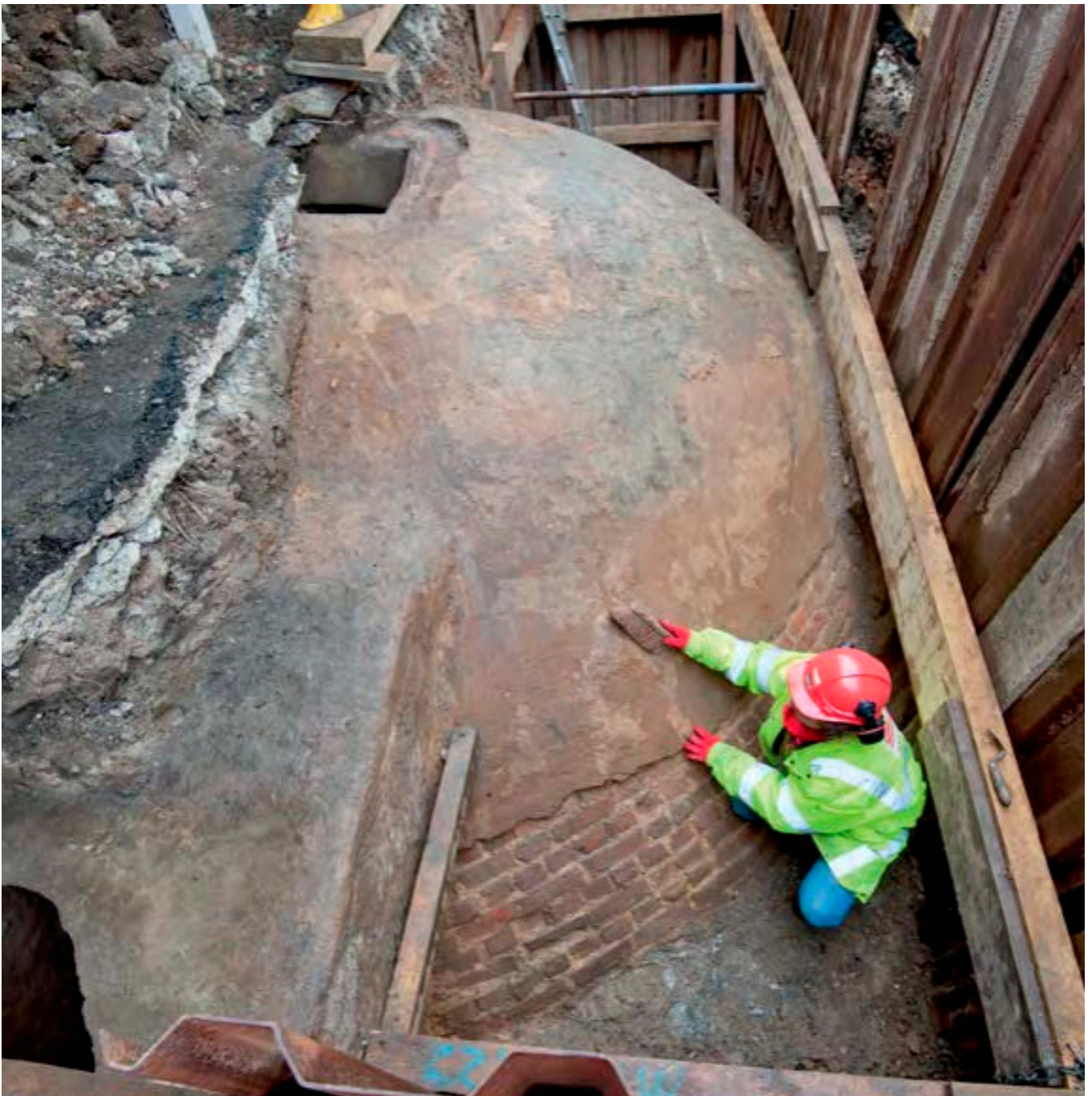




Historic England

Planning and Archaeology

Historic England Advice Note 17 (HEAN 17)





Summary

This Historic England Advice Note describes how archaeology works in the English planning system. Its aims are to:

- summarise key responsibilities (of planning authorities and applicants) to archaeology through the planning process;
- support the application of relevant legislation, national planning policy and guidance;
- promote the need for rigour at key stages in the process; and
- enthuse about the benefits arising from this work (including making public value apparent).

It is written principally for local planning authorities (officers and elected Members) and applicants (including their advisers and contractors). The Advice Note will also be of interest to professional archaeologists and local and community archaeological organisations.

Case studies are referenced in the document to exemplify key points.

Front cover:

When considering a proposal for new development in Park Crescent, central London, the survival of a rare ice well was established by pre-determination evaluation. This image depicts investigation of the ice well during the evaluation. This is available as case study 172 via [the report](#) downloadable on the Historic England website.
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1

Introduction

1. This Historic England Advice Note focuses on the essentials of archaeology and planning, summarising the main responsibilities of planning authorities and applicants to archaeology through the planning process. It applies to planning as set out in the [Town and Country Planning Act 1990](#) (TCPA) and all references to planning should be construed accordingly (also see Box 1).
2. Archaeology is the study of the irreplaceable physical evidence of the human past. This Advice Note examines archaeology in the planning process as applied to built, buried, waterlogged and dispersed assets, whether designated or not, and informed by the definition of archaeological interest in the 2021 [National Planning Policy Framework](#) (NPPF).
3. Exemplifying its potential impacts, archaeology can:
 - a. add value to a development, for example, by strengthening its distinctive character;
 - b. make discoveries accessible that would otherwise be lost, contributing to local, national and international stories about our past and informing future research;
 - c. reduce financial, regulatory and reputational risks for developers, when undertaken at the appropriate stage;
 - d. benefit local communities by improving public understanding about an area, filling gaps in our knowledge; and
 - e. present opportunities for the community to participate actively with archaeology as part of a heritage strategy for a site.
4. Positive engagement with development-led archaeology, underpinned by rigour at key stages, contributes to delivering sustainable development. Also the planning system provides the mechanism for meeting the UK's international commitments under the [Valetta Convention](#) (1992).

5. By explaining roles, responsibilities and processes, and helping to unpack points of potential confusion, this Advice Note is intended to support the implementation of relevant legislation and national planning policy and guidance. Alternative approaches may be equally acceptable, provided they are demonstrably compliant with legislation and national policy objectives.
6. Good Practice Advice (GPA) notes 1, 2 and 3 published by Historic England provide advice on local plan making, managing significance in decision-taking and setting, respectively. [Archaeology and construction: good practice guidance](#) provides advice applicable to all scales of construction projects and relevant to all stages in the construction and development life cycle.
7. This Advice Note is written principally for local planning authorities (officers and elected Members) and applicants (including their advisers and contractors). While the Advice Note will also be of interest to professional and amateur archaeologists, it does not assume archaeological knowledge, nor does it advise on archaeological practice further than is necessary to enable stakeholders involved in planning to carry out their responsibilities with regard to archaeology effectively.
8. Most archaeological sites are undesignated, meaning that the majority of archaeological remains are not protected by listing or scheduling. Indeed, the scale, quality and significance of the archaeological resource at a location are often unknown before the site is considered in the planning process. This generates both opportunities and risks. The planning system provides a mechanism for managing such uncertainties, as explained in section 5.
9. The following subsections outline some fundamental elements that support the consideration of archaeology in planning, setting the context of relevant legislation and recognising both the importance of local Historic Environment Records (HERs) and the public benefits that can be derived from development-led archaeology.

Box 1: The extent to which this Advice Note considers marine planning

The planning system provided by the TCPA sits alongside and interacts with the marine planning system, which applies to the UK Marine Area, in the following circumstances:

- a. between high water (the landward extent of marine planning) and low water (generally the seaward extent of TCPA);
- b. where local authority jurisdiction extends beyond low water to cover fully subtidal areas; and
- c. within the tidal extents of rivers, which can stretch a long way inland.

Development in the UK Marine Area is subject to policies on the historic environment set out in the [UK Marine Policy Statement](#) (2011) and in regional [Marine Plans](#). Any development that is partly or wholly within areas where both the TCPA and marine planning apply will be subject to historic environment policies arising from marine planning as well as those discussed in this Advice Note.

