

AGENDA ITEM 11

THE PUBLICATION OF ARCHAEOLOGICAL REPORTS

To: Buckinghamshire Historic Environment Forum

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A PURPOSE

- 1 To advise the Forum of policy and arrangements for securing the publication of archaeological reports and to summarise the current situation with regard to as yet unpublished work. The report includes recommendations for addressing problem cases.

B PROPOSED ACTION

2 The Committee is invited to:

a) ENDORSE the general approach to publication outlined in this paper and

b) ENDORSE the following recommended actions:

- I. Local planning authorities are supported in taking formal enforcement action as a last resort to secure publication.**
 - II. Non-contributors to the archaeological summaries in *South Midlands Archaeology* and *Records of Buckinghamshire* be reminded of their responsibilities to the local archaeological community and urged to submit reports in future.**
 - III. The responsible archaeological officer and local planning authority take the site-specific actions outlined in appendix B.**
 - IV. If individual IFA Registered Archaeological Organisations consistently fail without good cause to progress publication within reasonable timescales the matter will be referred to the Institute of Field Archaeologists.**
 - V. The HEF consider whether it wishes to receive a further report on provision for building recording and, if so, the mechanism for producing such a report.**
- c) INSTRUCT the Secretary to write on behalf of the Forum to all archaeological contractors operating in Buckinghamshire and Milton Keynes to advise them of the concerns raised in this paper and of the recommended actions. A copy of this letter to be sent to all local planning authorities.**

C RESOURCE IMPLICATIONS

- 3 Costs would be contained within existing budgets. Prioritisation will be necessary to ensure that significant cases are dealt with but that archaeological officers and the planning enforcement system are not burdened with minor issues.

D SUPPORTING INFORMATION

- 4 This paper has been written in response to questions posed at the 16th October 2002 meeting of the Bucks Historic Environment Forum regarding policy on the publication of archaeological reports in Buckinghamshire and Milton Keynes. The aim is to demonstrate that a consistent policy exists which is compliant with national best practice and enforceable through the planning system. This is not to deny that problem cases exist nor that the system is incapable of improvement. Problem cases are identified and some strategies for addressing them proposed.

- 5 The archaeological profession recognises that archaeological investigations can be divided into four general classes:

- **Evaluation** which seeks to characterise the archaeological resource by survey and/or small-scale trial excavation;
- **Watching Briefs** which are undertaken to record archaeological remains revealed by development and
- **Building Recording** which aims to elucidate the form, function and chronology of historic buildings
- **Excavation** which seeks to investigate an archaeological resource to address research objectives;

Standards for each of these classes of work have been published by the relevant professional body, the Institute of Field Archaeologists (IFA) along with guidelines for their application by professional archaeologists. The IFA Code of Conduct stresses that archaeologists have a responsibility for making available the results of archaeological with reasonable dispatch (Principle 4). This should include publication within 10 years of the completion of fieldwork. Guidelines state that reports must be submitted to the appropriate Sites and Monuments Record within six months of their completion, unless contractual arrangements or confidentiality dictate otherwise. Full publication is only envisaged in the IFA Standard for excavations which state (inter alia): "The records made and objects gathered during fieldwork are studied and the results of that study published in detail appropriate to the Project Design."

- 6 The IFA guidelines refer back to principles of archaeological project management set out in *Management of Archaeological Projects* (MAP 2), published by English Heritage. MAP 2 identifies five principal phases through which a large archaeological field project would normally pass (see appendix for flow chart):

- phase 1 – project planning
- phase 2 – fieldwork
- phase 3 – assessment of potential for analysis
- phase 4 – analysis and report preparation
- phase 5 – publication

Each phase is divided into sub-phases including reviews where the option exists to “short-cut” phases where assessment indicates the project has limited potential to contribute towards research objectives. The aim is to ensure that projects achieve meaningful results without wasting resources.

The project planning phase is critical to the issue of publication as it is at this point that the curatorial archaeologist issues a “brief” which is used by the developer to appoint an archaeological contractor, usually by commercial competitive tender. The brief also guides the contractor to prepare a “written schemes of investigation” which is then submitted to the local planning authority for approval. Written schemes of investigation are checked to make sure that the format and timetable for post-excavation and the publication report is adequately addressed. Also the planning authority, developer and contractors are advised that the planning condition relating to archaeology is not satisfied until a satisfactory note or article is submitted to an appropriate journal.

