REPORT ON THE CONSULTATION ON HISTORIC ENVIRONMENT SCOTLAND'S GUIDANCE NOTE

MANAGING CHANGE IN THE HISTORIC ENVIRONMENT: SCHEDULED MONUMENT CONSENT FOR ARCHAEOLOGICAL EXCAVATION: GUIDACNE ON HISTORIC ENVIRONMENT SCOTLAND'S ASSESSMENT OF APPLICATIONS

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

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1   ACKNOWLEDGEMENTS

Historic Environment Scotland would like to thank all those who responded to this consultation document by providing written comments.

2   EXECUTIVE SUMMARY

Historic Environment Scotland (HES) is pleased to announce the outcome of the consultation on its guidance note 'Managing Change in the Historic Environment: Scheduled Monument Consent for Archaeological Excavation: Guidance on Historic Environment Scotland's Assessment of Applications'.

The aims of the guidance note are to identify the key issues that can arise when planning and undertaking research excavations on scheduled monuments and to provide guidance and advice for those wishing to apply for consent for such works. This note, like others in the managing change series, is intended to offer clear, consistent, and freely available advice to professionals, developers, and applicants.

Between 8 March and 5 May 2017 HES ran a public consultation to seek views on a draft of the Managing Change note, inviting our key stakeholders and other relevant bodies to provide comments. Ten responses to the consultation were received. As a result of the consultation the Managing Change guidance note was redrafted into the final form which has now been published on the HES website.

This report summarises the responses to the consultation and outlines how these comments were taken into account during the process of redrafting the note into its final form.

3   BACKGROUND AND INTRODUCTION

3.1   Managing Change Guidance Notes

The Scottish Government's strategy for the historic environment is set out in 'Our Place in Time: The Historic Environment Strategy for Scotland'. Policies on the historic environment are set out in Scottish Planning Policy (SPP). The Historic Environment Scotland Policy Statement sets out how HES fulfils its regulatory and advisory roles and how it expects others to interpret and implement SPP.

Managing Change is a series of non-statutory guidance notes on best practice for managing change in the historic environment. At the time of writing there are over twenty Managing Change notes available, covering a wide range of subjects.

Each Managing Change guidance note looks at a different theme in terms of:

- The key issues that might arise.
- How best to deal with these issues.
- The reasons behind our advice.

Managing Change guidance notes are available to download from Historic Environment Scotland's website.

3.2   Purpose of Guidance and Consultation

The Managing Change guidance note 'Managing Change in the Historic Environment: Scheduled Monument Consent for Archaeological Excavation: Guidance on Historic Environment Scotland's Assessment of Applications' highlights the key issues which may arise when considering research excavations on scheduled monuments. It is intended to clarify HES's approach to assessing scheduled monument consent (SMC) applications for research excavations and to provide guidance on the level of information and justification that applicants are expected to provide. It is intended to be read in conjunction with the Managing Change note 'Works on Scheduled Monuments'.

The guidance note is not intended to provide advice on works or excavations required in connection with other aims, such as to inform conservation or undertake maintenance.

3.3   Consultation Methodology

A consultation questionnaire was made available online via 'Survey Monkey' and by e-mail through Heritage Directorate's stakeholder engagement e-mail address. A copy of the questionnaire is included as Annex 1.

The consultation was sent by e-mail to HES's key stakeholders, public bodies, and local authorities. Specific organisations, charities, or community groups which it was felt were likely to have a particular interest in the subject matter were targeted. The consultation was not advertised more widely but was available on HES's website. A total of 271 individuals and organisations were contacted regarding the consultation. A redacted list of consulted organisations is appended as Annex 2.

The questionnaire began with a short preamble outlining the purpose of the consultation. The following six questions were asked:

1. Does this document provide the guidance you would expect?
2. Does the document leave out anything that should be included?
3. Does the document include anything you think is unnecessary?
4. Do you have any alternative examples you would like us to use to help illustrate any of the points made in the document?
5. As we continue to develop our suite of guidance are there topic areas you would like to see covered?
6. Additional comments.

The first three questions had a yes/no option as well as a free text field whilst the latter three were free text only.