The legislative context for considering archaeology in planning

10. While most local authority archaeological work might be seen in the context of planning permission, archaeological work may result in the need for engagement with other consent regimes (see section 4). Consents are determined in relation to relevant legislative and policy requirements. Archaeology also features when preparing local plans, and archaeological interest may arise in other designated assets and areas. In this subsection, this Advice Note sets out the broad legislative context for these matters, and includes weblinks to relevant Acts and secondary legislation that they appear in.

11. In determining a planning application, the decision should be made in accordance with the development plan unless material considerations indicate otherwise (with reference to the [Planning & Compulsory Purchase Act 2004 \(s38 \(6\)\)](#)). Section 3 of this Advice Note outlines archaeological considerations at the plan-making stage.

12. When considering potential impacts on an asset with archaeological interest, note that:

- a. under the [Ancient Monuments and Archaeological Areas Act 1979](#), Scheduled Monument Consent (SMC) will be required for a scheme which has physical impacts on a scheduled monument. For more information on SMC, refer to section 4;
- b. any designated heritage assets can hold archaeological interest which contributes to their significance for decision-making purposes. Reflecting this, for example, the [Standard and Guidance for Archaeological Investigation and Recording of Standing Buildings or Structures](#), published by the Chartered Institute of Archaeologists (CIfA) [CIfA, 2020a] notes: “Where a specified area is the subject of an archaeological assessment, evaluation or excavation, the archaeologist should take into account the nature of standing remains. Conversely where a building, structure or complex is subject to archaeological investigation and recording, the archaeologist should take into account any buried components”;
- c. historic and natural environment designations often overlap. For more information refer to Box 2; and
- d. archaeological interest can reside in assets that are not designated specifically for their archaeological interest or heritage significance. For example, Sites of Special Scientific Interest (SSSI) may include Palaeolithic remains, bringing into consideration other relevant legislation (in this example, the [Wildlife and Countryside Act 1981](#) (as amended)).

13. The need to consult Historic England with regard to applications for planning permission is set out in legislation such as the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) (Schedule 4) with further information provided in the Planning Practice Guidance (PPG) (see Table 1).

14. Measures to avoid, further investigate or mitigate the adverse environmental effects of a development proposal may be secured by planning conditions that enable the development to proceed. The main legal powers relating to the use of conditions come from the [Town and Country Planning Act 1990](#) (sections 70, 72, 73, 73A and Schedule 5). Section 5 of this Advice Note includes more information on the use of such conditions. Planning obligations may also be used to mitigate the impacts of a development proposal; they relate to [Section 106](#) of the TCPA and are commonly referred to as ‘Section 106’ agreements.

15. Environmental Impact Assessment (EIA) requires, when appropriate, local authorities to take into account the likely significant effects of a proposed development when considering an application for consent. The starting point is to determine whether a proposed project falls within the remit of the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). When dealing with proposals which may require EIA, it is important to consider known archaeological remains with reference to the HER, as well as the potential for such remains, and consult the archaeological adviser to the local planning authority (LPA) at an early stage.

16. Proposals for many large infrastructure projects such as roads or offshore windfarms are determined through the Nationally Significant Infrastructure Project (NSIP) process, in accordance with the [Planning Act 2008](#) and with reference to relevant [National Policy Statements](#). Some major development proposals are subject to their own Acts of Parliament e.g. HS2 and Crossrail. The [Design Manual for Roads and Bridges \(DMRB\)](#) is a suite of documents which, though not statutory or regulatory, contain requirements and advice relating to works on motorway and all-purpose trunk roads.

Box 2: Considering the historic and natural environment together

Historic and natural environment designations often overlap e.g. 19% of scheduled monuments coincide with Sites of Special Scientific Interest (SSSIs). The relationship between natural and cultural heritage is complex, reflecting the myriad ways in which human activity and nature combined have shaped the landscape. Exemplifying this:

- World Heritage Sites are in some cases inscribed for both their natural and cultural significance. For example:
 - [Royal Botanic Gardens, Kew](#);
 - [Cornwall and West Devon Mining Landscape](#);
 - [The English Lake District](#);
- there is legislation that impacts on both the natural and historic environment concurrently, such as the [National Parks and Access to the Countryside Act 1949](#) (which requires National Parks to conserve and enhance cultural heritage) or the [Countryside and Rights of Way Act 2000](#);

- the [Landscapes Review](#) (2019) recommended that National Parks and Areas of Outstanding Natural Beauty (AONBs) should be managed as a coherent network; and
- national planning policy acknowledges the contribution made by cultural heritage to areas designated for their natural beauty e.g. paragraph 176 of the [NPPF](#).

Effective decision-making on land use and in planning decisions depends on considering the natural and historic environment in an integrated way. This may include taking into account archaeological considerations in sites better known or indeed designated for their natural beauty.

Historic Environment Records (HERs)

17. HERs provide detailed information about the known historic environment of a given area. This is delivered principally via a digital database, usually integrated with geographic information systems (GIS) to provide the mapping component. HERs form an essential part of the planning system, as well as fulfilling a wider educational role. They provide or signpost information about landscapes, buildings, monuments, sites, places, areas and archaeological finds, which collectively span more than 700,000 years.

18. Most HERs maintain three complementary types of record: those that deal with monuments (which can be any type of heritage feature, including buildings); events (fieldwork such as excavation or buildings survey); and sources. More information on the scope, components and delivery of HERs is available in [A Guide to Historic Environment Records \(HERs\) in England](#) [Historic England, 2019a], which has been prepared specifically for bodies that host, manage, maintain and make accessible the HER. [Managing Significance in Decision-Taking in the Historic Environment \(GPA 2\)](#) [Historic England, 2015a] includes advice on what an effective HER is likely to contain.

19. HERs are a dynamic and constantly evolving resource (as acknowledged in the [PPG](#)). An audit programme, managed by Historic England, supports and aids development of their services to achieve consistency and standards, as outlined in the [HER Audit Programme specification](#) (2022). All HERs are recommended to carry out an audit once every five years and to prepare a prioritised action plan to address issues arising across key service areas and outcomes.

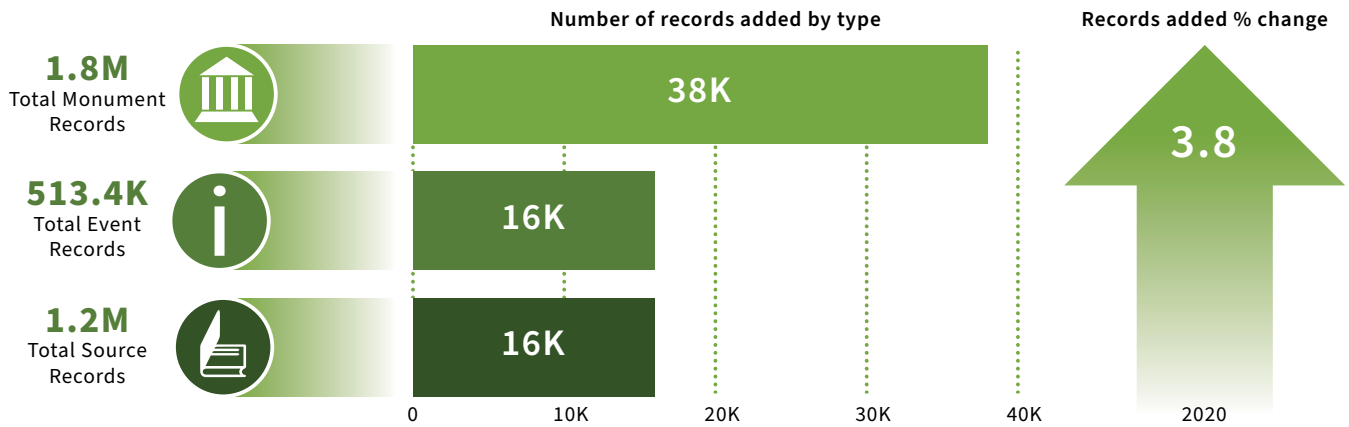
20. HERs underpin the work of local authority historic environment services as the principal access point for enquiries about the historic environment. Principle 1 of Historic England’s [Heritage Information Access Simplified](#) (HIAS) states: “Local Authority HERs should be the first point of call for and primary trusted source of investigative research data and knowledge.” HIAS is a partnership programme led by Historic England on behalf of the sector, which aims to improve and simplify access to heritage data to support the planning process and for use by local communities, researchers and other audiences.

