

21st Century Challenges for Archaeology: Designation and management of the archaeological resource in the context of a changing planning system.

Project members participating

Jan Wills (ClfA)

Joe Flatman (Historic England)

Robin Page (HE LinkedIn Group owner)

Discussion participants

Anna Stocks (Planning Archaeologist Warwickshire CC)

Bob Sydes (University of York)

Edward James (HE, Historic Places advisor)

Ian Bright (Assistant Inspector of Monuments HE)

James Dinn (Archaeological Officer Worcester City)

Judith Plouviez (Rescue -formerly LA Archaeology)

Martin Locock (University of Wales)

Nicholas Boldrini (Archaeologist/ HER officer)

Stewart Bryant (Archaeologist, policy advisor for ClfA)

Tim Howard (Policy and recruitment Manager at ClfA)

Tony Howe County (Archaeologist Surrey Council)

Introduction and setting out the questions

Welcome to the third discussion in the '21st Century Challenges for Archaeology Series'. Here are the questions we will be debating over the next two days:

1. Is the current system of protection and management of archaeological sites through designation and through the planning system appropriate for the 21st century? How might it need to change in response to the challenges of (for example) deregulation in the planning system, Brexit, loss of public sector capacity?

2. Is the balance between designated and undesignated assets still appropriate, given the changes to the planning system?
3. Do we need new/amended legislation?
4. How do we respond to NPPF paragraph 139 and identify /manage sites of equivalent significance to scheduled monuments?
5. How do we best provide meaningful yet proportionate protection and management for other non-designated heritage assets in accordance with paragraph 135 of the NPPF?
6. How might we need to change our professional practices (eg in strategic planning and development management) in the light of the changes to the planning system?
7. Should we work towards more holistic designation/management eg through merging natural environment, historic environment, landscape designations?
8. A plan for the future: what are our short and long term priorities for change?
 - Are there specific legislative and/or policy changes that we need to lobby for?
 - Are there changes we as a sector can make to the way we do things?
 - Can we learn from recent experience in Wales and Scotland?

For further background see:

<https://historicengland.org.uk/whats-new/research/21st-century-challenges-archaeology/>

<http://www.archaeologists.net/designation-and-management-archaeological-resource-context-changing-planning-system-online>

Main online discussion

[Joe Flatman](#) A hello from me here at Historic England as joint lead with CIFA's Jan Wills, and welcome to the next two days of discussions. This is an important topic that ranges widely across really significant issues to do with heritage management in many different settings. It also has particular relevance given the potential impact of Brexit on archaeological site management; so too possible future planning reforms.

I will be dropping in and out of the discussion all day today and tomorrow, and really look forward to hearing people's thoughts. All ideas, comments and suggestions will be fed into ongoing joint-working between HE and CIFA, so they really matter.

Thanks,

Joe

[Jan Wills](#) And from me too. So much of the context in which we work is changing - time to think about the way we currently protect and manage archaeology, and how we can respond to the challenges of planning 'reform' and Brexit, amongst many others.

Jan

[Nicholas Boldrini](#) Responding off the cuff to some of the questions

1) Seems ok to me – but are there any alternative models actually used which could

be considered? The issue from a Planning point of view is always that it varies a lot dependant on various factors - local capacity to deal with applications (in terms of planners or Archaeological Curators) means what might be routine in one area is exceptional/non-existent in others; relationships between the Archaeologists and Planners – at DCC most of our planners we get on with fine and are happy to follow our advice but we have a few who occasionally plough their own furrow, which can create issues. The key issue, though, is the lack of any sort of sanction against planning Authorities which apparently remove their archaeological provision, which is a major flaw in the system as currently set up.

[Nicholas Boldrini](#) 2) De facto, this usually means that Non designated gets removed and recorded, and designated gets kept. There are exceptions, but as a rule of thumb, that is my experience of how this works in practice. As long as we are happy that designated sites are the ones we want kept, then is that ok??