Further questions regarding how consultees' responses could be made publically available and a privacy notice followed. This consultation report accords with this privacy notice and adheres to the wishes of the consultees.

4   RESPONSES & FINDINGS

4.1   Introduction

This section gives basic information on the nature of the responses and their content. It begins with a breakdown of the responses followed by a summary of the findings on a question by question basis. The next section summarises the key issues highlighted by the consultation and outlines HES's responses to them.

4.2   Breakdown of Responses

Ten formal responses were received, including two which were incomplete. One further response was an incomplete duplicate of another and was discounted. All but one of the responses were received via 'Survey Monkey', with one direct e-mail response.

A breakdown of the responses by sector/interest group is given below:

Respondent Type	Number	% of respondents
Private Sector	1	10
Professional Body	1	10
Historical Society	1	10
Key Agency	1	10
Local Authority	2	20

Universities	1	10
Unknown	3	30

The responders largely reflected the bodies contacted as part of the consultation, which were selected as organisations likely to have experience of research excavations on scheduled monuments. Therefore, although the overall number of responses was low, most parts of the sector were represented. A notable exception was local history and archaeology societies, several of which were contacted for comment but did not respond.

4.3   Summary Responses by Question

Seventy per cent of the responses included written comments. The responses to 'yes/no' questions and related comments are summarised below.

Question 1: Does this document provide the guidance you would expect?

Yes 40% No 60%

- The document gives adequate detail of criteria for planning and assessing research excavations on scheduled monuments.
- It accurately summarises the discussions had with HES and HS on this issue on the past.
- It does not consider smaller-scale archaeological evaluation of monuments.
- The only example is large scale and university led.
- The document specifically excludes advice on excavation to inform conservation works but later states this is a benefit.
- It is repetitive and poorly organised.
- The grammar is confusing and not concise.
- The document should clearly state that the same standards are required for all monuments whether designated or not.
- Standalone advice on research excavations should not be given as the same standards should apply to all excavation and all should contribute to research.
- The guidance does not adhere to terminology used in documents on which it is based.
- It does not give guidance on how flexibility can be built in to consents to allow for excavation to respond to unexpected results.
- The guidance given becomes problematic in cases where no statement of significance exists for monument.
- It is unclear over what qualifies as tangible public benefits.
- CIfA Standards are not referenced in text.
- Other relevant HES/HS guidance is not discussed.
- Does not align/not clear what relationship with Our Place in Time (OPiT), Scotland's Archaeology Strategy, HESPS, or SPP (two responses)
- No mention of Scotland's Archaeology Strategy (two responses).
- Clearer guidance of when principle of preservation in situ can be overcome.

Question 2: Does the document leave out anything that should be included?

Yes 70% No 20% No answer10%

- For some monument types there are few or no unscheduled examples to excavate – specific guidance is needed for these circumstances.
- Some specific monument types are rarely affected by developer-driven work and so are very poorly understood. The note should consider how this may impact on justification for excavations on such sites.

- Does not discuss the benefits of small-scale archaeological evaluation, such as for dating purposes.
- Scotland's Archaeology Strategy is not mentioned.
- There is no mention of the standards expected on non-scheduled sites.
- Who enforces professional standards?
- No reference to regional research frameworks.
- Public engagement should be more explicitly discussed and defined.
- No discussion of the role of local authorities.
- An additional case study which is smaller-scale and more targeted would be welcome.
- Information on Class VI consents required.
- There should be explicit mention of Treasure Trove.
- The principle of excavation enhancing significance should be explained more clearly.
- There should be a reference to the importance of professional accreditation as the best route to accountability to standards.

Question 3: Does the document include anything you think is unnecessary?

Yes 40% No 50% No answer10%

- It is helpful realistic and clear.
- The SERF case study gives the impression only large-scale projects will gain SMC (two responses).
- The requirement for both project design and written scheme of investigation as two documents is unnecessary.
- It is repetitive and could be condensed and simplified (three responses).

Question 4: Do you have any alternative examples you would like us to use to help illustrate any of the points made in the document?