21. HERs are commonly hosted by single tier and county councils and by National Park Authorities; often they are maintained by county councils on behalf of other local planning authorities in their area.

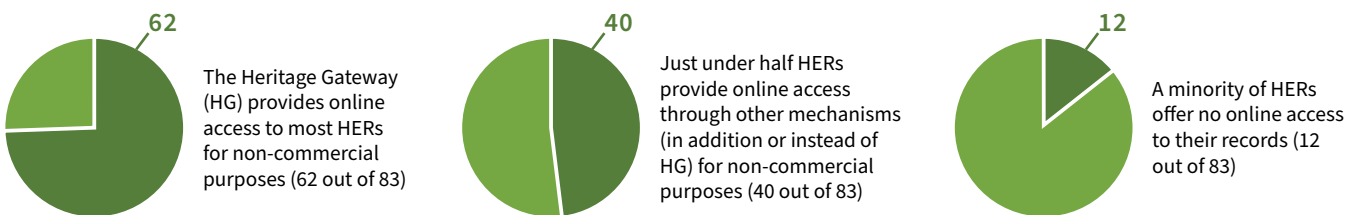
22. HERs operate as public services for anyone interested in the archaeology, built heritage and history of an area. They are maintained and updated by expert staff for public benefit. As such, they have a role to play in education, being consulted by students at all levels from school children working on projects to post-graduate academic researchers. Most can be accessed (for summary information) or signposted from the [Heritage Gateway](#) and they are contactable directly for specific information about sites and for area searches, as outlined in Figure 1.

23. The NPPF requires local planning authorities (LPAs) to maintain or have access to a HER and that HERs should contain up-to-date evidence about the historic environment in their area (paragraph 192). In determining applications, the NPPF requires that “as a minimum the relevant historic environment record should have been consulted” (paragraph 194). Case law demonstrates the importance of consulting the HER, suggesting that planning decisions affecting heritage assets (designated or undesignated) which are determined without checking the HER are potentially vulnerable to judicial review. In November 2019 the High Court considered the challenge of a grant of planning permission for the demolition and development of the old Haworth fire station in Haworth, Bradford, West Yorkshire. One of the three grounds of challenge related to the extent to which the Council had failed to comply with the requirements of paragraph 194 of the NPPF in that the relevant HER was not consulted. The High Court judge could not satisfy herself as to whether the failure to consult the HER was of no consequence to the final decision; and planning permission was quashed.

Number of records (2020-21)

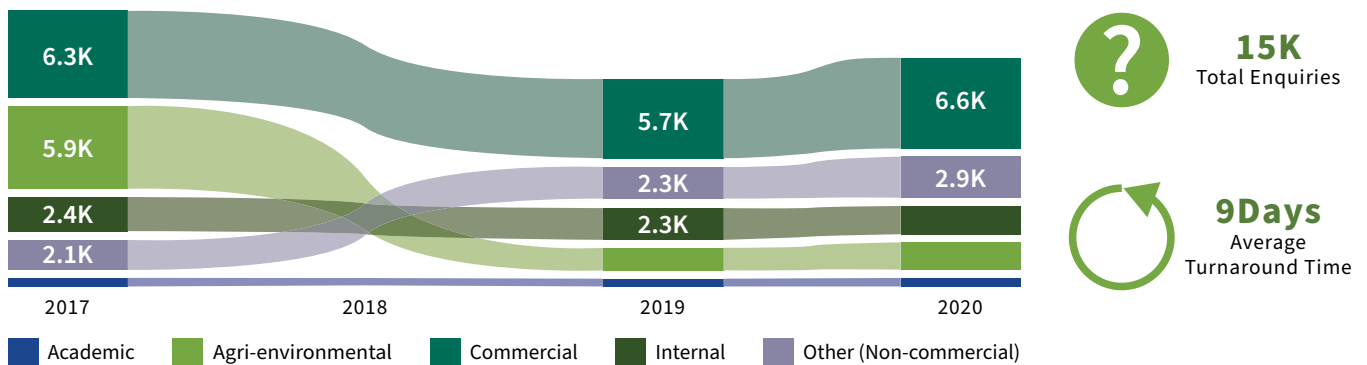


Online access (2022)



Using the HER for different purposes

Commercial/development purposes require a direct approach to the HER so that full record information is made available, ie not just records from online repositories



The cost of accessing the HER (2020-21)

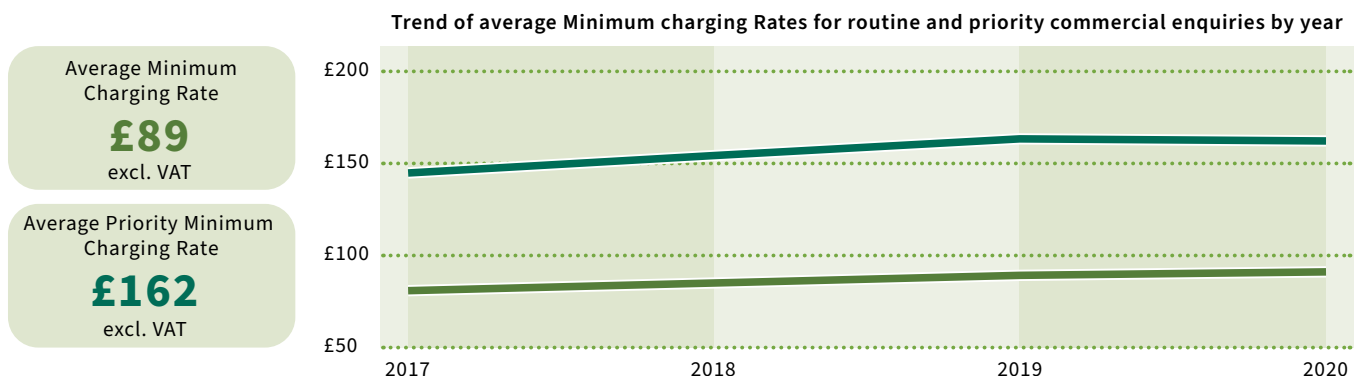


Figure 1: The HER: an evolving and well-used resource

Public benefit

24. Our understanding of the archaeological record in England is continuously evolving as a direct result of development-led archaeology. In 2015 Historic England produced a [publication](#) to celebrate development-led archaeology in England, 1990-2015. Quoting from that source: “There has been a profound impact on our understanding of England’s ancient history, from population levels and cultural sophistication to mobility and networking. Many prior views have been overturned” [Historic England, 2015b].

25. The knowledge gained from archaeology is not available through any other source. A case study from Pamington, Gloucestershire, exemplifies how development-led archaeology can deliver a new understanding of our shared past, noting that in this case no archaeological information had been recorded on the HER before the development was proposed. This is available as case study 46 via [the report](#) downloadable on the Historic England website.

26. The contribution made by archaeology to the historic environment helps to make an area unique. Most landscape designations (such as AONBs and National Parks) protect areas where the environment has been shaped by human intervention and nature combined. By understanding more about the record of human interaction with culture, climate and landscape change, archaeology can reveal insights into local and regional dynamics that shape the cultural identity of a place. Exemplifying this, over the last five years, 10,500 hectares of permanent grassland on historic and archaeological features has received grants to maintain these features and conserve their character [Historic England, 2020a].

27. [Research Frameworks](#) (regional, national, and thematic) contribute to the value of development-led archaeology by setting research priorities for post-determination investigations to maximise public knowledge gain. They are used in local authority project briefs and in Written Schemes of Investigation (WSIs). The use of Research Frameworks is addressed in the [Standard and Guidance for Archaeological Excavation](#), published by CIfA [CIfA, 2020b].

28. In addition, archaeological investigations can provide an opportunity for local communities to engage in the process, uncover more about their local history, and enhance understanding and pride in their local area. Evidence from a 2015 study showed that involvement in community archaeological projects led to significant increases in participants’ levels of happiness, satisfaction, interest, social connectivity, and their perception of being a ‘strong’ person [Historic England, 2019b].

29. Box 3 summarises key benefits that can be realised through archaeology. Section 5 includes more information on how these benefits are delivered.

