

## **Item 4.3 HEF reform event paper 1 London final (1)**

### ***Reform and modernisation of heritage protection in England – an introduction***

A response by RESCUE – The British Archaeological Trust  
20<sup>th</sup> October 2015

#### **Summary**

This contribution to the debate over the future funding of institutions concerned with our archaeological and built heritage has been drawn up by RESCUE – The British Archaeological Trust ([www.rescue-archaeology.org.uk](http://www.rescue-archaeology.org.uk)). RESCUE is concerned at tone and content of the three papers presented by the Heritage Environment Protection Reform Group (HEPRG) and questions the extent to which the membership of the HEPRG reflects that of the wider historic environment community. RESCUE questions the advisability of the sector being seen to work within a framework prescribed by the Government rather than taking a more radical approach to the many challenges currently being faced by those working within the historic environment sector. RESCUE advocates united opposition to further cuts and in support of this position would draw attention to the fact that heritage services have been cut back to an absolute minimum since 2000. Historic Environment Records in particular have been reduced to a level at which they no longer exist in some parts of the country and are barely able to offer a minimum service elsewhere.

RESCUE will not support a final statement by the HEPRG if such a statement is based on the principles set out in the discussion papers and reviewed in this response.

#### **1. Purpose of the seminars**

While RESCUE agrees with many of the points set out in section 1, we are unhappy with the defeatist tone adopted by the authors. We recognise that money is a key issue but we also note that the government has money to disburse when it is persuaded that it is a necessity, often on projects which are less economically, socially and culturally effective than heritage. We would argue for a much more self-confident and positive tone and one which is more in tune with popular enthusiasm for our shared heritage.

1.2 RESCUE would expect to see a strong commitment from the bodies represented at the seminar to an assertive campaign to overturn the misconceptions about the role of heritage in the economy and to present robust arguments against those who claim that heritage considerations are a barrier to economic growth. We have the data to hand but it seems rarely to be deployed to maximum effect. Indeed, these discussion papers, with their *de facto* acceptance of the government's position as the starting point for discussion seem to be a prime example of the sector's lack of self-confidence in its ability to contribute to economic growth (particularly in some of our most economically deprived areas) as well as to cultural, social and educational goals.

1.4 RESCUE argues that cuts to heritage budgets have been a priority for successive governments with deep cuts to English Heritage and local authority heritage budgets stretching back long before 2008. The result of this is that any 'slack' (i.e. jobs, salaries and investment in technology and infrastructure) that may once have existed in the system has long been taken up. Every cut made to a heritage service now represents a real and substantial diminution in the effectiveness of the body

being cut, with 'knock-on' effects for the former users of such services whether these be commercial, educational or more broadly social in their nature. Our HERs and museums now regularly have individuals trying to cover jobs that were once the responsibility of three or even four people. RESCUE expects to see the HEF acknowledging this and collating a comprehensive body of data to show how far the system has been degraded and diminished since 2000 and the extent to which the system, far from being able to deliver 'improved protection' to the historic environment is, in fact, almost incapable of protecting heritage assets already designated, quite apart from the urgent necessity to extend the designation to currently unprotected assets.

1.5 RESCUE agrees that the heritage sector should take the initiative but does not agree that this should involve acquiescence in further cuts. As noted above, heritage has seen far more than its fair share of cuts with little or no acknowledgement of this fact. RESCUE therefore advocates a high profile campaign against any further cuts with a determined effort to mobilise the membership of heritage organisations in support of an agenda which takes the value of heritage (economic, cultural, educational) as the starting point. We have to stop apologising for our existence and start arguing for our value. We could learn much from environmental campaigns in this regard and we should also recognise that membership of heritage organisations far outnumbers the membership of political parties. We need to waken the sleeping giant and fill him/her with a fierce resolve. The proposal as it stands seems to be an argument for 'managed decline' and RESCUE believes that there is no more room for any further decline and no reason to accept such a counsel of despair.

## **2. Guiding principles for the discussion**

2.1 Archaeology should be at the heart of any debate, not tacked on to the interests of the built environment. The two areas are intimately linked but, because of the differences between the two, neither can be subsumed into the other and this should be explicitly acknowledged.

2.2 The extent to which the issues raised in this section are currently not being considered by government needs to be made clear. The NPPF, for example, sets out the responsibilities of LPAs in respect of the historic environment concisely and clearly yet these are regularly either not understood or wilfully set aside by elected councillors and inadequately informed planning officers often under pressure from the development sector or because of local connivance between politicians and developers. We expect to see much greater openness in respect of the relationships existing between capital and politics. We must be more open in regard to the significant concessions already made by the heritage sector and the degree to which further concessions are not possible without a real and significant degrading of the historic environment.