- Successful small-scale evaluation at Croftmoraig stone circle to locate dating evidence.
- Project to date a large number of hillforts using small-scale excavation.
- Excavations at Properties In Care to inform conservation.
- Re-erecting standing stones.
- Rampart Scotland's small-scale evaluations.
- A recent example which shows the use of Our Place in Time, the Scottish Archaeological Research Framework, and the policy statement.

Question 5: As we continue to develop our suite of guidance, are there topic areas you would like to see covered?

- Guidance on re-opening important past excavations in order to reinterpret them and gain samples for modern dating.
- Guidance on conserving upstanding prehistoric dry-stone monuments.
- A managing change note on rescue excavations on scheduled monuments.
- Guidance for funding bodies on assessing the merit of research excavations on scheduled monuments and undesignated sites.

Question 6: Please provide any additional comments

- This is a welcome addition to the Managing Change series.
- This is a sensible document that should be helpful to researchers.

- Various specific comments regarding parts of the structure and layout that could be improved
- Various specific comments regarding spelling, factual errors, repetition, grammar, and clarity.
- There are occasional incorrect copyright attributions.
- Concerns about the lack of reference to Scotland's Archaeology Strategy.
- Discussion of preservation in situ misrepresents SPP and/or the policy statement on undesignated sites.
- There should be more discussion of how project designs can allow for flexibility during excavations.
- More discussion of the varying degrees of destruction which can be caused by excavation would be welcome.
- CIfA Standards and Guidance should be more explicitly referenced in the text.
- The document should have more specific guidance on how excavation results should be reported.
- The document re-enforces 'silos' within the sector rather than breaking them down as advocated in OPiT and Scotland's Archaeology Strategy.

5   SYNTHESIS OF KEY ISSUES AND OUR RESPONSE

5.1   Introduction & Summary of Consultation responses

Following the consultation, the Managing Change note has been redrafted to reflect the responses. This section synthesises the key issues raised during the consultation and outlines how HES has responded.

A majority of consultees felt that the guidance was not what was expected and that significant material had been left out. Opinion on whether the document contained unnecessary material was mixed, but several correspondents suggested that there was a significant amount of repetition.

All of the specific comments received were considered during the process of redrafting. However, these can be synthesised into broad categories for ease of discussion. For each category a description of how each has been addressed during the redrafting process is offered below.

5.2   Spelling, Grammar, and Structure

Consultee Comments: A number of specific spelling and grammar issues were raised, and a small number of factual errors were highlighted. Several consultees suggested there was a degree of repetition and the document was not clearly structured. Others suggested there were occasional contradictory statements and a lack of consistency in terminology.

How we have responded:

We have addressed the minor spelling and grammar issues and any errors identified. We have simplified the structure of the document to take account of concerns raised, and ensured terminology is consistent throughout.

5.3   Changes in wording and suggestions for additional information

Consultee Comments:

Respondents suggested a significant number of changes to the text to elaborate, clarify or qualify the wording. 70% of respondents suggested additional information for inclusion (see section 4.3 Question 2).

A common comment was that the document did not consider a wide enough range of excavation strategies and monument types, as the impact on cultural significance can vary widely depending on both. In particular, the specific benefits of small-scale evaluation in comparison to large-scale excavation were suggested as an area which should be discussed. A majority of the responses

suggested that a second case study of a different nature would be helpful. It was also suggested that there should be more guidance on how flexibility can be built in to research designs to allow for unexpected discoveries during excavation and to allow excavation strategies to be altered if necessary.

How we have responded:

We have redrafted the document to clearly set out the policy context for all archaeological excavations on a scheduled monument to give a wider policy context. The single case study has been replaced by the promotion of HES's decision-making portal, which gives access to all recent SMC applications for excavation, together with a decision-making document. Further advice on coping with uncertainties and unexpected discoveries has been added to clearly explain what is required during the application process.

5.4   Further guidance on the approach to undesignated sites

Consultee Comments: Although the guidance explicitly refers to scheduled monuments, several consultees considered that it should be clearly stated that the same standards apply to undesignated sites, and that the role of local authorities should be explicit**.**

How we have responded:

The excavation of undesignated sites is outwith the scope of this document.

