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Dear Kate,

Consultation on Historic Environment Forum (HEF) Heritage Protection Reform Proposals¹

Thank you for the opportunity to comment on these proposals.

The Chartered Institute for Archaeologists

The Chartered Institute for Archaeologists (CIfA) is the leading professional body representing archaeologists working in the UK and overseas. We promote high professional standards and strong ethics in archaeological practice, to maximise the benefits that archaeologists bring to society, and provide a self-regulatory quality assurance framework for the sector and those it serves.

CIfA has over 3,300 members and more than 80 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

CIfA is a member of both the Heritage Alliance and the Historic Environment Forum and has, through its Chief Executive, Chair and other officers and staff, contributed to the work of the Historic Environment Protection Reform Group (HEPRG). This response is intended to build upon that contribution and maintain the Institute's full support for this initiative.

General Comments

CIfA welcomes this consultation and endorses HEF's identification of

- the critical challenge for the historic environment posed by the 'continuing reduction in heritage resource in local authorities' and
- the need 'for the heritage sector to play a proactive role in identifying and developing appropriate solutions from within the sector, rather than reactively awaiting further cuts and reforms.'

The Institute also accepts the three fundamental principles (set out in paragraph 1.3 of the consultation document) to which any reform must adhere.

Specific Questions

Question 1: Do you have specific suggestions of measures of heritage and planning outcome quality which fit the criteria set in paragraphs 2.4-2.5 above?

1.1 The starting-point on the supply side should be the recognition by all (and adoption where appropriate) of coherent and measurable professional standards governing the supply of heritage services (such as ClfA's *Standard and guidance for archaeological advice by historic environment services* (2014)²).

1.2 Such standards can be used to identify the minimum requirements for a fit-for-purpose historic environment service and to measure outcomes by reference to compliance therewith. In relation to archaeology, such an approach would be effective, safe and realistic, given the fact that such a standard already exists (see above).

Question 2: How can HEPRG or other heritage sector initiatives work with other stakeholders to identify and implement improvements to LA planning processes, systems, and structures (see S3, S4)?

2.1 At a national level, bodies such as ClfA, ALGAO: England and CBA, with the help of Historic England and DCMS, need to continue to engage with DCLG to convince the department that the services provided by local authority archaeological and other heritage services in advising planning authorities on the implications of development for the historic environment are not only necessary but also beneficial.

2.2 Evidence of the public benefit achieved through the promotion and protection of the historic environment, as well as the harm which occurs when such considerations are not adequately addressed, should be collected and made available to DCMS and others. By this means the requirements imposed on developers in relation to the historic environment, regarded by some as unnecessary and burdensome red tape, can be seen as justifiable and proportionate responses.

2.3 At a local level, the above bodies have an important role to play in supporting local authority archaeological and other heritage services and facilitating the continuing provision of appropriate services. This includes convincing a wide range of stakeholders (including local authorities, elected councillors, planners, developers and the public) of the need not only to protect and promote the historic environment, but also to utilise heritage expertise to that end.

2.4 Greater reliance on accreditation mechanisms could improve planning processes on the supply side, but is dealt with in detail in relation to the demand side of the equation.

Are you able to help in this process?

2.5 Yes. ClfA, along with other bodies in the sector, will continue to engage at a national and local level in an effort to ensure that fit-for-purpose historic environment services continue to operate across the country.

2.5 In addition, ClfA (along with other bodies in the sector) is considering how best to collect and maintain an ongoing database of evidence to support the above arguments.

Question 3a: Do you see the use of accredited professionals as paramount (see the issues in paragraph (vii) above), and if so how could that 'step-change' on both the demand and supply sides be achieved?

3.1 Yes.

3.2 In the first instance there needs to be acceptance on the part of Government that, as regards the historic environment, accreditation is an appropriate mechanism to ensure that work in the planning regime is carried out by experts with appropriate competence and to professional standards.

3.3 Once Government has accepted this it can work with appropriate professional bodies to

- ensure that existing schemes (such as ClfA's membership³ and registered organisation⁴ schemes) are appropriate to meet any specific objectives
- extend existing schemes or introduce new ones as necessary
- ensure that all practitioners with appropriate technical and ethical competence are eligible and able (if they wish) to become accredited
- explain and promote such schemes to applicants.

Question 3b: Should the sector promote only those with formal historic environment accreditation, or should it also (either permanently, or as an interim measure) promote those without formal accreditation?

3.4 If an accreditation scheme is open to all who have appropriate technical and ethical competence and there are no unnecessary barriers to accreditation, the sector should only promote those with formal historic environment accreditation, although there may need to be an interim period in order to allow unaccredited practitioners to obtain accreditation.

Question 3c: Can you think of further ways of incentivising and helping owners/ applicants to use heritage expertise?

3.5 Clearly explaining the benefits of using accredited expertise would encourage owners / applicants to use such experts. Furthermore, any practical advantage in the treatment of the application (such as fast-tracking or differential fees) would be attractive to applicants.

Question 4a: Do you support the proposals for further LBC advice in Chapter 6?

4.1 Yes.

Question 4b: What should be the format of this advice, and who should draft it, publish it, and endorse it?

4.2 We agree that the advice should be as self-sufficient as possible and should make clear that listed buildings often have archaeological (as well as architectural and historic) interest.

4.3 The advice should be drafted by the sector, published by Historic England and endorsed by DCMS and DCLG (in addition to other stakeholders).

Question 5a: Do you think that publishing more advice on the heritage content of D&ASs (ie proposal (a)) would be enough to achieve the 'step-change' in heritage information and analysis HEF is seeking? Or is an explicit requirement for a heritage statement/analysis (ie proposal (b)) more likely to achieve that?