Of the list of proposed reforms, those under points i to vi cover things that are already being put into practice. They are being undermined, not by inefficient or sloppy working practices on the part of heritage professionals (as seems to be the underlying inference), but because the resources available are inadequate to the task at hand. At some stage we have to confront this and, consequently, we have to assert that there are minima in terms of funding below which there is no more scope for efficiency savings but only cuts to capacity which will have a negative impact on the delivery of heritage services. When there is no HER for a given region or where a single individual is doing a job formerly done by three or four people there is no scope for reform which does not involve increased investment in people and organisational structures.

With reference to points viii to xii RESCUE would argue that this is where we need to be far more self-confident and assertive. Points viii and ix are already a regular part of the work of HERs and other heritage institutions but we are at a stage where primary legislation is required to address point x and we require some input from government (point xi) if we are to deliver the numerous social, economic and cultural benefits which we already know that an active and engaged historic environment sector can contribute to wider society. RESCUE believes that the heritage sector should seek to work **with** the Government to reform and further refine heritage protection measures, but should **not** work **for** the Government when the latter's aim is to the detriment of the very resource that we are committed to protect. We expect the rest of the heritage profession to share this quite straightforward position. In the light of this, RESCUE would reformulate the points presented in the discussion document so as to commit the heritage sector to promoting reforms which;

- reinforce the importance of heritage as a resource and ensure that its protection and enhancement is our primary consideration;
- actively promote reform of the planning system to ensure it recognises the importance of a healthy heritage protection regimen;
- constantly strive to increase the understanding and appreciation of the heritage resources of the country;
- identify key problems in protection and enhancement legislation and push for proactive solutions;
- provide increased legislative and physical protection across the full spectrum of heritage resources, terrestrial and marine;
- enhance and enforce best practice in service standards;
- stress the primacy of the expertise of fully qualified practitioners in matters related to archaeology and the historic environment.

2.2 At some level, 'realism', as the word is used here, seems to be synonymous with 'surrender' in that while we continue to accept the argument as put forward by government and its advisers (notably free-market orientated think-tanks and consultants) we are ignoring alternative views which stress the importance of investment in assets that will generate tangible social, economic and educational benefits. In asserting this, RESCUE rejects the 'counsel of despair' which seems implicit in the discussion documents and actively dissents from the passivity implicit in this section. As a minimum we must argue vigorously for basic reforms which will ensure

- that the provision of active and properly resourced HERs are a statutory responsibility on local government
- that there will be adequate provision for the curation and storage of archaeological archives in the long term (as is implicit in the terms of the NPPF). This will necessarily involve the

provision of public funding (to complement the investment made by the private sector in developer-funded survey and excavation) for either local and regional museums (such as The Yorkshire Museum) or in regional archive depositories on the model of the LAARC

- that standards of practice are maintained throughout the heritage sector by ensuring that specialist study groups are represented when umbrella bodies are drawing up guidelines for practice and standards

### **3 The ideas for discussion**

3.1 RESCUE does not agree that the current system is unfocussed, under-prioritised or ineffective as implied in this section. Current deficiencies in the planning system are due to severe understaffing and the steady erosion of experience and expertise that is the inevitable result of significant underfunding. There is a level at which cuts do not promote efficiency but are actually responsible for a diminished level of service. RESCUE asserts that this point was reached some years ago and that there is no longer any room for further efficiency savings. We advocate the collation of data and case studies that demonstrate this and that such evidence-based studies are used pro-actively to engage with the public, the heritage sector as a whole and with government at the national and local level (and, in the future, perhaps at the regional level).

RESCUE draws attention to the contrast between the clear wording of the NPPF and many local development plans in respect of the historic environment and the ways that they are put into practice by poorly informed local councillors and some planning officials who fail to understand that heritage assets are a constantly diminishing and irreplaceable resource. The poor quality of decision-making that is the inevitable consequence of this situation is exacerbated by the lack of resources and notably by the lack of weight given to advice from archaeologists and conservation officers, even when such posts are filled.

3.2 RESCUE rejects the proposals as they stand and looks for a much more assertive and self-confident affirmation of the economic, cultural, social and educational value of heritage. As above we would advocate the collation and dissemination of case studies and data which support this affirmation.

3.3 RESCUE has posted a response to the first stage of the Culture White Paper consultation (Places) and looks for support from the sector for the principles set out in this response (see Appendix 1). Further contributions will be posted on the DCMS 'blog in the near future.