5.5   Clearer guidance on assessing a monument's cultural significance, impacts upon it, and the presence of undesignated examples

Consultee Comments: It was suggested that where no statement of significance exists for a monument, further guidance is needed on how to assess significance. Consultees stated that further guidance is needed on how to progress research when there are few or no undesignated examples of monument types.

How we have responded:

The Historic Environment Scotland Policy Statement contains clear advice on how we assess significance and the national importance of a monument. We have included a clear link to this in the redrafted document.

5.6   Further guidance on what constitutes public benefit and how the principle of preservation in situ can be weighed against other benefits.

Consultee Comments: Several consultees suggested that there was not a clear and detailed description of what constitutes public benefit or the relationship of research to public benefit. There were several requests for a clearer sense of how the presumption for preservation in situ is balanced against other benefits.

How we have responded:

We have restructured the document and strengthened the links between the relevant policy statements. We have clarified the role of national and regional research frameworks in relation to other benefits of national importance.

5.7   Reference to a wider range of other guidance, policies, and stakeholders and a clearer explanation of their relationship with this guidance

Consultee Comments: The most common comments suggested that a wider range of policy and guidance should be referred to, and that the guidance listed in the 'useful links' section should be

discussed in the text. It was also suggested that the relationship between this Managing Change and other policy and guidance be made explicit.

How we have responded:

We have restructured the document to include specific reference to relevant policy within each section, and expanded the list of guidance in the 'useful links' section.

5.8   Clearer guidance on what supporting information is required and how excavations should be reported

Consultee Comments: Clearer guidance was requested on what supporting information would be required when applying for SMC. Further guidance on how excavation results should be reported was requested.

How we have responded: We have restructured and redrafted our advice on the level of information required in the planning, implementation and post-excavation stages of a project. Due to the wide variety and scale of projects, it is not possible to provide specific detailed advice within the document. This level of information would normally be examined during pre-application discussions, and we have strengthened this section of the document to strongly encourage applicants to engage in this free service. Links to HES's decision-making portal have also been strengthened to ensure applicants are aware of the ability to view other similar applications online.

6   CONCLUSION

Our intention with this document was to provide a user-friendly guide to applying for scheduled monument consent for research excavation on scheduled monuments, and to explain clearly how any such application will be assessed. The policy tests for determining scheduled monument consent applications for such works are separate to those for archaeological excavation linked to conservation measures, or where there is an imminent threat of destruction of a monument.

There was some concern that exclusion of advice on conservation-led and rescue excavation from the consultation document may imply a differing level of standards. We have tried to address this by setting the scheduled monument consent process in its wider policy context, and including consideration of conservation-led excavations, and excavation in advance of imminent destruction.

We have restructured and expanded the document to take on board comments regarding the lack of clarity between current policy and decision-making processes. The restructured document puts policy at the forefront of advice, explaining how the different aspects of Historic Environment Scotland's Policy Statement interact with the consent process. It sets a clear line of site between the information HES requires to determine an application and the policy statement on which decision-making is based.

By promoting HES's decision-making portal, we have highlighted the ability to search for previous applications for excavation on a scheduled monument, providing access to a range of projects of differing sizes and types.

A number of suggested topics for further inclusion of information were assessed as being outwith the scope and remit of this document.

In conclusion, the document has been revised to accord with the consultation responses. Our aim is to provide what we hope will be a practical, measured, and helpful Guidance Note.

7 ANNEX 1: CONSULTATION QUESTIONNAIRE

Managing Change in the Historic Environment Guidance Note: Research Excavations – Consultation Questions

Historic Environment Scotland is currently updating the series of non-statutory guidance notes on best practices in Managing Change in the Historic Environment. These documents provide guidance on making changes to the historic environment and are in line with **Scottish Planning Policy** and **Historic Environment Scotland Policy Statement**.

We are now seeking comments on a new guidance note for *Managing Change in the Historic Environment: Research Excavations* and would greatly appreciate your views to help us finalise the text.

We are particularly keen to hear from those who have experience in applying for scheduled monument consent (SMC) to undertake research excavations.

The consultation document contains both text and images. The final document will be fully edited and use our new design for the managing change series.