- 7 Archaeological investigations in advance of development are normally secured through the planning process following procedures set out in PPG 16 (Archaeology and Planning) and, for buildings, PPG 15 (Planning and the Historic Environment). In such cases assessment and evaluation is normally undertaken prior to the determination of planning applications in order for the local planning authority to reach an informed decision. The scale and nature of archaeological works will vary enormously depending upon the location and scale of development and the nature of the potential archaeological interest. Typically, field evaluation of greenfield sites may involve a staged programme of fieldwalking, geophysical survey and trial trenching. In built up areas desk-based research and targeted trial trenching is the norm. There is no reference in PPG 16 to the publication of assessment and evaluation reports beyond providing them as part of planning applications, which by definition places them in the public domain.
- 8 In granting a planning consent planning authorities are advised that they “need to satisfy themselves that the developer has made appropriate and satisfactory arrangements for the excavation and subsequent recording of the archaeological remains and the publication of the results” (PPG 16, paragraph 28). This can be secured through a condition or legal agreement. As general planning policy is to use conditions rather than legal agreements where the former can achieve an equivalent outcome, the use of negative (or Grampian) conditions to secure archaeological investigation is now the norm throughout England. Nevertheless, there remains some residual doubt as to the legal basis for securing off-site post-excavation analysis and publication by condition. Informal research by the Association of Local Government Archaeological Officers revealed a variety of opinion amongst planners and a lack of “test cases”. Unfortunately, the wording of PPG 16 on this question is somewhat

opaque and it is to be hoped that the forthcoming review of PPGs 15 and 16 will provide a clear statement in favour of publication.

- 9 Some archaeologically significant construction works (e.g. pipelines and trunk roads) can fall outside the planning system. These special cases have posed particular challenges to archaeologists on occasion through the 1990s but with the introduction of more comprehensive Environmental Impact Assessment Regulations in 1999 these problems are, hopefully, now past and the principles set out above will be applied systematically.
- 10 Milton Keynes Development Corporation and its successors in title 'The Commission for New Towns' & 'English Partnerships' are planning authorities in their own right. Through 7(1) approvals they can effectively grant outline planning permission and 7(2) approval is similar to the approval of reserved matters. Since 1997 there is an arrangement for Milton Keynes Archaeological Officer to act as the 'agent' for English Partnerships in respect of development and to provide suitable clauses relating to archaeology for their design briefs. Prior to 2001 there were some problems with English Partnerships implementing this arrangement but since that date there has been considerably more appreciation of the need to consider archaeology at the early stages of development schemes.

11 **Publication of Evaluations**

In considering the matter of publication it is important to remember the distinction made above (paragraphs 7 and 8) between pre-determination assessment/evaluation and conditioned recording/excavation. This distinction is apparent both in PPG 16 and the Standards and Guidelines of the Institute of Field Archaeologists. The only possible legal basis for requiring developers to secure the publication of an evaluation through the planning process would be by use of a planning condition on a subsequent consent. In practice it is likely that in such a case there would be a requirement for excavation into which the publication of the evaluation would be subsumed. Where planning permission is refused there is no legal basis for securing publication. In practice local authority archaeologists seek to persuade archaeological contractors to publish a short note or summary report as a matter of good professional practice. Summaries of archaeological evaluations in Buckinghamshire and Milton Keynes are published annually in the journals *South Midlands Archaeology* and *Records of Buckinghamshire*. Responsibility for such publication lies with the archaeological contractor who undertook the work and, whilst most such organisations do submit reports, there are exceptions.

12 **Publication of Watching briefs**

Watching briefs are comparatively 'low level' archaeological interventions, typically relating to small house extensions etc where it is not anticipated that large amounts of significant archaeology will be encountered.. It is considered that publication of the results will not normally merit anything more than a short paragraph in the 'notes' section of Records of Bucks or South Midlands Archaeology.

13 **Publication of Building Recording**

Building recording can be requested by local government conservation officers or archaeological officers, depending upon the circumstances. Arrangements may vary between authorities, although it is believed that there would normally be a requirement for copies of the work to be forwarded to the County Sites and Monuments Record and National Monuments Record. Architects, building surveyors and archaeological contractors, who are not covered by a single professional code, undertake this work. It is arguable that, as building recording work is not particularly well defined in either PPG15 or PPG 16, a curatorial archaeologist could possibly be acting ultra-vires in insisting on publication. It has not been possible within this paper to address the wider issue of provision for building recording in Buckinghamshire (including publication) but it has been suggested as a possible future topic for the Historic Environment Forum to consider.