3.4 RESCUE looks for a more democratic system of consultation within HEF with more regional meetings and more genuine debate regarding the balance between seeking collaboration with government and taking a principled stand when the situation requires it. RESCUE asserts that the level of cuts imposed over the last fifteen years or more is such that there is no longer anything to be gained by adopting the assumptions made by government as the starting point for debate. We need to demonstrate principled and reasoned opposition and we need this opposition to be well-coordinated and effective. We need to challenge the basis of the government's assumptions and the implicit view that heritage is a luxury that we cannot afford: it is not, it is a vital part of our society and our cultural values and has the potential to underpin educational, social and cultural policy at a

variety of levels.

3.5 If this is the start of a process then we need to examine critically the assumptions that underlie the process. RESCUE believes that the principles set out in the papers are a capitulation to government dogma and as such rejects them. We need to generate our own principles, based upon evidence, experience and practice and to assert these robustly and without concessions to fashionable 'economic machismo'.

## **Historic Environment Forum Historic Environment Protection Reform Group**

### **Seminars on Heritage Protection Reform**

**London, 1<sup>st</sup> October 2015**

#### **SESSION 1: REDUCING RESOURCE REQUIREMENTS**

1.1 Section 1.1 seems to be attempting the impossible in accepting 'reducing resource requirements' while nevertheless expecting to maintain a level of protection for our national heritage that demands a far greater level of investment. RESCUE would ask how we can expect to maintain the 'level of protection that the public want [and] that our heritage deserves' when the system as it currently exists is, in many parts of the country, manifestly failing to meet the most basic requirements. Given the reality of the current situation, RESCUE does not agree that we should passively accept the government's position and believes that we should be arguing vigorously for an alternative approach that sees investment as generating a wide range of social, economic and educational benefits.

#### **Improving policy, guidance and good practice advice in the planning system**

RESCUE notes that some recent poor planning decisions have been the result of a lack of understanding on the part of elected councillors and some planning officials of the provision of the NPPF (examples include the recent Devonshire Street and Jessop Hospital decisions in Sheffield). There seems little point in revising existing guidance documents if these are not going to be read and acted upon by those responsible for their implementation. The NPPF is already a relatively clear document and while there may be grounds for tightening up some matters of wording ('must' needs to substituted for 'should' in many cases), it is not the level of guidance that is the primary problem but the reluctance of some local authorities to acknowledge that they have a key responsibility towards the historic environment and that it is the historic environment that adds value to places and enhances them in the eyes of residents and visitors. Better education and a direct challenge to outdated dogma, poor quality analysis and vision circumscribed by a lack of ambition are required to raise the standard of decision making at all levels, local, regional and national.

Q2 The fundamental requirement is for adequately staffed and resourced HER and building conservation services. If considered and practical advice is to be offered then we must have enough

people in post to be able to offer this advice in ways that are suited to the applicant's requirements. It is, for example, often easier for a heritage professional to distil the content of a particular policy document into terms that can be explained face-to-face rather than expecting applicants to interpret for themselves the contents of guidance documents which may be obscurely phrased or, often worse, may be patronising in their approach. Furthermore, the frequent re-writing of such documents does little to inspire confidence in their content amongst their audience who will see them as little more than piles of 'bumf' to be skimmed and discarded.

### **Increasing the use of heritage skills**

This section seems to be subsuming a wide variety of skills under one section heading. In practice heritage skills vary in their nature from a familiarity with planning regulations and law to practical advice on how to conserve or repair ancient stonework or historic woodwork via competence in archaeological excavation and survey and skills connected with historic building recording. It seems unlikely that any one system can encompass this diverse range of skills and there may be a need to break this section down into sub-sections in order to facilitate useful discussion. As a starting point RESCUE would draw a distinction between the explanation and enforcement of the planning system, which should always be undertaken by wholly independent bodies within the local planning system (i.e. within HERs) and the provision of services such as excavation, survey and recording which can be provided on a contractual basis. The existence of a market in contract services requires in turn a robust system of monitoring which, again, should be wholly independent and provided through the LPA. Needless to say, some level of charging will be required to fund, wholly or in part, such services.

RESCUE is not convinced of the need for applicants to be able to assess the competence of expert advice. The simplest solution would seem to be for LPAs to maintain local lists of suitable heritage specialists (accredited or with a proven track record of peer-reviewed publication) from which applicants would be required to select contractors.