The survey asks 6 questions and should take approximately 15 minutes to complete. Unless you give us your permission to publicly share your responses and attribute them to you, any views expressed will be anonymised and non-attributable to individuals and organisations. This consultation will close at 6pm on **Friday 05 May 2017**.

If you wish a pdf or paper version of the questionnaire, please e-mail your request to **HMStakeholderEngagement@hes.scot.** If you would like to speak with us about this consultation, or if you have any questions, please contact Heritage Management Business Support on 0131 668 8716.

Consultation questions

1. Does this document provide the guidance you would expect?	**Yes / No** **Free text**
2. Does the document leave out anything that should be included?	**Yes/No** **Free text**
3. Does the document include anything you think is unnecessary?	**Yes/No** **Free text**
4. Do you have any alternative examples you would like us to use to help illustrate any of the points made in the document?	**Free test**

5. As we continue to develop our suite of guidance are there topic areas you would like to see covered?	**Free text**
6. Additional comments	**Free text**

Following consultation, a report containing a summary of all the responses, which may include your personal details, will be published on our website, held in our library and made available to the public on request. However, we need to know how you would like your response and personal details handled.

Do you agree to the following being made available to the public?	
Your response	**Yes / No**
Your organisation (if applicable)	**Yes / No**
Your name	**Yes / No**
Your address	**Yes / No**

We may send you notifications and updates in relation to this consultation.

Are you content for Historic Environment Scotland to contact you again in relation to this consultation exercise?	**Yes / No**

Thank you for completing this survey and giving us your views. Once the consultation closes a report will be prepared summarising all responses and how these have informed our finalised guidance note. We hope to publish in summer 2017.

Privacy Notice

About this survey

Historic Environment Scotland (HES) is currently updating the series of non-statutory guidance notes on best practices in Managing Change in the Historic Environment. These documents provide guidance on making changes to the historic environment and are in line with **Scottish Planning Policy** and **Historic Environment Scotland Policy Statement**.

We are now seeking comments specifically on a new guidance note for *Managing Change in the Historic Environment: Research Excavations.*

Privacy notice

Under the Data Protection Act 1998, we have a legal duty to protect any information we collect from you. This notice sets out the basis on which any personal data you

provide to us will be processed by us.

HES recognises the importance of protecting the privacy of the information you provide us. Any personal data you provide will be held and used in accordance with the Data Protection Act.

For further information on the HES Privacy Policy and Data Protection Policy please see the link: www.historicenvironment.scot/privacy-policy

Information we hold

The personal information we will hold from this survey can include: name, address, job title, telephone number and e-mail address.

Usage of the information you provide

Personal information provided to us through this survey will be used by HES to inform the finalised guidance note on *Managing Change in the Historic Environment: Research Excavations*.

Third party intermediaries

The information you provide will be stored by SurveyMonkey for the duration of this survey, following which it will be deleted by Survey Monkey.

Freedom of Information (Scotland) Act 2002 and Environmental Information (Scotland) Regulations 2004

You should be aware that Historic Environment Scotland is subject to the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, and we will have to consider any requests to see full responses made under the terms of this legislation, regardless of whether or not respondents have asked for their personal data to be treated as confidential.

Storage of personal information

The information you provide will be stored by SurveyMonkey for the duration of this survey, following which it will be deleted by SurveyMonkey.

Your information will be stored securely by Historic Environment Scotland. We will ensure your data is held securely with password-protected access for a limited number of staff to process your information.

Historic Environment Scotland will hold the information provided to us through this survey for up to 2 years.

Information held by SurveyMonkey will be deleted once the survey closes.

Contact us
If you have any questions or suggestions regarding our privacy policy or Data

Protection Policy, please contact us at;

Telephone: 0131 668 8600
Email: dataprotection@hes.scot

Data Protection Officer
Historic Environment Scotland
Longmore House
Salisbury Place
Edinburgh

8 ANNEX 2: CONSULTEE LIST

The following list gives the organisations asked to provide views as part of the consultation process.

For all local authorities, planning, development management, and conservation and archaeology services were contacted.