Box 3: Realising public benefit through archaeology

<p>Environmental benefits include...</p>	<ul style="list-style-type: none"> a. Understanding the significance and value of the historic environment, contributing to research priorities and filling gaps in knowledge at local and national levels b. Retaining and enhancing the historic landscape and protecting our most valued monuments and other historic features, which contribute to local character c. Facilitating the conservation and reuse of buildings and spaces, thus improving the appearance of development and potentially making a place more desirable to live in d. Working with ecological and landscape conservation, providing more green space and biodiversity
<p>Economic benefits include...</p>	<ul style="list-style-type: none"> e. Helping in the regeneration of historic places, often leading to revitalisation of surrounding communities and neighbourhoods f. Contributing to place-shaping and local distinctiveness – enhancing the image of a place, making it somewhere people want to live and work in g. Tourism, providing focal points and venues for visitors, creating jobs, and supporting businesses locally and nationally and encouraging inward investment
<p>Social benefits include...</p>	<ul style="list-style-type: none"> h. Delivering new knowledge about an area, a public benefit derived from knowledge gain that would not be available from any other source i. Learning and development (education) and the ability to acquire new knowledge and skills j. Enhanced community cohesion and a stronger cultural identity e.g. via community heritage projects k. Contributing to community wellbeing and promoting social capital, leading to improvements in health, wealth and education. The social value of archaeology increases when opportunities for wider public engagement are available l. Wider benefits that could inform future research and practice, including for example knowledge about past human diseases that could help preventative health strategies

2

Roles and responsibilities

30. There are many different roles in the planning system, each fulfilling distinct responsibilities with regards to archaeology. This section outlines what this means for different parts of the heritage sector, beginning with local authorities.

The local planning authority (LPA)

Archaeological services

31. Archaeological advice to LPAs is provided in various ways across the country. Many planning authorities have in-house staff, whilst others, particularly in two-tier areas, receive services from a lead authority. There are also some shared or contracted-out service arrangements. For more information on archaeological advice in Greater London, refer to the section on Historic England below.

32. The role of archaeological advisers in relation to spatial planning includes informing the evidence base for plan-making and assessing the alternative policy options considered, including site allocations. Early engagement with such advisers during plan-making is recommended, as outlined in Figure 2.

33. Focusing on development management, archaeological advisers:

- a. maintain and update the HER;
- b. engage where possible from an early stage e.g. in pre-application talks;
- c. advise on the need for and scope of archaeological assessment;
- d. advise on the archaeological aspects of Environmental Impact Assessment (EIA);
- e. identify and assess the significance of any heritage asset that may be affected by a proposal, including changes to the setting of a heritage asset;

- f. assess the level of harm and benefit to the significance of the identified assets;
- g. advise on how to avoid, and if this is not possible, minimise harm;
- h. advise on the need for archaeological investigation;
- i. advise on the scope of post-excavation analysis, archival work and dissemination;
- j. advise on compliance with conditions, monitor the standards of fieldwork and reporting, and assess whether conditions are met and can be discharged; and
- k. advise on enforcement.

34. Arising from the knowledge gained from archaeological work, advisers help to promote public engagement through education and outreach programmes.

35. [ClfA's Standard and Guidance](#) [ClfA, 2020c] describes the aims, scope and good practice procedures of archaeological advice by local government historic environment services. Advising authorities may also have published their own local guidance. [Professional Archaeology: a Guide for Clients](#) [ClfA, 2015] details the circumstances under which professional archaeological advice is needed and the sorts of projects an archaeologist might work on; for example, relating to development plans and planning applications for new development.

HER staff

36. HERs are defined in the NPPF as information services, and as such depend on dedicated, competent curatorial staff to create the HER, keep it up to date, and communicate effectively with the diverse audiences that use it.

Managing the archaeological archive

37. The [archaeological archive](#) refers to: “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”. Managing the archaeological archive depends on effective collaboration between planning officers, developers and their advisers and contractors, LPA archaeological advisers and the staff curating the local public museum/repository.

38. Paragraph 205 of the NPPF states that: “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible”. Furthermore paragraph 205 refers to Footnote 69, which states that: “Copies of evidence [from planning-led investigations of heritage assets] should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository”. This reflects the important role of LPAs in archaeological archiving:

- a. requiring the provision of an accessible project archive, and
- b. specifying standards to guarantee the security, accessibility and longevity of the archaeological record in archive form.

39. Some projects (such as those related to NSIPs) can generate very large volumes of archive material, for which it is important to ensure appropriate levels of planning, management and resourcing for successful archive delivery.

40. ClfA has published a [Standard and Guidance for the Creation, Compilation, Transfer and Deposition of Archaeological Archives](#) [ClfA, 2020d], in which the Standard is set out as follows [also see EAC, 2015]: “All archaeological projects that include the recovery or generation of data and/archaeological materials (finds) will result in a stable, ordered, accessible archive. All archaeologists are responsible for ensuring that the archive is created and compiled to recognised standards, using consistent methods, and is not subject to unnecessary risk of damage or loss. It is the responsibility of all curators of archaeological archives to ensure that archives are stored to recognised standards for long-term preservation and made accessible for consultation.”

41. For the archiving system to function effectively, it is important that project briefs, project designs and/or WSIs cover the collection, compilation and transfer of archaeological archives, referencing existing national standards and the requirements of the repository within which the archive will be deposited (see also section 5). Archive creators can show that they meet current standards by demonstrably incorporating selection strategies and digital data management plans into their working practices.

Planning officers

42. The Royal Town Planning Institute (RTPI) sets out the professional standards that are expected of its members. As stated on its [website](#), “a planner’s main aim is achieving sustainability. This means balancing different social, environmental and economic issues when official decisions are made on whether a piece of land is built on or not.” Planning officers have an essential role in preparing the development plan, which includes consulting archaeological advisers on the plan’s spatial policies and developing a suitably robust underlying evidence base.

43. In dealing with applications for planning permission, there are a range of activities relating to archaeology which are usually carried out by planning officers:

- a. agree and implement a consultation procedure with their archaeological advisers;
- b. validate the application, ensuring that it meets the local authority's local requirements (see local validation requirements in section 5);
- c. consult Historic England [when required](#) and other interested parties as appropriate (see also Historic England's [Charter for Advisory Services](#));
- d. ensure sufficient information is available to make an informed planning decision, which takes account of expert archaeological advice and information in preparing decision reports and conditions, and seeks to reach a view that balances a range of factors and is informed by the proposal's potential impacts (positive, negative or neutral);
- e. take advice from archaeological advisers before discharging conditions; and
- f. take action if conditions are not being complied with.

44. Most councils delegate powers to senior officers to determine a large proportion of planning applications. Some applications (e.g. those whose impacts are particularly significant or controversial) are determined in planning committees by elected councillors.

Elected councillors

45. Directly-elected councillors ('members') are ultimately responsible for decision-making in LPAs. Their wide range of responsibilities include a role with regard to archaeology; for example, contributing to the development of policies and strategies, and taking or scrutinising decisions on planning or licensing applications.

46. It is important that those councillors involved in regulation, heritage strategy and sustainable development matters are supported through adequate training in planning and the historic environment. Such training enables councillors to deliver their responsibilities with regard to archaeology, in particular those set out in chapter 16 of the NPPF (Conserving and enhancing the historic environment) and the heritage policies of their local plan. Further supporting the heritage work undertaken by councillors is the [Heritage Champions](#) initiative implemented by Historic England.

The applicant (including their advisers and contractors)

47. As stated in the NPPF (paragraph 16), plans should be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees. Therefore, prospective applicants have an important role from the outset in the English plan-led system, engaging as appropriate in the development of suitable planning policies and in the identification of land suitable for development (also see section 3).

48. Managing Significance in Decision-Taking in the Historic Environment (GPA 2) [Historic England, 2015a] summarises key steps to be taken by the applicants and their advisers and contractors, beginning by understanding the significance of any affected heritage asset and, if relevant, the contribution of its setting to its significance. If archaeology is scoped into the work on a development proposal, applicants may need to engage a suitably competent archaeologist to design and implement the archaeological work needed.

49. Where a proposal is likely to affect the significance of heritage assets, applicants are encouraged to consider that significance at an early stage and engage in pre-application discussion with the LPA and their archaeological advisers to ensure that any issues can be identified and appropriately addressed in the design of a successful development.

