

**Implementation of a 'Processing Fee' by Museums within
developer-led archaeology for accessioning the physical
element of archaeological archives in Scotland**

2020 Feasibility Report

B Mann & A Robertson

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1 Introduction

- 1.1 The intention behind the introduction of a ‘processing fee’ for archaeological assemblage deposition in Scotland is fourfold. The first is to embed an understanding amongst the sector that the post-excavation journey of an assemblage does not end at the point of allocation under Treasure Trove (and that funding needs to make provision for preparing and depositing archaeological archives). The second is to ensure that museum staff time spent on receiving and accessioning an assemblage is recognised and treated in the same manner as the rest of the professional handling of the archaeological archive up to that point. The third is taking a step towards reducing the financial burden (as defined in 5.1) placed upon museums through the generation of archaeological material in processes that they have generally not input into. The fourth is to allow quicker access to information and finds for everyone, ensuring greater public benefit from the work which generated them.
- 1.2 The principal aim of this report is to consider whether a fee for the deposition / processing of archaeological assemblages can be applied via the planning process in Scotland in the first instance, and if so, what that fee would look like. Archaeological work that is carried out in relation to a planning application, whether it is undertaken to provide pre-determination information or as part of a condition of a planning application, is the main source of archaeological material that is deposited at Museums. As such this part of the sector has been identified by the Museums Working Group (under the umbrella of Scotland’s Archaeology Strategy) as being the initial priority.

2 Planning Policy Background

- 2.1 Much of the planning policy and associated guidance in Scotland simply refers to the ‘archaeological archive’. In order to avoid confusion an archaeological archive is defined by the Archaeological Resources in Cultural Heritage: a European Standard (ARCHES) Project (2014) as:

“An archaeological archive comprises all records and materials recovered during an archaeological project and identified for long-term preservation, including artefacts, ecofacts and other environmental remains, waste products, scientific samples and also written and visual documentation in paper, film and digital form.”

For the purposes of this report the focus is on the deposition of archaeological material within appropriate repositories, as the primary paper and digital archives are dealt with separately in Scotland.

- 2.2 The national policy context for the deposition of archaeological archives deriving from planning related work is long established and is currently noted in Scottish Planning Policy (SPP 2014), paragraph 150:

“...Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development...”

This is further reinforced by Planning Advice Note (PAN) 2/2011, paragraph 24, which specifically notes:

“...Such opportunities might include the naming of elements of the development, the provision of information in public spaces, or site open days in addition to the more formal reporting procedures, publications and museum storage and display.”

This clearly indicates that the submission of archaeological material derived from the planning process to museums is considered as part of the expected procedures, and that a developer’s responsibilities do not end with the submission of a Data Structure Report (DSR) to the planning authorities.

- 2.3 In addition to national planning policy there is a raft of local policy, including Local Development Plan (LDP) policies, and professional guidance and standards which also outline the need for a ‘cradle to grave’ approach for an archaeological project. This is clearly outlined in the introduction of the Chartered Institute for Archaeologists (CifA) ‘Standard and Guidance for the Creation, Compilation, Transfer and Deposition of Archaeological Archives’ (2014):

“The Standard and Guidance applies to all archaeological projects involving archives, irrespective of research objectives and size. The guidance has been compiled so that all those involved with archaeological archives, whether excavators, finds research staff, archaeological curators, museum curators, site owners, developers, their agents, or others, have an agreed framework within which to define the range and extent of activities that must be undertaken in the creation, preparation, transfer or deposition of archaeological archives, thus setting a standard against which compliance can be measured. Compliance necessarily requires resources to be adequately allocated.”

This explicitly notes that archaeological archives are an integral part of the whole archaeological process and the deposition of them at a suitable repository will require appropriate resources.

- 2.4 The mechanism for including the deposition of the archaeological archive within a planning related project will be through inclusion of appropriate wording in the Written Scheme of Investigation (WSI) and / or Post Excavation Research design (PERD) which, once approved by the planning authority, becomes legally binding. Indeed, the CifA guidance on WSIs states that a WSI should:

“...make suitable provision for archive deposition, and include an appropriate retention and disposal policy for digital, photographic and paper archival materials, as well as artefacts and ecofacts”.