[Nicholas Boldrini](#) 3) Yes – if archaeology is a material condition, and LPA's can currently remove their cover, without sanction, there needs to be legislation to prevent that.

[Nicholas Boldrini](#) 7. NO! Overlapping designations are a pain to deal with, but they identify the relevant issues for each type of asset. Merging them would produce some sort of confused fudge I think.

[Edward James](#) I agree with Nicholas's last point (7), certainly. An holistic designation type that covered all and sundry might sound appropriate from an academic point of view, considering how all of the elements mentioned are of course intrinsically linked, but I think from a practical, planning point of view, it could potentially lead to the importance of any one element covered being disregarded or not sufficiently well accounted for, in either designation or decision taking.

[Jan Wills](#) To pick up questions one and two: catalysts for change might be the loss of an ability to assess significance early, and pre-determination, in Development Management, depending on how Permission in Principle is actually implemented. We might there have to look to more upfront designation and/or identification of important heritage assets (e.g. cf NPPF para 139), instead of the very flexible system that we currently have??

[Tony Howe](#) We've just addressed the identification part of (4) in Surrey through a programme to update and locally define a county-wide series of "County Sites of Archaeological Importance": i.e. sites of comparable value to Scheduled Monuments but not yet designated as such, as well as some already-Scheduled sites themselves, but now including wider or revised site areas on the basis of new information, or areas that were excluded from the original designation for some reason.

[Jan Wills](#) Tony - can you say more about how you compiled this, and how you will link it into policy? Presumably it aligns with the NPPF policy I mentioned above, but maybe you have a local plan policy too??

[Tony Howe](#) We had a pre-defined Table of Significance covering all archaeological periods to assess the relative value of sites, which helped inform decisions about whether a site should be granted this status. This was a slightly mechanistic approach, but having a series of parameters set out beforehand that described what were considered to be Nationally or Regionally Important features, allowed us to make reasoned and consistent judgements about significance. If/when a site satisfied such thresholds, we'd already got the groundwork in place to support the designation. Then it's a case of working out if a sensible or evidential boundary to an area could be applied.

We have NPPF paragraph 139 to back this up, but also 129 is relevant as through this method the LPA's will already have "assessed the particular significance" of these sites so can manage them through local plan policies, which mention the CSAI designation. We also provided a new definition of this term as part of the project.

[Jan Wills](#) Sounds good - have you had any challenge/testing of the approach e.g. at inquiry?

[Martin Locock](#) 7: I agree; unless we want to have a constraints map which basically says don't build here, we need separate designation to reflect the protection and management regimes appropriate to the interest. It's already strange that a Conservation Area can have a setting. Making planning judgements about constraints requires relevant expertise.

[Tony Howe](#) We ran the method statement/Significance Table through the archaeological community to see if there were any comments on the approach locally, and all the LPA's were kept up to date throughout the process (it took three years) and were continually supportive and happy that it was compliant with their obligations under the NPPF. The designation name and its place/use in local plan policy was already in place BTW - and had been since the early '90's - we just updated the information and the mapping. The new areas haven't gone live yet but we're confident the approach is robust enough to withstand scrutiny. I will have a copy of the method statement with me on Friday if you want to have a look.

[Jan Wills](#) Yes - that would be extremely interesting, and something that I'm sure Joe will be keen to see, in taking forward the National Importance project.

[Joe Flatman](#) Thanks to Tony and Jan for the discussion here on 'County Sites of Archaeological Importance'; Jan's absolutely right to flag HE's interest in such approaches in the context of the National Importance programme. As people may be aware, the Greater London Archaeology Advisory Service within HE's London Region has undertaken a similar review. It's extremely helpful to hear of such approaches, including methodologies and also - if any - challenges to these

[Martin Locock](#) I am not clear whether these non-designated national importance lists are intended to supplement the designated lists (permanently or as an interim measure) or permit HE to move away from designating new sites at all.