50. At an early stage it may not be possible to know what assets are present and the archaeological interest of a site must be established to enable the significance of assets to be assessed. As stated in paragraph 194 of the NPPF: “Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.” Section 5 includes more information on desk-based assessments (DBAs) and pre-determination evaluation.

51. Archaeological field evaluation may be needed to inform the planning decision, informed by discussion with the LPA’s archaeological adviser. As shown in Figure 3, archaeological work may also be required after the decision by way of a planning condition or other agreement. In both circumstances it is normally the responsibility of the applicant to commission the preparation of a WSI and for this to be agreed with the LPA’s archaeological adviser (also see section 5).

52. The NPPF guides LPAs to avoid or minimise any conflict between an asset’s conservation and any aspect of a proposal. As a result, applicants might expect LPAs to seek to discuss with them how the proposed scheme could reduce harm to the historic environment and enhance benefits.

53. For applicants who wish to commission an external adviser, for example to support work on impact assessment, ClfA's [Standard and Guidance for Commissioning Work or Providing Consultancy Advice](#) [ClfA 2020e] outlines relevant procedures. Archaeological fieldwork is undertaken by a range of different types of organisation. The [Federation of Archaeological Managers and Employers](#) (FAME) represents a significant proportion of professional contractors who provide archaeological services to commercial clients throughout the UK. An increasing number of archaeological contractors are Registered Organisations (also see paragraph 57 below).

Association of Local Government Archaeological Officers (ALGAO)

54. ALGAO:UK is the national body representing local government archaeology services at county, district, metropolitan, unitary and National Park authority levels. These provide expert advice to nearly all the district, unitary and other local government bodies in the country, particularly in relation to the management of change initiated by development. Membership is by local authority, which is represented by the senior professional within that authority, and its interests cover all aspects of the historic environment. ALGAO is also the Special Interest Group for Archaeology to the Local Government Association.

Council for British Archaeology (CBA)

55. CBA helps people throughout the UK to experience and take part in archaeology, bringing together community groups, commercial units, academics and heritage organisations to create and share opportunities to discover, take part and be inspired by archaeology. They run the annual [Festival of Archaeology](#) and the [Archaeological Achievement Awards](#). It is one of the National Amenity Societies. A [Government direction](#) has been issued detailing arrangements for handling planning applications that includes notification to National Amenity Societies regarding:

- a. works for the demolition of a listed building, or
- b. works for the alteration of a listed building which comprise or include the demolition of any part of that building.

Chartered Institute for Archaeologists (ClfA)

56. ClfA is the leading professional body representing archaeologists working in the UK and overseas. It promotes high professional standards and strong ethics in archaeological practice, through its Code of Conduct, standards and guidance, to maximise the benefits that archaeologists bring to society.

57. ClfA runs an accreditation process for providers of archaeological services to become a Registered Organisation (RO), helping to drive continuous improvement and consistency with national professional standards.

Historic England

58. Historic England is the government's statutory adviser on all matters relating to the historic environment in England, championing and protecting England's historic places, and providing expert advice to LPAs, developers, owners and communities. Historic England publishes [advice on the planning system](#). Its [Charter for Advisory Services](#) sets out the services Historic England provides for those involved in changing or influencing change to the historic environment.

59. Central to Historic England's role is the advice given to LPAs, government departments, developers and owners on development proposals affecting the historic environment. The advice provided on casework is primarily delivered through planning specialists and inspectors in Historic England's regional offices and supported by [science advisors](#). For more information about:

- a. when Historic England is consulted, refer to the [Historic England website](#);
- b. Historic England's advisory role regarding applications for SMC, refer to its [notes for applicants](#), and to the text on SMC in section 4 below, which also briefly covers the role of the Department for Digital, Media, Culture and Sport (DCMS);
- c. national importance and Historic England's role in making recommendations for scheduling, see section 5 below; and
- d. listing, refer to the [Historic England website](#).

60. Historic England is responsible for working with partners to improve access to historic environment information, in particular via [HIAS](#), for supporting the development of research frameworks and for setting standards in heritage data which are monitored through an auditing process. Furthermore, Historic England is responsible for the operational management of the [Heritage Gateway](#) in partnership with ALGAO and Institute of Historic Building Conservation (IHBC).

61. Uniquely in Greater London, Historic England provides archaeological planning advice to most of the capital's LPAs and maintains the HER for all of them (more information on The Greater London Archaeology Advisory Service (GLAAS) is available on the [Historic England website](#)).

The third sector

62. A diverse range of local groups and third sector organisations have an important role in planning and archaeology. In addition to the CBA (and other National Amenity Societies) are specialist groups such as the Prehistoric Society, local archaeological societies and other voluntary and community organisations, charities and social enterprises.

63. The third sector strengthens the evidence base on heritage assets in a local area, which can be used by the local authority to inform plan-making and decision-making on planning applications. In many cases it can define local interests more clearly than otherwise would be achieved. While they will not be in a position to provide the primary level of service necessary to deliver the statutory duties of an LPA's planning service, such groups and organisations can play an invaluable supporting role, adding value to discussions, bringing in local expertise and insight, contributing to the HER and local listing work and facilitating community engagement.

64. Groups and organisations can help to disseminate heritage information more widely to the community, and in some cases help in the management of relevant heritage assets.

65. Community engagement (which relies on a range of key partners including the third sector) fosters public understanding and support for the historic environment. With regard to development-led archaeology, such opportunities (for example, through open days, tours and talks) can strengthen local emotional ties to a development, add value to archaeological work and help to create longer-term legacies.

3

Plan-making

66. This section explores the main links between archaeology and plan-making, and emphasises the importance of ensuring that:

- a. the plan includes a policy on heritage assets with archaeological interest (see paragraphs 73, 74 and Box 4); and
- b. all site allocations are assessed for their impacts on such assets (see paragraphs 75 – 84 and Box 5).

67. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment (see NPPF paragraph 190). This applies to both designated and non-designated assets and will include heritage assets of archaeological interest that may be discovered as a consequence of development.

68. Planning decisions are made in accordance with the development plan unless material considerations indicate otherwise. This is the basis of the plan-led system. Plan-making begins with evidence gathering (as outlined in Figure 2) and is supported by early, proportionate and effective engagement (see NPPF paragraph 16).

Evidence gathering

69. The NPPF requires the preparation and review of all policies to be underpinned by relevant and up-to-date evidence (paragraph 31). For designated heritage assets, a key reference is the [National Heritage List for England](#) (NHLE). Local authority websites are also important sources of information on conservation areas and appraisals. For non-designated heritage assets, the crucial reference source is the HER, also referring to a local heritage list (if one is available), noting that, as stated in the [PPG](#), plan-making bodies should make clear and up-to-date information on non-designated heritage assets accessible to the public.

70. The aim is to provide decision-makers with sufficient information to prepare policies for an area (including site allocations) and understand the impacts of those policy proposals on the historic environment. This relates not only to local plans, but also to neighbourhood plans, minerals and waste plans and to spatial development strategies that are produced by elected Mayors or combined authorities where plan-making powers have been conferred.