14 **Publication of Excavations**

Publication of the results of excavations in an appropriate format is the principal outcome of such work. A programme of post-excavation assessment, analysis, publication and archiving following the model set out in *Management of Archaeological Projects* can and should be secured through the planning system as a matter of routine where development will have a significant archaeological impact. Briefs and project designs for archaeological excavations in Buckinghamshire and Milton Keynes require such a programme. The standard requirement is that a post-excavation assessment report should be submitted within six months of the completion of fieldwork and a publication report within one year, unless a longer time period has been agreed at the assessment stage. Local planning authorities cannot specify a particular journal for publication but can ensure that reports are published in an “appropriate” way. Most journals will charge commercial organisations for carrying excavation reports – the current rate for Records of Buckinghamshire is £35 per page. The cost of publication should have been included within the archaeological contractor’s tender price and thus would ultimately be borne by their client.

15 **Non-publication**

Where publication is stalled or delayed there can be a range of causes for which different remedies may be applicable:

- A. **The developer may seek to evade their planning responsibilities.** The remedy would be planning enforcement action by the local planning authority.
- B. **The developer may go bankrupt.** If the archaeological contractor has not been paid in advance then this is a difficult case – it may be possible to place an obligation on subsequent developers but legal advice would be required.

- C. **The archaeological contractor may go bankrupt.** The remedy would be negotiation, backed if necessary by planning enforcement action, to get the developer to appoint a new contractor.
- D. **The archaeological contractor may fail to produce reports within required timescales or to an appropriate standard.** The real reasons for specific problems may be difficult for a curator establish. In some cases there may be legitimate reasons, such as a shortage of appropriate specialists, but sometimes a low priority appears to be afforded to post-excavation work and perhaps budgets were not sufficient¹. The remedy would be direct negotiation followed by an approach to the client then ultimately the IFA. Planning enforcement action may not be appropriate if the developer has taken all reasonable steps to secure a report's completion.
- E. **The archaeological excavation may discover more extensive and important archaeological deposits than had been anticipated and budgeted for.** The remedy is to focus the investigation more tightly and/or seek additional funds from the developer and/or, in the case of a nationally important site, English Heritage.

In practice the most common cause of non-publication appears to be delays at the archaeological contractor (case D). If problems persist with individual contractors which are IFA Registered Archaeological Organisations then the issue of non-publication could be referred to the IFA as a matter of professional standards.

Other problem cases are explained by the bankruptcy of the archaeological contractor Tempus Reparatum in 1997 (case C - two sites) and the unexpected discovery of a hillfort at Taplow (case E). Finally, the implications of the closure of the County Museum's Field Unit in 1997-8 without completing its publication commitments remain unresolved.

16. The Archaeological Officers for Buckinghamshire and Milton Keynes monitor progress with post-excavation work and have identified a number of excavation projects where progress has been less than satisfactory. A number of other significant excavation projects likely to be of interest to the Forum have reached the post-excavation stage but are proceeding to publication, in some cases after a period of delay and negotiation. A summary is provided in appendix B together with recommendations for action required by the responsible archaeological officer and local planning authority to secure completion.

17 **Recommendations**

It is recommended that:

- Local planning authorities are supported in taking formal enforcement action as a last resort to secure publication.

¹ It is important to note that curators have no remit to validate project budgets nor are they responsible for the internal management of external organisations.

- Non-contributors to the archaeological summaries in *South Midlands Archaeology* and *Records of Buckinghamshire* be reminded of their responsibilities to the local archaeological community and urged to submit reports in future.
- The responsible archaeological officer and local planning authority take the site-specific actions outlined in appendix B.
- If individual IFA Registered Archaeological Organisations consistently fail without good cause to progress publication within reasonable timescales that the matter be referred to the Institute of Field Archaeologists.
- The HEF consider whether it wishes to receive a further report on provision for building recording and, if so, the mechanism for producing such a report.

E. BACKGROUND PAPERS

Planning Policy Guidance 16 (Archaeology and Planning)
Planning Policy Guidance 15 (Planning and the Historic Environment)
Management of Archaeological Projects (English Heritage, 1991)

Institute of Field Archaeologists:

Code of Conduct (Revised October 1997)

Standard and Guidance for archaeological desk-based assessment (Revised September 1999)

Standard and Guidance for archaeological field evaluation (Revised September 1999)

Standard and Guidance for the archaeological investigation and recording of standing buildings or structures (Revised September 1999)

Standard and Guidance for archaeological excavation (Revised September 1999)

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Appendix A: Flow Chart from *Management of Archaeological Projects* (English Heritage, 1991)