5.1 An explicit requirement for an analysis of heritage significance is more likely to achieve the 'step-change' in heritage information and analysis HEF is seeking.

5.2 Furthermore, this would provide the opportunity clearly to integrate the results of desk-based assessment and field evaluation in an archaeological context into such an analysis – something that is currently missing with design and access statements. There are professional standards for both desk-based assessment and field evaluation⁵ and standards for any wider heritage analysis should be formulated consistently with these.

Question 5b: If so, should the term used be heritage statement, heritage analysis, heritage impact analysis, heritage and design analysis, etc?

5.3 Whatever term is used, it should not be used in such as to undermine the established standards for archaeological assessment and evaluation.

Question 5c: Do you think the replacement of a D&AS by a heritage analysis should also be applied to those conservation area and World Heritage Site applications which now require a D&AS, on the same 'one-in, one-out' basis?

5.4 Yes.

Question 6a: Do you have any comments on this summary of the issues to be considered in drafting LBCOs (please focus comments on the principles and approach, rather than technicalities of repointing)?

6.1 This is a sensible, practical solution to the challenges outlined.

6.2 However, care needs to be taken not to equate the proposed mechanism with a certificate of lawful work (see footnote 14 on page 17 of the consultation document). The former grants consent; the latter certifies that consent is not required. There may be technical issues if the LBCO mechanism (including enforcement and prosecution) is applied to cases where consent was not necessary in the first place.

6.3 There may be scope through the LBCO procedure to require work to be carried out by accredited practitioners. This is one area where we might learn from the natural environment sector, where, for instance, Natural England issue class licences to registered

practitioners to carry out specified low-impact activities affecting species such as bats: <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>.

Question 6b: Do you have suggestions on accompanying advice?

6.4 Such advice should be clear, simple and, so far as possible, stand-alone. It should also, amongst other things, stress the need for appropriate, accredited expertise.

Question 7a: To what extent (if at all) could the total time from logging/validating the D9 application to determination (usually eight weeks) be reduced?

7.1 It is hoped that this could be reduced significantly.

Question 7b: HEPRG has not proposed any reduction in the timescale for consultation (usually 21 days from notification). Do you think there is scope to reduce this as well?

7.2 No, given the importance of public engagement, unless the type of work is strictly defined to limit the scope of any scheme to low-impact works. Experts regularly give their professional opinion in reports and at inquiries that significant and sometimes controversial works are acceptable in conservation terms, so the reasoning in the last sentence of paragraph 9.7 is questionable. This should not be taken to mean that ClfA does not support the development of such accreditation schemes (which it does). It simply means that the scope of such schemes needs to be clearly defined.

Is the normal stage of formal validation by the LA still necessary?

7.3 Potentially, no, if the scheme is adequately designed.

Question 8: Do you think it would be enough for the independent expert in D9 to be a current member of one of a specific list of conservation accreditation schemes/ bodies? Or do you think that the D9 'top-up' suggested in paragraphs 9.25 to 9.26 above is needed in addition?

8.1 A 'top-up' may be necessary, but this could be provided through the appropriate professional bodies whose involvement is crucial to the success of any scheme.

Question 9: Which schemes/bodies/grades of membership should be on this list? Should the list be limited to wider conservation accreditations (like for example the Register of Architects Accredited in Building Conservation (AABC), the RIBA Conservation Register, RICS Building Conservation Accreditation Scheme, or IHBC full membership)? Should it also cover narrower accreditations which are subsets of a historic environment discipline (like the Conservation Accreditation Register of Engineers (CARE))? Should it include wider/different historic environment accreditations (like ClfA)?

9.1 The list should cover narrower and different accreditations (including ClfA) in order to allow for situations where those specific skills are required. What is necessary in such a broad church is a mechanism to ensure that the appropriate skills are brought to bear on any particular task.

Question 10: Can you suggest further ways of promoting take-up by owners, and by experts?

10.1 Demonstration of the benefits of such a scheme (including, for instance, use of case studies) is most likely to increase take up.

Question 11: Do you have any other suggestions for solutions or reforms which (importantly) would comply with HEPRG's three fundamental principles set out in Chapter 1, paragraph 1.3?

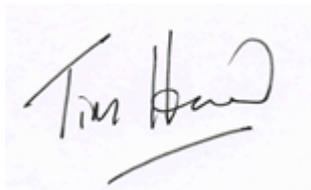
11.1 ClfA sees real potential in the proposals relating to accreditation schemes. We are mindful of the challenges and the need for rigour, but see this as one area where professional bodies can play a key role. Indeed, the Institute would like to see proposals extended to include archaeological work unrelated to listed building applications and would be happy to work through HEPRG and with other stakeholders to formulate suitable proposals.

Question 12: Do you have any general comments on these HEF proposals as a whole, and/or specific points which you have not already covered? (If your comments relate to specific parts of the proposals, please identify them with chapter or paragraph numbers)

12.1 No comment.

ClfA remains committed to the work of HEPRG in identifying and developing appropriate solutions to continuing challenges in the sector.

Yours sincerely,

A handwritten signature in black ink on a light blue background. The signature appears to read 'Tim Howard' with a horizontal line underneath.

Tim Howard LLB, Dip Prof Arch
Senior Policy Advisor

¹ <http://www.theheritagealliance.org.uk/historic-environment-forum/>

² http://www.archaeologists.net/sites/default/files/ClfAS&GArchadvice_2.pdf

³ <http://www.archaeologists.net/regulation/accreditation>

⁴ <http://www.archaeologists.net/regulation/organisations>

⁵ http://www.archaeologists.net/sites/default/files/ClfAS&GDBA_2.pdf and
http://www.archaeologists.net/sites/default/files/ClfAS&GFieldevaluation_1.pdf