INITIAL EVIDENCE GATHERING

- Review information in the Historic Environment Record (HER). Most HERs can be accessed (for summary information) or signposted from the [Heritage Gateway](#)
- Find out if there is a local heritage list of non-designated heritage assets e.g. assets of archaeological interest
- Check the [National Heritage List for England](#) (NHLE) for designated heritage assets
- Check the [Heritage at Risk Register](#). There may also be a local heritage at risk register available
- Conservation Area Appraisal and Management Plans and World Heritage Site Management Plans can also be useful sources of information
- Review context / research available via [Research Frameworks](#)

Additional sources of information for mineral plans include:

- Archaeological assessment studies on aggregate producing areas published by the [Archaeology Data Service](#); they may also be held within the HER
- Historic England's [Strategic Stone Study](#), published in partnership with the British Geological Survey

EARLY ENGAGEMENT

- Community engagement is vital from an early stage, so that the plan can be shaped by local views and needs
- Engage with local authority historic environment services, including archaeological advisers, HER staff, and conservation officers as appropriate
- Make use of local knowledge, such as local history groups, civic societies and other organisations
- Historic England provides advice on how the historic environment should be conserved and enhanced. We welcome early engagement, especially if site allocations are being considered. For more information refer to our [Charter for Advisory Services](#)

POLICY WRITING AND ASSESSMENT

- Assess policy options and identify preferred options. For local plans, mineral plans and waste plans this is informed by Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). For neighbourhood plans, typically this is informed by SEA
- When identifying broader areas for development, it is important to assess the areas' archaeological sensitivity, for example, through archaeological sensitivity mapping. Potential constraints can be identified that inform more detailed site assessments in due course. Use policy wording to prompt assessment of specific sites by referring to the historic environment, potentially including specific heritage criteria
- If allocating sites, a desk-based assessment (DBA) may be required, and potentially site evaluation. Analysis of heritage significance will be useful not only to assess if sites have the capacity to accommodate change but also to suggest opportunities
- The need to set out a positive strategy for the conservation and enjoyment of the historic environment is common to all types of plan. To discuss queries, please contact Historic England via our [local offices](#)

CONSULTATION

Figure 2: A model showing how archaeology is considered in plan-making: from inception to consultation

71. LPAs will need to ensure that adequate archaeological information is available to inform the plan-making process. If the local historic environment evidence base is weak, LPAs may need to commission proportionate research, for example in an area where the HER indicates that little or no investigation has taken place, or in an area with greater archaeological interest where more information is needed. Archaeological remains can be found in all parts of the English landscape, but some places have greater archaeological sensitivity than others.

72. It is vital that archaeological evidence informs all relevant assessments in accordance with the local plan's vision and objectives; this ranges from [Housing and Economic Land Availability Assessment](#) that inform plans, to studies on aggregate producing areas that inform Minerals Plans.

Policy writing

73. The policies in a plan are shaped to deliver the vision for the plan area, based on an understanding of the area and its need, and articulating how sustainable development will be delivered over the plan period. Policies enable decision-makers to consider potential impacts on the historic environment, and archaeological responses, from policies that set broad principles to be applied across all or part of the area, to more focused, site-specific policies. Collectively they have a vital role, not only regarding the protection of assets, but also in support of wider agendas, such as place-shaping and design, so that the archaeological resource can be enjoyed for its contribution to the quality of life of existing and future generations.

74. Box 4 includes further advice on specific matters concerning archaeological policy writing, acknowledging that a range of issues may need to be considered. Close collaboration between planning officers and archaeological advisers is recommended when drafting historic environment policies.

Box 4: Archaeological matters to be covered by local plan policy

- a. setting out the information required to accompany applications in areas of known or potential archaeological interest. This may warrant a specific policy on assessment and evaluation within a local plan, or coverage in a supplementary planning document (SPD) or relevant strategy;
- b. setting out how an area's heritage assets will be managed in a way proportionate to their significance, including the approach to applications affecting:
 - non-designated assets, which may include reference to the preparation of a 'local heritage list' (also see [Local Heritage Listing \(HEAN 7\)](#) [Historic England, 2021]);
 - designated heritage assets and non-designated assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, articulating a requirement for the appropriate conservation of assets and their setting;
- c. making clear where the preservation of archaeological remains is preferred in line with national planning policy and what alternative approaches to archaeological investigation and recording will be followed;
- d. including a requirement for appropriate investigation, publication and archiving of findings following any archaeological works, and securing appropriate public engagement; and
- e. identifying how archaeological considerations can contribute to the local economy and environment, place-shaping and social cohesion.

Informing areas of search, preferred areas and site allocations

75. A range of approaches may be used to guide the location of future development in an area, from development management criteria to site allocations. Common to all approaches to land allocation is the need to assess potential impacts of proposed development on the historic environment.

76. Typically, such assessment forms part of the methodology for allocation, which begins with a sifting process whereby all sites or areas being contemplated for allocation are sifted for archaeological sensitivity.

77. When selecting major development areas for allocation in development plans, archaeological sensitivity mapping can help to indicate the likelihood of encountering significant archaeological remains in an area and provide more upfront information than is usually available. Sensitivity mapping does not aim to identify exactly where as-yet-unknown sites are located, so it does not remove the need for more detailed site assessment and, potentially, evaluation. However, it supports sustainability by saving resources if development can be located to avoid areas where significant remains are more likely to be encountered. Early recognition of archaeological sensitivity will also help the public benefit of the historic environment to be better realised in design codes and masterplans. More information on archaeological sensitivity mapping is shown in Box 5.

Box 5: Archaeological sensitivity mapping

Assessing archaeological sensitivity involves considering what is known and the potential for new discoveries within an area of study. Factors to consider include significance, location and density of assets, their likely condition and their vulnerability to proposed change, as well as any opportunity presented by that change. It should include identifying assets for which significance could be harmed by development in their setting.

The starting point for assessing archaeological sensitivity is for the promoter to:

- a. liaise with the LPA's archaeological adviser and HER;
- b. identify known heritage assets (designated and non-designated) in the study area. This may include not only remains below ground but also standing buildings with archaeological interest; and
- c. carry out a review of the potential for undesignated archaeological remains, having regard to factors such as local historical and physical geography, land use, history of archaeological research, patterns of known archaeological remains and the circumstances of their discovery.

Sensitivity studies can help identify areas or locations expected to have higher or lower densities of archaeological remains, and something of their possible date and nature. They can indicate areas where remains are likely to be well-preserved and others where survival is likely to be poor due to geology or land use. Sensitivity studies can also suggest where nationally important assets are more likely to occur. There is no industry-standard methodology for sensitivity studies, but Historic England is undertaking research in this developing field and some LPAs define areas of archaeological interest covering non-designated assets of known significance, or areas of high potential for new discoveries.

78. Some site allocations may pose a high risk to important assets, including nationally important remains, which could impact on their suitability for allocation, capacity for development and/or layout.

79. When insufficient information is available to make an informed decision about a proposed allocation, a DBA may be required and, if necessary, field evaluation. As stated in [The Historic Environment and Site Allocations in Local Plans \(HEAN 3\)](#) [Historic England, 2015d]: “The amount and level of further evidence, and who should be responsible for producing it, will vary depending on site specific circumstances, but the advice of appropriate specialists such as local authority conservation and/or archaeological officers is invaluable during the process of gathering evidence, commissioning further work, and undertaking interpretation.”

80. Of primary importance is that the assessment is clear in establishing if the location is suitable for allocation and, if so, suggest ways in which development could take place by:

- first avoiding harm to the significance of heritage assets/ remains; and then
- minimising and mitigating harm; while also
- maximising opportunities for public benefit.

Such assessments are particularly useful when they distinguish between measures needed to inform plan-making and those that can be undertaken to inform a planning application.

81. Understanding the significance of a heritage asset includes consideration of the contribution made by its setting for all types of heritage asset. For example, a proposed allocation may still impact on the setting of a scheduled monument even if it is outside the scheduled monument itself. The same principle applies when considering impacts on non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments (see footnote 68 in the NPPF and the advice on national importance in section 5 below).

82. When assessing sites, it is important to identify those which are inappropriate for certain types of development and to assess the potential capacity of the site in the light of any historic environment (and other) factors. The underlying focus is on understanding the significance (including understanding the contribution made by setting) associated with the historic environment in that area, rather than taking an approach based simply on proximity to identified heritage assets.

83. Where there is a choice of potential development sites (for example, when considering options for urban expansion) allocation should normally favour those which would cause the least harm; however, opportunities for positive benefits should also be sought (also see Box 3). Sustainability Appraisal/Strategic Environmental Assessment helps to test proposed allocations against the policies in the NPPF (see [Sustainability Appraisal and Strategic Environmental Assessment \(HEAN 8\)](#) [Historic England, 2016a]).

84. A sound site allocation is likely to refer to heritage assets and their settings, characterisation studies as well as relevant statements of heritage significance, with resulting recommendations for avoiding and mitigating harm incorporated into the relevant site-specific policy. More detailed advice is presented in [The Historic Environment and Site Allocations in Local Plans \(HEAN 3\)](#) [Historic England, 2015d], complemented by [Statements of Heritage Significance \(HEAN 12\)](#) [Historic England, 2019c].