[Jan Wills](#) NPPF policy 139 indicates that undesignated heritage assets of equivalent significance to designated sites should be treated in policy terms the same as those sites which are designated. I don't think that there has been a lot of follow up to this policy, either through the creation of lists, or on a case by case basis in response to proposed development (correct me if I'm wrong). It could help where heritage assets can't be designated under the terms of the legislation, in cases of newly identified sites, or where there would be a good case for designation but that simply hasn't happened for whatever reason.

[Anna Stocks](#) We (Warwickshire) have recommended refusal, and then defended at Public Enquiry, a development proposal which was of equivalent significance to a designated site, however, we have not had many such cases. Whilst we would very much like to...

[Anna Stocks](#) Also, I can I can also see the benefit of having such a county wide list for wider uses than just for supporting out planning function - for example it could allow better targeting of resources across the county etc.

[Anna Stocks](#) It would also be particularly useful for highlight not-designatable sites - the nationally important ridge and furrow across parts of the midlands in particular come to mind.

[Jan Wills](#) If PiP is applied in future to Brownfield Registers and Local Plan allocations we need this kind of strategic work more and more but it puts the onus on LPAs to fund and they don't have the money??

[Joe Flatman](#) A reply here on Martin's Q about 'whether non-designated national importance lists are intended to supplement the designated lists (permanently or as an interim measure) or permit HE to move away from designating new sites at all'. This is a great challenge that offers rich territory for discussion. The HE view is that a 'mixed economy' of management approaches is needed: sometimes [a] we pursue the designation of new sites as part of medium/long-term strategic programmes (an interesting related discussion is what those programme priorities should be); [b] we'll also always consider 'spot' designation nominations (primarily but not exclusively on grounds of threat); [c] we're always working on amendments and upgrades to existing designations and; [d] we also want to work with the sector on providing greater clarity on defining, on a national scale, non-designated national importance, where the aim is to strengthen the 'currency' of such identification by aiding greater consistency

[Joe Flatman](#) A reply here on Anna's Q about the HE National Importance project. The original project documentation is at <https://historicengland.org.uk/listing/what-is-designation/scheduled-monuments/national-importance-programme/>. We're now working up a phase 2, partly informed by the original work, also by these debates, and by internal HE discussions too. There is clearly appetite for an improved qualitative as well as quantitative understanding of how 'NI' is approached in different locations, and how from that greater national consistency might be achieved that would subsequently give LPAs greater authority in planning decisions where 'NI'

arises. One part of that is would be exploring how HE might help LPAs with the types of systematic identification of possible sites that Anna mentions.

[Jan Wills](#) some opportunities for LA/HE partnerships here?

[James Dinn](#) In Worcester we certainly make a point of identifying non-designated sites of national importance in the planning process, where we consider we have a good case - in my view it's one of the key tasks of assessment or evaluation to identify such sites so they can be taken down the 'equivalent to designated assets' route. Efforts to engage consultants in a discussion as to whether such identifications hold water have so far not really gone anywhere, neither have they been seriously challenged, yet. We have also been looking at the GLAAS programme of Archaeological Priority Zones as a way of identifying areas proactively - in an area of 30 sq km this is a viable proposition which may not be feasible on a larger canvas.

[Anna Stocks](#) [waves arm] We'd be interested in some LA/HE partnership working on this...

[Jan Wills](#)

James - how do you feel about identifying 'the equivalents' up front as part of the local plan or register compilation process if there isn't any route to evaluation at that stage?

I have to sign out of the discussion now, and will be back tomorrow. Thanks, everyone, for thoughts and good information on developing practice.

[James Dinn](#) I think I'll have to paraphrase my old friend Donald Rumsfeld there - yes that can certainly be done, resources permitting (!) (LA/HE partnership), and that can deal with the ones we know about. But we also need to consider the 'known unknowns', ie those areas / sites / assets with anticipated potential, and finally the 'unknown unknowns' those that come up during routine investigations. So it has to be understood that this isn't a single exercise.

