIs to be issued through a system less rigorous and accountable than what is proposed for designation and consent. On purely pragmatic grounds there are significant limitations in using this approach for below ground archaeology. A rigorous approach to evaluation would be required to provide a reasonable level of certainty about the sensitivity of a site; and in a developed urban context might not be realistically achievable.

Looking ahead, there is important work to do to prepare for effective implementation of the White Paper proposals. Delivery of the ambitious programme of reforms will depend for its success on a strong partnership between the Government, English Heritage, Cadw and the heritage sector. We note that local government in particular will have an important, central role in the new unified system of consents, with new responsibilities.

Resources to reflect this enhanced role are essential for effective delivery of the reforms at local level and for implementation through English Heritage and Cadw. The new duty on local authorities to maintain or have access to an HER will require substantial support to develop more comprehensive and accessible information resources. These will be essential to underpin the new system, particularly during the transition to modern register entries for designated assets, and must be integrated with planning and other local services. More generally, TAF believes that the overall resource implications for implementing the new system in local authorities are substantially greater than has been forecast in the Regulatory Impact Assessment. Without proportionately increased resources these reforms will not achieve the objectives set out in the White Paper.

TAF welcomes the vision for placing the heritage at the heart of the local planning system and other opportunities for more active public and amenity group involvement in decisions. Participation in the formulation of Heritage Partnership Agreements and in pre-application assessment and discussion for major development will also be important. We are concerned that the community and voluntary sector and other local stakeholders should not be excluded from the key stages of these processes. While the pre-application assessment process has worked well in the case of archaeology, in the context of large scale developments which have a significant impact on the local environment and community there should every opportunity for stakeholders and amenity interests to contribute their views to the early stages of design.

The proposal for local designation of historic assets will provide communities with a welcome new opportunity for protecting important local landmarks and features. However, TAF believes that the most effective way for local authorities to control demolition of locally designated places will be simply to class demolition as 'development' for which planning permission will be needed, rather than to introduce an inefficient process of limiting permitted development rights.

Finally, one of TAF's particular concerns relates to statutory guidance. Generally English and Welsh planning guidance has served its purpose well – that relating to archaeology

has been particularly effectively implemented – but there are significant improvements that could be made at an early stage of implementation in advance of the proposed legislation

- clear government guidance on the functions that a local authority historic environment service should provide, based on proposals by the Institute of Field Archaeologists, Institute of Historic Building Conservation and the Association of Local Government Archaeological Officers
- a programme of training and capacity building, involving English Heritage, Cadw, local authorities and the professional associations, to equip historic environment professionals with the skills and resources they need to deliver reformed services to the standard the public deserves
- improvements to existing planning policy guidance for archaeology to
 - define archaeological resources more comprehensively,
 - confirm that it is reasonable for the planning process to require opportunities for public participation,
 - confirm that it is reasonable, where appropriate, to require commercial work to be conducted by accredited historic environment professionals
 - ensure proper provision for archiving and publishing completed excavations.

We are not persuaded that these changes need to await drafting of Planning Policy Statement 15 in England. We are even more concerned that planning reforms may diminish the influence of this kind of advice – new ‘statutory guidance’ must carry at least the weight of present planning guidance to ensure that all this good work on reform is not wasted, that the historic environment really is ‘at the heart the planning process’.

There is solid support and enthusiastic endorsement for the White Paper proposals from Forum members. We urge Government to move forward with modernisation of the heritage protection system – to simplify it, to harness public support for the heritage by making the system more publicly accessible and accountable, and to embed it in planning for sustainable communities. However, our members emphasise that this vision, and the will to realise it, are not enough on their own. The implementation of this programme of reform needs realistic resourcing at local and national level. It must be supported by new statutory guidance for the sustainable management of the historic environment and a programme of capacity building to enable effective planning and conservation.

Yours sincerely,



Peter Hinton Convenor

The Archaeology Forum’s members are

*The Association of Local Government Archaeological Officers
UK
The Association of Regional and Islands Archaeologists
The Council for British Archaeology
The Institute of Conservation
The Institute of Field Archaeologists
The Institute of Historic Building Conservation
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 Standing Conference of Archaeological Unit Managers
The Society of Museum Archaeologist UK*