85. A case study from Bishop Auckland, County Durham illustrates a case where planning permission was refused because archaeological evaluation was not undertaken in accordance with local plan policy. This is available as case study 167 via [the report](#) downloadable on the Historic England website.

Policies map

86. The policies map has a crucial role in illustrating geographically the policies in the plan (as stated in the [PPG](#)). It is important to ensure that the policies map appropriately records designated heritage assets.

Resources needed

87. To enable effective plan-making a local authority should maintain or have access to a HER (described in sections 1 and 2) and to expert advice from an archaeological service with an appropriate number of suitably trained and competent staff.

4

Consents

88. There are many different forms of consent that are relevant to archaeology and planning. This section outlines the most common types, beginning with the main forms of development consent.

Planning permission

89. Planning permission is needed for changes which are defined as development in [planning legislation](#) (which includes demolition of a building in a conservation area). This is usually considered through a planning application, although some forms of development can be undertaken without a planning application if they constitute Permitted Development (see section 6, which includes reference to Local Development Orders and Neighbourhood Development Orders).

Permission in Principle (PiP)

90. Permission in Principle (PiP) is an alternative way of obtaining planning permission for housing-led development and is split into two stages: the first stage establishes whether a site is suitable in principle (the ‘permission in principle’ stage) and the second (‘technical details consent’) stage is when the detailed development proposals are assessed. All decisions must comply with local plans, as well as historic environment legislation, the relevant policy in the NPPF and relevant guidance in the PPG.

91. There are currently two routes to achieving PiP (prior to the technical details consent stage). These are:

- a. an assessment of sites on an LPA’s Brownfield Land Register for inclusion on a Part 2 Register (see the [Town and Country Planning \(Permission in Principle\) Order 2017](#) and the [Town and Country Planning \(Brownfield Land Register\) Regulations 2017 \(TCPBLRR\)](#)); or
- b. a direct application to an LPA by a developer for PiP for a particular site (see the [Town and Country Planning \(Permission in Principle\) \(Amendment\) Order 2017](#)).

92. The precise criteria for including previously developed land on a Brownfield Land Register are set out in Regulation 4 of the [TCPBLRR](#). In addition to development being ‘achievable’ on any given site, the site must also be ‘suitable for residential development’.

93. ‘Suitable for residential development’ is defined, among other things, as meaning that the land is in the opinion of the LPA ‘appropriate for residential development, having regard to any adverse impact on the natural or the local built environment, including in particular on heritage assets’ (see [TCPBLRR](#), Regulation 4, paragraph 2).

94. Heritage assets are defined in their widest sense, meaning ‘a building, monument, site, place, area or landscape which has been identified by the LPA as having heritage interest’ or a designated heritage asset. This means that the impacts on non-designated heritage assets, including archaeological remains and assets that might be discovered during development, need to be considered at this early stage. Not doing so can lead to problems if heritage is identified as an issue to be addressed at the second stage focusing on technical details consent.

95. Where a site which is proposed for inclusion on a Brownfield Land Register includes, or has the potential to include, heritage assets with archaeological interest, further assessment is needed to assess the potential impact of future development on the historic environment.

Development Consent Orders (DCOs) for Nationally Significant Infrastructure Projects (NSIPs)

96. NSIP proposals are those which exceed certain thresholds and which are considered under a separate regime with reference to the [Planning Act 2008](#) and to relevant [National Policy Statements](#) (NPSs). The NPSs follow generally the same principles as those in the NPPF, for example, supporting the conservation of designated heritage assets.

97. Separate SMC is not required if a DCO has been granted enabling works to be carried out on the scheduled monument.

Scheduled Monument Consent (SMC)

98. SMC will be required if a proposal affecting a scheduled monument constitutes ‘works’, as defined by the [Ancient Monuments and Archaeological areas Act 1979](#). In such circumstances, undertaking works without obtaining SMC first is a criminal offence.

99. When proposing works on or outside the boundary of a scheduled monument which may affect the monument (for example due to structural or hydrological impacts), engagement at an early stage with Historic England is

strongly recommended. SMC applications are decided by the Secretary of State (SoS) for DCMS, but administration and handling of applications sits with Historic England. For more information about Historic England's role regarding applications for SMC refer to its [notes for applicants](#).

100. SMC is required irrespective of whether planning permission is needed or has been obtained. LPAs may wish to include an informative note on the decision notice referring to the need to obtain SMC if the planning permission relates to works on a scheduled monument.

101. Some works to a scheduled monument are covered by a [Class Consents Order](#) made by the SoS. These Class Consents are narrowly defined and are subject to specified conditions, limitations and/or exclusions. Where the proposed works are of the types specified in the Order, those works can be carried out in compliance with that Class Consent provisions. Undertaking works that are not covered by the Order, without obtaining SMC first, is a criminal offence.

102. Under the [Ancient Monuments and Archaeological Areas Act 1979](#) a licence is required from Historic England to carry out geophysical surveys and use a metal detector over a scheduled monument or other protected place; these are known as Schedule 42 Licences.

103. Historic England has published [guidance for owners and occupiers of scheduled monuments](#), covering how it affects owners and occupiers, SMC and class consents, and offering additional advice and sources of further information.

Protected Wrecks licence

104. A licence under the [Protection of Wrecks Act 1973](#) will be required if a scheme has physical impacts on a Protected Wreck. When proposing works within or near the designated area of a Protected Wreck which may affect the asset, engagement at an early stage with Historic England is strongly recommended. Licence applications are decided by the SoS for DCMS, but administration and handling of applications sits with [Historic England](#). A licence is required regardless of whether planning permission is needed or has been obtained. The possible need for planning permission is an entirely separate matter that applicants must pursue for themselves through the relevant local authority.

Listed Building Consent (LBC)

105. In general terms, LBC is required for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest. In cases where below-ground works are included in an LBC application, the impacts

might also be archaeological. In cases where a listed building is also a scheduled monument, SMC (and not LBC) would be required for works to the building.

106. Where such works could harm or reveal features of archaeological interest then a condition may be necessary to secure archaeological building recording, watching brief or potentially archaeological evaluation and/or excavation.

Ecclesiastical Exemptions

107. There are five Christian denominations in England which have Ecclesiastical Exemption. Ecclesiastical Exemption broadly means that these places of worship do not need listed building consent; all five groups have their own arrangements for handling changes to their heritage assets, which provide an equivalent standard of protection to the secular system operated by LPAs. For more information refer to the [Ecclesiastical Exemption Order 2010](#). Ecclesiastical Exemption is equivalent to the local authority listed building consent process; it does not remove the need for planning permission for external changes to a place of worship or SMC where that applies. If proposals come forward with regard to places of worship covered by Ecclesiastical Exemption that could have a bearing on archaeology, appropriate advice should be sought to ensure that an informed decision can be taken. [Church of England cathedrals](#) all appoint their own archaeologists. Archaeological advice for [Church of England churches and churchyards](#) is provided by Diocesan Archaeological Advisers.

Areas of archaeological importance

108. There are five areas designated as areas of archaeological importance under the [Ancient Monuments and Archaeological Areas Act 1979](#): the historic city centres of Canterbury, Chester, Exeter, Hereford and York. While this designation does not mean a separate consent is required, it has the general effect of helping to prevent important archaeological sites from being damaged or destroyed without at least allowing for some investigation and recording first. The investigating authority (or, if such an authority is not appointed, Historic England) must be given advance notice of certain proposed operations in areas of archaeological importance (in effect, digging, flooding and/or tipping, as explained in [The Operations in Areas of Archaeological Importance \(Forms of Notice Etc.\) Regulations 1984](#)). In such circumstances, early engagement with the LPA is recommended.

Other areas of archaeological interest

109. Some local authorities define areas where, according to existing information, there is significant known archaeological interest or particular potential for new discoveries. These areas may be set out in development plans or SPDs. Defining an area in this way does not lead to any additional consents being required for development in that area; however, anyone considering development of a site within a local authority defined archaeological area is encouraged to contact the council's advisers at an early stage. For example, in London a framework of [archaeological priority areas](#) is set out in the London Plan with specific descriptions and extents provided to support the London boroughs' local plans.

Permissions to excavate human remains

110. Human remains, and the archaeological evidence for the rites which accompanied and commemorate their burial, are important sources of scientific information. Human remains should always be treated with dignity and respect. The [Advisory Panel on the Archaeology of Burials in England](#) (APABE) provides advice on any aspect of English archaeological burials. The objective is to nurture a consistent approach to ethical, legal, scientific, archaeological and other matters concerning the treatment of archaeological human remains.