Public Bodies

Architecture & Design Scotland
CADW
English Heritage
Forestry Commission Scotland (FCS)
Forestry Commission Scotland (FCS)
Historic England
National Museums Scotland
National Trust for Scotland (NTS)
Scottish Government, Directorate for Planning and Appeals
Scottish Government, Directorate of the Built Environment
Scottish Natural Heritage (SNH)

Royal Town Planning Institute Scotland
Scottish Canals
Scottish Canals
Scottish Environmental Protection Agency (SEPA)
Scottish Government, Culture and Historic Environment Division

Scottish Natural Heritage (SNH)
Scottish Natural Heritage (SNH)
Scottish Water
Transport Scotland
Transport Scotland
Transport Scotland

Private Sector

AB Heritage Ltd
Addyman Archaeology
AECOM
Alastair Rees (ARCHAS)
Alba Archaeology
Alder Archaeology
AMS Ltd (Foundations Archaeology)
AOC Archaeology
Archaeology and Planning Solutions
Archaeology Collective
Archaeology Research Services Ltd
Argyll Archaeology
Arran Archaeology
Brandanii Archaeology and Heritage
British Excavation Volunteers and Archaeological Research Society

Caithness Field Club
Cameron Archaeology
Centre for Applied Archaeology: University of Salford
CFA Archaeology
CgMs
Cotswold Archaeology
Dendrochronicle
Derek Alexander (NTS)
DigVentures
Ease Archaeology
Firat Archaeological Services
GUARD Archaeology
Headland Archaeology
Highland Archaeology Services
Highland Heritage Archaeological Consultancy

Highland Ranger
Jacobs UK Ltd
Kirkdale Archaeology
Lanark and District Archaeology Society
Land Use Consultants (LUC)
L-P: Archaeology
Maritime Archaeology Trust
Mouchel
Murray Archaeological Services
Network Archaelogy Ltd
Nick Garry Archaeology
Northern Ireland Environment Agency
Northlight Heritage
Oliver O'Grady (OJT Heritage)
Orkney Research Centre for Archaeology (ORCA)

Oxford Archaeology
Pre-Construct Archaeology Ltd
Quaternary Scientific (Quest)
Ross and Cromarty Archaeological Services
RSK
Rubicon Heritage Ltd Scottish Civic Trust
SLR Consulting
Stratascan
The Environment Partnership (TEP) Ltd
University of Leicester Archaeological Services
Wardell Armstrong Archaeology
Waterman Infrastructure & Environment Ltd
Wessex Archaeology
West Lothian Aerial Archaeology

Professional Bodies

Archaeology Scotland (& Council for Scottish Archaeology)
Association of Certificated Field Archaeologists
Association of Local Government Archaeology Officers

Built Environment Forum Scotland
Chartered Institute for Archaeologists
Clackmannanshire Field Studies Society
Institute of Historic Building Conservation
Society of Antiquaries of Scotland
The Convention of Scottish Local Authorities

Historical and Archaeological Societies

Arrochar, Tarbet & Ardlui Heritage
Ayrshire Archaeological & Natural History Society
Breadalbane Heritage Society
Dumfries and Galloway Natural History and Antiquarian Society
Dunbeath Preservation Trust
Friends of Perth and Kinross Heritage Trust
Glasgow Archaeological Society

Mull Historical & Archaeological Society
North East Scotland Archaeology Society (NESARS)
North of Scotland Archaeology Research Society (NOSAS)
Orkney Archaeology Society
Scottish Industrial Heritage Society
Strathbogie Archaeology Group

Universities

Centre for Battlefield Archaeology Reading University
Robert Gordon University, Aberdeen, Scott Sutherland School of Architecture and Built Environment
University College Dublin
University of Aberdeen
University of Dundee, History Department
University of Edinburgh, Archaeology Department

University of Edinburgh, School of History, Classics and Archaeology
University of Glasgow, Archaeology Department
University of Glasgow, History
University of St Andrews
University of Strathclyde, Architectural Design and Conservation
University of Winchester Department of Archaeology
University of Stirling, History

University of Stirling, Heritage and Conservation

University of Highlands and Islands (UHI)