It would be advantageous to have a consensus on the wording to be included in a WSI and PERD as it would avoid any ambiguity between different planning authorities and any future expectation of what is required of developers and their archaeological contractors.

3 Opinion on introducing a ‘Processing Fee’ for archaeological material in Museums through the Development Management Process

- 3.1 The deposition of the archaeological material in a museum via the Treasure Trove process is the final part of the process that the vast majority of projects go through, however, this element often takes place a considerable time after planning considerations have been concluded. This would make the payment of any fee to a museum for deposition/ processing virtually unenforceable which would make it unreasonable as part of a planning condition.
- 3.2 Additionally as a planning fee is already charged and the assessment of archaeological impact and recommendation of conditions is included within this fee then a condition which imposes an additional fee would not be possible.
- 3.3 However, while it appears that a fee cannot be applied directly to a planning condition there is precedent for a fee to be paid to a third party as part of professional best practice. All investigations in Scotland should have a summary of results submitted for inclusion in Discovery Excavation in Scotland (DES) and the fee for this is routinely included in the cost of a commercial investigation.
- 3.4 Any fee would need to be part of the contractual arrangement between the developer and their archaeological contractor/ consultant. Provision for it could be included in a Written Scheme of Investigation (WSI) or Post Excavation Research Design (PERD). As both of these documents are in essence owned by the developer, they are simply the process by which the developer tells the planning authority what and how they are going to meet the archaeological condition/ provide the archaeological information required. Once the planning authority has agreed this document it becomes legally part of the planning requirements (i.e. the planning authority has agreed that this is what will happen).
- 3.5 How this would be administered needs careful consideration but it likely that the archaeological contractors, or indeed the developers, would pay this directly to a receiving museum when final deposition is being made. This would essentially remove the planning authority from this process and would avoid any challenges such as conflict of interest etc.
- 3.6 Because this process would be part of a contractual arrangement it is likely that clear guidelines as to the final fee will need to be published and available. Whether this is a cost per box, a sliding scale or a flat fee will need to be determined and it is advised that some level of consistency is applied across Scotland.
- 3.7 In summary while the imposition of a fee for the depositing/ processing of an archaeological assemblage that has derived from the planning process cannot be secured directly through planning conditions there is precedence for the payment of a fee to a third party as part of professional best practice. The only practicable way this can be carried out is where it forms part of the contractual arrangement between the developer and the archaeological organisation undertaking work. It should be included in the developers WSI/ PERD which they submit for approval to the planning authority.

4 Considerations on introducing a 'Processing Fee' for archaeological material in Museums through non-developer led projects

4.1 Archaeological material outwith that generated by commercial activity in the development management process largely comes from one of the following three activities:

- 1) Chance finds by members of the public, including metal-detectorists.
- 2) University-led research excavations and surveys.
- 3) Community-led excavations and surveys.

Once the principle of a 'processing fee' has been introduced into the commercial part of the sector, the remaining key funders and national organisations should be strongly encouraged to follow suit as best practice and as a matter of urgency in order to address what have historically been acknowledged as problem areas. This is of particular relevance to research excavations which do not establish at the outset appropriate funding for dealing with archiving following the completion of a project.

5 What would a 'Processing Fee' cover?

5.1 A 'Museums Working Group' workshop was held on the 10th March 2020 with representatives from Museums Galleries Scotland, Historic Environment Scotland, National Museum Scotland, Association of Local Government Archaeological Officers Scotland, Treasure Trove Unit, and ten museums from throughout Scotland to discuss issues around the scale and nature of a 'processing fee'. Consideration was given as to what specifically such a fee should or should not cover, with agreement being reached on the following:

Included Under the Fee

- Museum staff time for accessioning and adding to catalogue
- Materials for any packaging replacements
- Making the assemblage accessible for the future

Excluded Under the Fee

- Museum building costs
- Shelving and other infrastructure costs for storing the assemblage
- Photographing of all or part of the assemblage
- Basic conservation, cleaning, and packaging as defined within the guidance (created as part of this project) for the deposition of archaeological assemblages in Scotland

5.2 It is recognised that one of the main areas of concern is the ongoing storage costs for assemblages within a museum, and the significant pressures that these museums are under with regard to future storage capacity. However, it is also recognised that no reasonable processing fee will be able to resolve this issue. Indeed, once title and ownership of the assemblage has been passed to the receiving museum, it can also be argued that it is not the responsibility of the depositor to cover the long-term costs of the museum. As such a separate, national or regional, solution for the storage of collections is required under the auspices of a new project.