## **Historic Environment Forum Historic Environment Protection Reform Group Seminars on Heritage Protection Reform**

**London, 1<sup>st</sup> October 2015**

### **Session 2 Enhancing capacity**

#### *Sections 1.1 to 1.3*

As noted above, RESCUE is sceptical of the claim that that putting further financial pressure on a system that is already barely adequate to deliver what is expected of it will have any sort of positive effect. RESCUE is opposed to the wider use of private sector consultants (1.3 footnote 2) as this will inevitably increase costs for no greater benefit and will see more money being creamed off already inadequate budgets. We would need to see a very detailed breakdown of how using consultants will lead to reduced costs before we even considered supporting this suggestion. It is not only the cost of paying consultancy fees that is at issue – the work of consultants would require close monitoring and effective measures would need to be in place to ensure that conflicts of interest were identified at an early stage and this would inevitably generate more work for already

understaffed LA departments and HERs in particular.

#### *Section 1.4*

Q1.1 and 1.2: RESCUE would welcome research which led to the generation of new data to support the need for increased resourcing of heritage services but notes that the questions would have to be carefully framed in order that they were not biased towards the stance taken by the present and previous governments. They should certainly not begin with the assumption that a consultancy-led approach is the favoured one. The heritage sector must be ready to campaign actively for increased resources and not to begin with an unsustainable model predicated on further cuts to budgets or staff.

Q2 RESCUE would support the collection, collation and interpretation of new data if it was likely to lead to a practical solution. In practice however, we know that there is only one answer to current problems; the restoration of levels of funding to something approaching adequacy. We know from practical experience that current investment in the heritage sector is inadequate to allow it to meet the challenges that are currently being faced. In view of this, it is highly likely that any research programme might turn out to be no more than an expensive way of confirming things that are already well known to those working in the sector. In short, we know exactly what the problems are and we need to fix them, not reiterate what is already known.

Q3 RESCUE believes that while some structural and administrative changes might have a small effect on levels of resourcing, this is unlikely to be of any great significance and will certainly not meet the current need for a restoration of the cuts already made to budgets and staffing levels.

Q4 The experience of the last fifteen years has surely shown that while technological improvements are desirable and can lead to greater efficiency, the over-riding need is not primarily for technology but for more qualified and experienced practitioners working within adequately resourced HERs. This will increase efficiency and reduce response times for applicants as well as having a 'knock-on' effect in improving the ability of HERs to respond to other demands on their time including the provision of information and assistance to local heritage groups and HLF funded projects, something that has a direct benefit to the public and society at large.

Q5 The underlying assumption behind these questions (5.1 – 5.3) seems to be that some tinkering with bureaucratic structures and protocols will transform a system that is currently barely able to function effectively into one that can. RESCUE doubts that this is in fact the case. A far more effective policy would be to campaign for the basic minimum that is required; HERs backed by statutory powers and sufficiently resourced so as to be able to monitor the planning and mitigation processes.

Q6 Increasing fees might have a place but ultimately RESCUE believes that the state has a central role in the protection and enhancement of the historic environment and that this role inevitably involves the use of money from general taxation to deliver social, educational, cultural and economic benefits. This runs counter to the current political agenda which stresses austerity and cuts to state funding over investment, optimism and growth. Other reputable political and economic

opinions exist and it is quite possible that the current agenda could be overturned as the practical effects of current government policy on society and social institutions become clear to voters. RESCUE would suggest that the heritage sector would be unwise to follow politicians and civil servants blindly down a particular path rather than pursuing the best options for the historic environment. Governments are notoriously reluctant to think in terms longer than the five-year span of a parliament or beyond struggles for power and influence within the party system. Heritage protection requires much longer term thinking; decisions made today will have a significant impact on the possibilities open to future generations in respect of the ways our heritage is researched, interpreted and presented. We have a profound responsibility to ensure that the decisions made today do not have negative consequences in the future. RESCUE believes that this principle is widely understood amongst the millions of people who appreciate the importance of our heritage and for this reason, the organisations represented in this discussion must recognise that the capacity exists to mobilise the considerable membership of heritage organisations to support the proper provision of protection for the historic environment. We suggest that this should become a central element in our response to the current crisis in archaeology and the historic environment.

## **Appendix 1**

RESCUE's submission to the first stage of the government's consultation on a heritage White Paper (<https://dcms.dialogue-app.com/places/archaeology-and-places> )

### **Archaeology and Places**

RESCUE -The British Archaeological Trust ([www.rescue-archaeology.org.uk](http://www.rescue-archaeology.org.uk)) welcomes the opportunity to contribute to the formulation of the forthcoming White Paper on 'Our Culture'. We offer the following thoughts on the theme of 'Places'.

