



HISTORIC ENVIRONMENT FORUM CONSULTATION: HEF HERITAGE PROTECTION REFORM PROPOSALS

RESCUE RESPONSES

Please see the response of RESCUE, The British Archaeological Trust below. Contact Jo Caruth: Email: secretary@rescue-archaeology.org.uk

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?

RESCUE response: It is extremely hard to measure outcome without investing considerable time and making suggestions which would potentially give rise to unintended consequences. The outcomes of quality for the Historic Environment are likely to be subjective and not number crunching. In particular customer satisfaction ratings depend on who the customer for the Historic Environment is: not a straightforward question as we have responsibilities beyond the paymaster and each of these customers will have a different hoped for outcome. A developer may say that the system is slow because theirs is a different agenda from the public's. Our "customer" should be the resource itself, which of course has no voice. "What is best for the Historic Environment" must be our first question – not "What can we do with these shrinking resources"

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)? Are you able to help in this process?

RESCUE response:

We are concerned that the HEF/HEPRG "dialogue" has only previously resulted in Government telling us what to do. Why should we believe that any new proposals have any chance of achieving any better outcomes in the future? Where are Statutory HER's or Conservation Advisory Posts? Section 2.9 seems to accept that 'timescales are set by Government and other stakeholders as inevitable; Rescue sees this as a reflection on the voice of the sector which is weak and ineffectual. This is what we need to challenge and unless this is likely to change under these proposals we should not be supporting them. Rescue believes that it is time to stand up for the Historic Environment, accept no more reductions and make our voices

heard.

Ref para 2.6: The introduction of higher fees for HE advice is being done in some areas in England in LA archaeology for work that is not direct planning advice to District Councils. Issues arise with small projects and this is probably not suitable for most Listed Building work. Our experience has shown us that improvements to systems and working practices has been undermined by the level of cuts already imposed, where underinvestment in IT, staff training and mentoring are making improved systems very difficult to achieve. In our experience archaeologists in local authorities are already highly efficient using IT systems for recording and managing well defined processes. It is the provision of elements such as IT support which often delays work because of underinvestment due to ongoing cost cutting, but this is outside the control of the HE staff.

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?

RESCUE response: No, because the system still relies on adequate monitoring by the independent LA staff. Also the public resent being compelled to use particular professionals, especially at householder level.

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?

RESCUE response: For archaeology probably yes, but we doubt the feasibility at present regarding Listed Buildings.

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

RESCUE response: It is actually cost effective overall to provide adequate in house support rather than expensive external advice that has to be checked by the LA

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

RESCUE response: Yes

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

RESCUE response: The first point of contact with owners is at purchase, there needs to be a clear statement (perhaps via solicitor searches) about responsibilities for both Listed Buildings and Scheduled Monuments to avoid mistakes based on ignorance. This is an HE responsibility.

Question 5a: Do you think that publishing more advice on the heritage content of D&ASs (i.e. 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 (i.e. proposal (b)) more likely to achieve that?

RESCUE response: proposal b

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

RESCUE response: Perhaps Heritage Statements. Desk-based assessments etc. could all be redefined into one Historic Environment Impact Statement which can be tailored to suit the nature of the heritage under discussion.

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?

RESCUE response: Yes, this would mean that below ground impact could be considered in all cases, for example, Conservation Area demolitions.

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)?

RESCUE response: We would like to see a statement outlining who is going to monitor compliance, and advise on the suitability of workmanship and materials.

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

RESCUE response: We are concerned that there is so much of this sort of guidance now that even the professionals can't keep track of it and reliance on excessive guidance can be self-defeating: the more of it there is, the less people actually know and surely improved advice would equate with having Officer(s) in LA's qualified to give it – which comes back to making these services Statutory in some way to ensure they're in place.

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?

RESCUE response: There should be no reduction in timescale. The timescale is too short for complicated applications since public consultation on historic environment issues may require time for independent research and/or challenges.