[Robin Page](#) Thanks to everyone for your input so far, look forward to more comments and insights tomorrow for the second day of this discussion

[Bob Sydes](#) 1/8. Two days discussion at such short notice is not great and each of the 8 discussion points would probably benefit from their own discussion threads! So, too little time to do justice to a very important and far reaching topic. For me, there is only one overarching message here, or a plea really - don't get hung up on process, think creatively and and become less risk averse. I teach a skills modules to postgraduates at the University of York Archaeology Department and each year I am stimulated by the enthusiasm, imagination and creativity of students from a variety of backgrounds. Where does this all go? I think we need to expand our audiences for this sort of discussion.

[Bob Sydes](#) 2/8. Question one: You would have to say no to the appropriateness of the current system and yes there is a need to develop an approach that is far more suitable to the 21st century. Many of the processes and methodologies through which we...

[Bob Sydes](#) 3/8. Question two: I would say not. The establishment of Local Lists promoted by HE and through NPPF is clearly a step in the right direction but in order to get under the skin of true public benefit and value of archaeology and historic e...

[Bob Sydes](#) 4/8. Question three: Simple answer to this. Don't even go there for the next few years! For obvious reasons.

[Bob Sydes](#) 5/8. Question four: Not sure of the relevance of this question as I would have thought one's response would be the same as for scheduled monuments, not that I don't think reform is needed.

[Bob Sydes](#) 6/8. Question five: We really need to sort out what we mean by public benefit and engage with the principles of Social Value" (session at last IFA conference)far more than we do. Again, need to involve the communities. Too often archaeological investigations (the usual management option) are carried out behind closed doors with minimal interaction with communities (H&S, time constraints etc. Some honourable exceptions). Results (public benefits?) are rarely communicated as a lasting 'story' to enrich communities and enhance character and understanding. 20th century grey literature is still alive and well and research value rarely comes into play. We need to get out of our collective ivory towers.

[Bob Sydes](#) 7/8. Question six: How long have you got? We all (archaeologists and conservation officers) need to relax more, be more pragmatic, more insightful, more creative, less processual, less dogmatic, less mistrustful, less pompous....and yes, thinking that through one could see how almost every element of our professional practice could be challenged and modified to suit a changing world in which no aspect of the historic environment is so sacred that it will endure forever. Above all we need to choose our battles, not spread ourselves too thinly.

[Bob Sydes](#) 8/8. Question seven: This is an interesting issue that has often raised itself over past decades. As someone with a keen interest in characterisation, sense of place, spirit of place and place making, I am acutely aware of the importance of considering all aspects of what gives a place character from the tangible to the intangible. In that sense, most of us probably do work in holistic ways informally all the time. There is certainly a case for at least considering morphing HERs into what used to be referred to as Local Environmental Information Systems. There is much to be gained from this. Merging designations is best achieved at regional level and I know some HERs at least include designated assets such as ancient woodland and NNRs on their GIS systems. From a users view point a one-stop-shop is always advantageous. At a national level there are resourcing risks in seeking formal mergers with say Natural England but that should not stop discussion.

[Bob Sydes](#) Final comment. The profession is still fractured but after many decades of realising this to be the case, very little has changed it seems to me. The academic

world is still distant from the profession and although there have been, and still are, some excellent collaborations through sponsored research projects there is still a disconnect between universities and 'professional archaeology'. The same is obviously true of the disconnect between commercial archaeology and community archaeology. I have never been a fan of the commercialisation of archaeology and if we were to prioritise one thing over the next few years it could be to reexamine this model (academia/commercial/community) and develop some alternative options. Final point. I hope that my contribution has been of use but I am fully aware that it is probably little more than a stream of consciousness. Although this discussion forum is useful, the time constraints and notice period are not helpful!