A sense of place is central to archaeology and to archaeological practice. It is also a concept consciously or unconsciously understood by everyone and is therefore of particular importance to all communities. Academic and popular discussion has, in recent years, focussed on landscapes (urban, rural, upland, lowland, coastal, maritime etc) and the importance of understanding and appreciating the reflexive relationships that exist between place, landscape and human society over thousands of years. Techniques developed in landscape archaeology (aerial photography, LIDAR and other remote sensing technologies, phenomenological approaches to landscape, rural landscape survey, urban survey) have brought the importance of place and landscape to the forefront of archaeological discussion. Individual case studies, including the landscape of Stonehenge and its environs (<http://stonehengealliance.org.uk/our-position/>), 'lost landscapes' such as Doggerland, rural environments such as that of Shropshire (<http://oldoswestryhillfort.co.uk/>) and of historic urban landscapes (including such diverse cities as London and Sheffield) have highlighted both the potential represented by such places and also the many threats that they face. Repeated surveys of public opinion and the extent of local opposition to inappropriate development schemes have demonstrated quite clearly how far historic and archaeological landscapes are valued both by local people and by visitors and the extent to which they are inseparable from a sense of place and community. RESCUE would draw attention to the following serious threats to such valued places:

The erosion of the capacity of local planning authorities to respond to threats through

ongoing cost-cutting, the downsizing of planning departments and the consequent loss of experienced curatorial and conservation staff with a recent (May 2014) survey showing that there has been an 18% drop in archaeological advice and a 33% drop in conservation advice since 2006 (<http://www.localgov.co.uk/Charity-warns-of-worsening-planning-department-capacity/36315> )

A lack of understanding of the National Planning Policy Framework on the part of elected councillors and MPs which has led to numerous miscarriages within the planning system. Notable examples include the destruction of the Jessop Hospital in Sheffield, the imminent demolition of Sheffield's oldest standing row of shops (Devonshire Green) in spite of a petition of over 20,000 names attesting to its cultural and local value (<http://savedevstreet.org.uk/>), the ongoing threats to large areas of London in the face of massive and inappropriate developments (see, for example campaigns against developments in The Strand, Smithfield Market and Spitalfields (<http://www.theguardian.com/cities/2015/jul/21/british-land-norton-folgate-historic-spitalfields>)). Similar threats face Liverpool's historic cityscape, the first of the UK's World Heritage Sites to be placed on the list of World Heritage at Risk.

The primacy granted to large scale mining, quarrying and infrastructure projects over cultural and archaeological priorities. Examples include quarrying around the Thornborough Henges, the threats posed by the HS2 railway scheme, the plans for a short tunnel past Stonehenge within the bounds of the World Heritage Site all of which have been or are being prioritised by government in spite of planing policy, reasoned objections and the existence of much more acceptable alternatives.

For the future, RESCUE remains extremely concerned by the possible implications of 'fracking' (hydraulic fracture) on archaeological assets and the apparent abandonment of government support for methods of energy generation such as wind and solar power which have a lower environmental impact than conventional and nuclear power stations, open cast mining and the associated infrastructure, notably oil and gas pipelines.

We would like to highlight just how far 'top-down' initiatives, often driven by short-term economic expediency, create and foster discontent within local communities. With a few exceptions the type of schemes mentioned above result in the destruction of familiar and cherished local and regional buildings, neighbourhoods, townscapes and landscapes. It is unsurprising that such schemes fail to attract mass support when they so demonstrably fail to engage with the local communities affected by them. The inevitable result of such conflicts is a growing disaffection with the planning process and with the political decision-making that is seen to drive it. This is surely counterproductive in the long-term, when the future economic vitality of the country depends upon a cycle of development taking place. RESCUE looks for a serious consideration of these issues in the proposed White Paper and, in particular, consideration of the structure and funding of local authority planning departments to include the provision of statutory Historic Environment Records and statutory conservation and development control officer posts in all local authority planning departments. Education of elected members and (in many cases) of MPs is also vital to ensure that these individuals are aware of the content and significance of ALL aspects of the NPPF, particularly those provisions covering the historic environment (NPPF Section 12) and not only those that favour short term economic benefit for a handful of investors and financiers.

Our historic environment (which includes buried archaeology as well as standing

monuments and buildings) is facing unprecedented threats at a time when the regulatory framework is failing due to savage cuts to the staffing and resourcing of local planning authorities and specifically to HER and Conservation Officer posts. Unless we take urgent action we shall continue to lose archaeological sites and buildings of quality and character all of which combine to make 'Places' distinctive and special.