5.3 Furthermore, the calculation of staff time is highly variable between one museum and the next, especially when comparing the cost of employed staff time versus voluntary staff time.

As such, given the variation in type, size, and nature of the collecting museum it is almost impossible to set a single fee which accurately reflects the total cost recovery in every circumstance.

6 Options for a 'Processing Fee'

6.1 During the same Workshop detailed in Section 5.1 above, consideration was also given to the options for the scale of the fee, and when payment would be made. All options agreed that payment could only happen after an assemblage had been allocated to a museum via the Treasure Trove process (the receiving museum could not be presumed prior to this), and that payment should be made by the depositor either before, at the time, or immediately after the assemblage being physically transferred to the museum. In terms of the scale of charge for the fee, the following options were given:

Option 1 – A standardised fee is paid, based on an average curatorial rate for accessioning and cataloguing.

Option 2 – A standardised sliding scale fee is paid, based on the number of boxes / volume / size of the assemblage being deposited.

Option 3 – A standardised fee is paid, based on the number of artefacts from the deposited assemblage that will need to be accessioned.

Option 4 – A standardised one-off museum registration fee is paid.

6.2 Currently within Scotland there is no formal, standardised approach to applying fees for deposited archaeological assemblages; indeed, there is currently no provision for making such a charge in the first instance. Taking into consideration the review of the current practices applied in England (Vincent, 2019), issues such as confusion around how costs were calculated (including the Historic England Box Grant which has been in place since the 1990's) and variability in the charges applied, it is recognised that a clear, simple, and transparent methodology for applying a fee is key to ensuring its successful introduction into Scotland.

6.3 Any 'processing fee' which is introduced will also have to factor in VAT. Any stated fee will need to exclude VAT, but cognisance must be taken when setting that fee of the additional burden a VAT payment has on the depositor. It should also be noted that not all depositing or receiving organisations are VAT registered.

7 Discussion and Recommendations

7.1 It is clear that all stakeholders engaged in the formulation of this report have come to the same overarching conclusion; a 'processing fee' can be introduced, but if introduced then there must be clarity in why it is being paid, the scope of what it covers, and how it has been calculated.

- Recommendation 1** – Undertake a consultation with Museums & Galleries Scotland, individual museums, Chartered Institute for Archaeologists, and the Federation of Archaeological Managers & Employers to establish what would be an acceptable fee charge.
- Recommendation 2** – Creation and dissemination of a transparent, standardised ‘processing fee’ for inclusion within the developer-led planning process, to be applied equally to all who generate archaeological assemblages via that process through reference within Written Schemes of Investigation and Post-Excavation Research Designs.
- Recommendation 3** – Creation of a guidance document detailing when and where a ‘processing fee’ may be introduced as a requirement of commercial activity, responsibilities for such a fee, and enforcement of the application of the fee. The document must also establish a mechanism for reviewing and increasing / decreasing the fee on a regular basis in line with external considerations such as inflation, and a mechanism for reviewing and reporting cases where assemblages are rejected and / or the fee is not paid.
- Recommendation 4** – Creation of standard wording for inclusion in Written Schemes of Investigation and Post-Excavation Research Designs to reference the inclusion of a ‘processing fee’ following agreement between Association of Local Government Archaeological Officers, Federation of Archaeological Managers & Employers, and Chartered Institute for Archaeologists.
- Recommendation 5** – Implement the ‘processing fee’ within the planning process once Recommendations 1 – 4 have been completed, and for that fee to only be applied to new projects from that date forward. The fee is not to be applied retrospectively. Advance notice of adoption date must be given to museums and Federation of Archaeological Managers & Employers, and the Chartered Institute for Archaeologists.
- Recommendation 6** – Extend the concept of a ‘processing fee’ to other funders within the sector, and to other organisations and individuals who generate archaeological material outwith the developer-led planning process. This should also include a review of how it sits alongside the Historic Environment Scotland ‘box grant system’.

8 Bibliography

Chartered Institute for Archaeologists (CIfA) (2014) 'Standard and Guidance for the Creation, Compilation, Transfer and Deposition of Archaeological Archives'.

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