[Joe Flatman](#) Morning everyone. Day 2 of discussions here, and myself, Jan and Robin will be popping in and out of the discussion all day. We're hugely appreciative of all of the contributions so far: as a reminder, these will all get collated and used as part of the follow-on from the workshops to inform HE/CIFAs (and others) future partnership working. So for example, LA/HE partnership working on quantifying 'NI' is something we at HE have been thinking about already, and is definitely an area of work that we'll explore in depth as a next step.

[Nicholas Boldrini](#) To follow up on a couple of Bobs points - I think there are some lessons to learn about how this series has been advertised to the community. This is a problem in other spheres, and is something as a sector we need to address. I also agree that some notice about questions is helpful, as sometimes it's hard to think up answers to complex issues on the fly.

[Nicholas Boldrini](#) That said, I think some of Bobs need fleshing out/justifying to be useful. For example, he is right about public value, but I think recent training by CIFA at conference and elsewhere regarding getting this into WSI's has started trying to address this - but it will take time to filter down into practice. In particular, I would like to see some concrete suggestions for how we do things differently (question 1) as I am struggling to think of alternative methods. And also as to why the current set up is unfit. Major failures in the system are rare (or just hidden?) - so if it ain't broke...?

[Iain Bright](#) Unfortunately the real solution to the issues raised in the discussion points is essentially the hardest one to deliver. Namely, increased scheduling through a revised version of the AMAAA. I would hazard a guess that two of the key obstacles to scheduling is a) proving national importance and b) justifying this in order to impose the restriction on the rights of land owners that scheduling enforces (along with potential compensation claims). This is what has led to this two-tiered system of scheduled sites and 'equivalent' but non-scheduled sites and only a revision of the 1979 act will change this in any effective and meaningful way and allow for the designation of more archaeological sites and buildings. Perhaps a grading system like that used with listed buildings would be useful as many sites that don't quite make the national importance cut but are still of enormous value and significance could benefit from the increased protection scheduling affords.....

[Iain Bright](#) ...Grade II scheduled monuments could be the more regionally important sites and buildings or be subject to less draconian restrictions on the rights of the owners than that of Grade I monuments. Powers to acquire the land/monument

should probably be replaced with the power to enforce urgent works/repair notices, as with listed buildings and setting should also be addressed. I am aware that changes to the act seem remote at this point but that shouldn't stop us raising these issues now so that they are on the radar of DCMS.

[Iain Bright](#) (On a separate note perhaps also we could also place ourselves in parity with other countries by changing their name and calling these sites and buildings what they actually are, 'national monuments'. Scheduling is an archaic, 19th century civil service term for listing which most people these days associate with bus/train timetables. If nothing else it will help people (the general public, government officials and those in the industry alike) recognise the importance of this form of designation!!)

[Joe Flatman](#) Thanks for this Iain; the issue of revisions to the 1979 Act is as you say in interesting one. As some here may remember, there were plans for a wholesale revision of heritage protection in the 'HPR' work of the early 2000s that in the end did not get parliamentary time. If successful that would have created a graded system across the board... alas, time has moved on as we all know, and getting parliamentary time for heritage reform at present is an exceptionally tough nut to crack. Where there is potential is in demonstrating to government the benefits of tweaks to existing legislation where they would demonstrably be in the public interest in terms of giving greater clarity and certainty; the changes to how we approach listing enacted in the 2013 Enterprise and Regulatory Reform Act are an example of this, where HE now has much greater room to define both what is, and what is not, of special interest in NHLE entries, both in the text and maps

[Tony Howe](#) Could tweaks to existing legislation include following Wales' example and removing the defence of ignorance from the 1979 AMAAAA? That would be an easy win in the public interest.