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

RESCUE response: Definitely not: 21 days is often too short for applications with heritage environment implications, especially when it takes time independently to obtain/check information from the HER and qualified experts.

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?

RESCUE response: No comment, except to point out that a standard approach in giving advice may be difficult to achieve by this method (and varying approaches may be considered to be unfair). We emphasise that independent expert advice will in any event need to be checked by the relevant LA which may take even longer than seeking LA advice in-house at the outset. There is no adequate substitute for LA specialist expertise.

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 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)?

RESCUE response: No comment.

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

RESCUE response: No comment

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?

RESCUE response: We expect HEF to make it clear to government that these "reforms" require something in return, and refer them to previous requests for statutory HER's, a statutory requirement for LA Conservation Officers and Museum Archive Stores, ratification of the UNESCO Convention on the Protection of the Underwater Heritage, etc., and must insist on some of it happening. We cannot continue to compromise for no return.

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).

RESCUE response: We dispute the advice that this is a heritage sector rather than government consultation. The HEF and the HEPRG receive funding from Historic England which is the Government's heritage body; this could be seen as HE promoting their own Heritage 2020 agenda through organisations that they support.

Chapter 1: Introduction

RESCUE welcomes the opportunity to take part in this consultation but we remain opposed to the basic stance outlined in section 1.2, 'that it is better 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' and the 'solutions' proposed in 1.3. It is our view that the Historic Environment will be better protected by standing firm in opposition to cuts in service and that there is no evidence that by taking control of where the cuts fall this will ultimately lead to a better outcome for the Historic Environment. Compromise solutions, or capitulation to the Government, are the quickest solutions, and of course are realistic – but they are not the most appropriate. We believe that the folly of this approach has already been implicitly accepted in the June 2016 acknowledgment by CBA and ClfA that the current conciliatory approaches have failed.

Chapter 2: Supply-side proposals.

S2: ALGAO have been collecting statistics for some time and HE have been publishing them, so we would argue that it is not better information that is required but using the information that we have. If HEPRG think more information is required they need to define what is required and what for, otherwise we just continue collecting and not using the same information.

S3: We are not convinced that it is within HEPRGs power to demand this. The service provision for LA's is prescribed higher up through Statutory Instruments, and the bodies themselves are autonomous and organise themselves as they see fit. Any suggestion that is not covered by Statutory requirement is a hollow request that the LA's can ignore.

Chapter 3: Demand-side proposals.

D1: We are concerned to see that ever more consultations include a fee for attendance; we do not see how by making the ability to pay a pre-requisite for taking part HEPRG can hope to improve the heritage-related guidance.

D5: We remain convinced that the only way to incentivise the greater use of heritage skills is to make them compulsory and statutory, anything else is simply ineffective.

D9: This is confusing. It is unclear how it would relate to the concept of the Heritage Statement.

3.3: We are concerned about applying much of this to Listed Buildings only. We have been moving towards heritage protection as a holistic pursuit and proposals that affect Listed Buildings often also have archaeological implications (so why split LBC and archaeology now)?

Chapter 4: Demand side Proposals D3-5

4.2: Rescue is not familiar with the groups mentioned and we would like to see more openness in the setting up of these heritage skills groups designed to represent the profession. In the first instance we would expect to see a list of members. We would like reassurance that these are not merely designed to promote and advocate HE's and the Government's position.

Chapter 7

7.8 We would like to remind HEPRG that Heritage Statements were a Government idea in the first place but that no-one has ever managed to articulate them properly. RESCUE supports them in principle as a properly constructed appraisal of the heritage value and significance of a site or structure, before any alteration, is surely a good thing.

Chapter 8

8.4 Why are terms such as 'encouraged' being used. We need to take a stronger stance and see the protection strengthened with compulsory requirements not voluntary arrangements. It is impossible to see how the proposals under consideration would work without sufficient staff to monitor compliance.

About RESCUE

RESCUE is a charitable trust which works to promote archaeology and the historic environment. We are wholly independent of all political parties and are entirely dependent on our members for our operating budget: www.rescue-archaeology.org.uk