[Tim Howard](#) I agree, Tony, and that's a good example of an achievable short term improvement (if there is Parliamentary time for anything other than Brexit), but it pre-supposes that the current framework is, and will remain, adequate. With the lack of resources and a tide of de-regulation I'm concerned for the bigger picture.

[Judith Plouviez](#) On the theme of improvements to existing SM legislation the issue of the Class Consent allowing continued cultivation of scheduled monuments remains an important issue that has also been proposed for amendment in the past. It is not worth the effort of proposing a significant site for scheduling if the existing regime of damage continues unchecked.

[Stewart Bryant](#) Agree that we should consider developing a shopping list of amendments to the 79 Act and then look for legislative opportunities. The case for this has been strengthened by the recent changes in Scotland and Wales. Any lobbying for this could also be linked to proposed negative impacts from Brexit (e.g. removal of agri-environment schemes vs Class Consents) and further planning reforms (greater threats to non-designated vs expansion of designation)?

[Jan Wills](#) Just signing back in.

For me the main driver at the moment towards change is deregulation and planning 'reform' (Tim's point probably). It may not be so easy in the future to assess significance through evaluation and other investigation at an early enough point in the development management process (because of PiP and other changes), driving us back towards more strategic work in identifying sites for scheduling, or other levels of protection - albeit from not such a good information base.

[Jan Wills](#) Picking up Bob's early point about timetables and notice of the online discussion I'll post something later today on where you can find the overall timetable for the project, and the other forthcoming discussions.

[Joe Flatman](#) On the strand of 'developing a shopping list of amendments to the 79 Act and then look for legislative opportunities' this is definitely something that would be of use; it's crucial to have something to hand so that when the opportunity arises, such a thing can be brought up. Framing these in the context of things like Brexit and planning reforms, where the proposals made are sensible and seen to be in the public interest, also allows the sector to be promoted as positive, forward-thinking and helpful. HE has a long list of such possibilities already, but additional ideas and framing /context are always useful, as is evidence that such reforms are collective proposals from us!

[Stewart Bryant](#) I think it might be helpful to engage in a little post election crystal-gazing on Friday. E.g. although deregulation will continue, I suspect that it will have less of the (3 for 1) zeal, and direct public sector funding for housing and new settlement infrastructure may be back on the agenda?

[Jan Wills](#) I promised an update on forthcoming online discussions in the 21st-century Challenges in Archaeology series.

All information is posted on the ClfA website under News and Events, for example:

<http://www.archaeologists.net/news/21st-century-challenges-archaeology-workshop-3-designation-and-management-archaeological>

from a few weeks ago. There's an overall timetable, and updates, including the draft reports on the associated workshops, will all be posted there.

[Jan Wills](#) There are three more planned discussions:

- New models for local curatorial services: potential future roles for local authority archaeology services and Historic England – wk beginning 18th September
- Synthesis of information from developer-funded investigation to create new historical narratives – wk beginning 23rd October
- Challenges for archaeological publication in a digital age – wk beginning 27th November

[Judith Plouviez](#) Picking up the post-election theme I agree that there is hope that deregulation may be reduced and that we should work to ensure that any adverse

effects of changes so far are monitored and made public. Also I suspect that the key factor in keeping the present planning system effective will be the local staff, we must keep arguing for the importance of (and statutory status for) fully maintained HERs with associated development control archaeologists and keep making the case for restoring them where there are gaps and/or low levels of provision.

[Jan Wills](#) Agree with your comments re LA staff, Jude, who are key to delivering the current system.

I have to sign out now, but I'd like to thank everyone who has joined in the discussion over the last two days. As usual any comments that come in this evening will still be included in Robin's collated comments from the last two days. These will inform the workshop we're running later this week, and there will be notes from this available via the ClfA website in due course. Robin and I will review how we've publicised the discussion and make sure we try to spread news of the next one as widely as possible - see earlier post for details.

Jan

[Bob Sydes](#) An ironic evening hmmm. Some of you will get it.....