111. It is unlawful to disturb [human remains](#) without a licence. Burials on land consecrated by the Church of England are subject to Ecclesiastical Law; permission to disturb them is controlled by the Church of England, most often via the Faculty system. Otherwise, secular controls apply, and authority must be obtained from the Ministry of Justice, via the issuance of a licence under Section 25 of the [Burial Act 1857](#), or by permission granted under other legislation. [Best practice guidance](#) is available on the treatment of human remains from Christian burial grounds in England, and this includes a short guide to the law.

112. Burials more than 100 years old are usually considered of archaeological interest, so appropriate archaeological advice on their treatment should be sought (e.g. from the LPA's archaeological advisers).

5

Informing and determining a planning application

113. Development-led archaeology has a key role in delivering the benefits summarised in Box 3, whilst conserving and enhancing the historic environment in accordance with national policy. This is dependent on the smooth running of the planning system, including (but not limited to):

- a. early engagement: the NPPF emphasises the potential for early engagement to improve the efficiency and effectiveness of the planning application system for all parties (paragraph 39). Many local authority historic environment advisory services will have information on early engagement on their websites. [Managing Significance in Decision-Taking in the Historic Environment \(GPA 2\)](#) [Historic England, 2015a] provides advice on taking a structured approach to early engagement. Understanding the key issues that need to be addressed will support the progression of a development proposal and reduce the risks of unexpected problems at a later stage (when they might be more difficult and expensive to address). In some cases, early engagement will also allow archaeology to be scoped out; in others it may identify the need to preserve archaeological remains within the scheme (see the section below on preserving archaeological remains for related advice);
- b. making decisions with reference to a level of detail that is “proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance” (NPPF paragraph 194) and informed by consultation (as set out in the [PPG](#));
- c. agreeing an approach to archaeological evaluation;
- d. implementing the agreed planning conditions; and
- e. effective collaboration: section 2 outlines the different roles and responsibilities.

114. The following sections break down the application process and help to explain each stage in turn. This is done with reference to Figure 3, a simplified model depicting the typical stages in the development management process, which can be adapted to different circumstances and land use considerations.

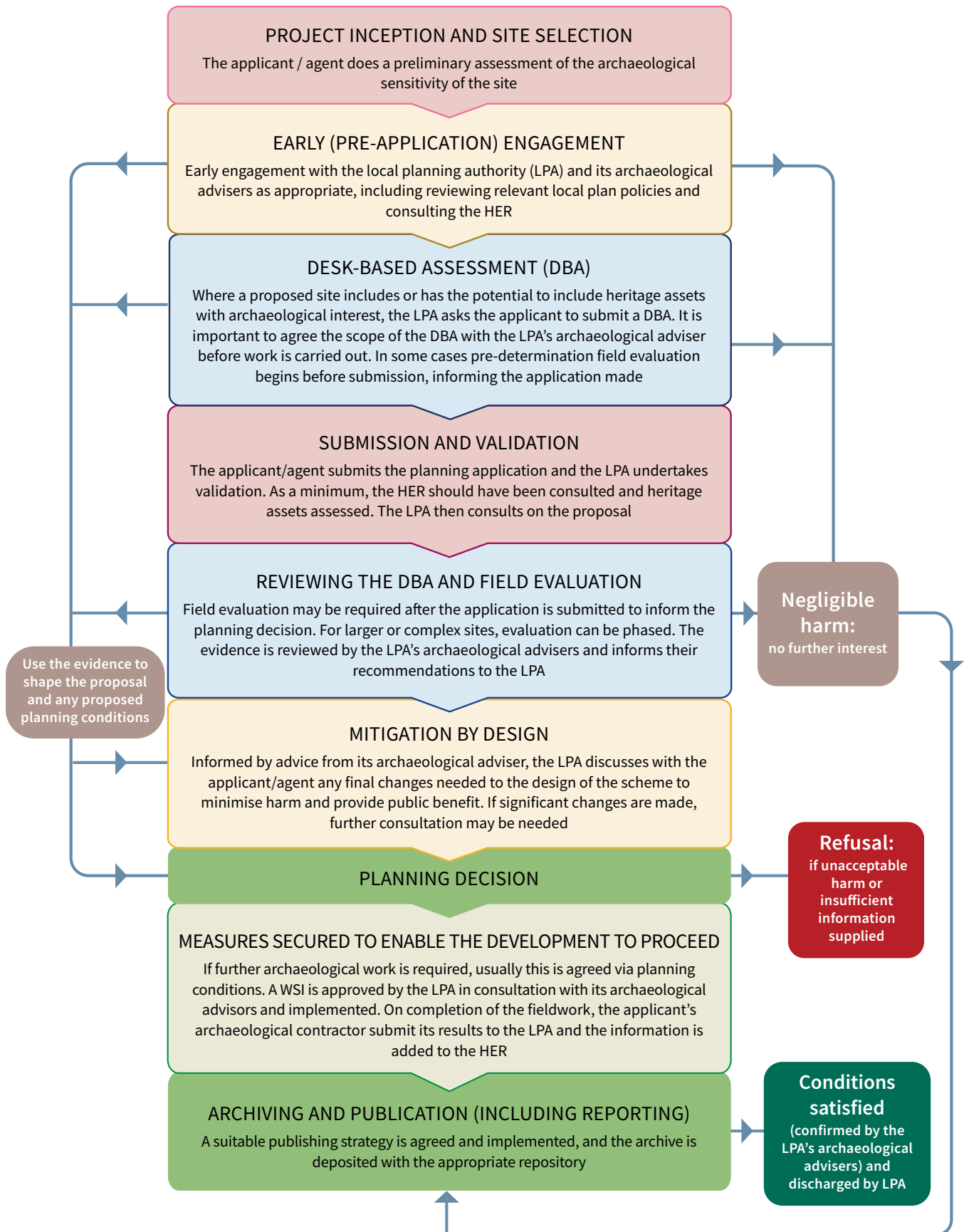


Figure 3: A simplified model of the development management process: typical stages in decision-making where a development proposal has the potential to affect heritage assets of archaeological interest

Desk-based assessments (DBAs)

115. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, LPAs should require developers to submit an appropriate DBA and, where necessary, a field evaluation (NPPF paragraph 194). As noted in paragraph 12 above, designated heritage assets such as listed buildings or conservation areas can also hold archaeological interest which contributes to their significance for decision-making purposes. DBAs provide a mechanism for assessing the archaeological interest of a site and the potential impacts of the proposal by collating and analysing the data available.

116. ClfA's [Standard and Guidance for Historic Environment Desk-based Assessment](#) [ClfA, 2020f] states the minimum requirements for such reports. For DBAs within the planning framework, a brief/project outline will usually be prepared by the archaeological adviser to the planning authority. The brief may be prepared by the applicant or their agents; but it is important to agree the scope of the DBA with the LPA's archaeological adviser in advance of the work being carried out. ClfA's Standard and Guidance also states that opportunities for positive effects should be identified in the DBA as well as negative impacts and mitigation options. Discussion between relevant parties can inform the questions addressed in the DBA.

117. DBAs help decision-makers to understand the nature of the locality, consider the types of archaeological evidence that might be preserved given the geology, topography and land use, and define at an early stage the questions that need to be addressed by subsequent field evaluation. For some heritage assets such as historic industrial sites, built heritage and below ground archaeology are best considered as one.

118. Research Frameworks provide a wider context (regional, national and thematic) to HER data for contractors preparing DBAs or Statements of Heritage Significance, and they support local authority decision-making and the assessment of significance.

119. The value of DBAs depends not only on the quantity, quality and reliability of existing data, but also on the interpretations made by those preparing the DBA. Depending on the type of archaeology, input may be required from someone with relevant specialist expertise; for example, commenting on Palaeolithic archaeology may require a different specialism from that for industrial archaeology. For all DBAs, liaison with the relevant planning authority's archaeological adviser is advisable.

120. Where deeply buried archaeology might be expected, such as on flood plains, deposit models can be useful in identifying archaeological potential. Historic England has published separate advice on [Deposit Modelling and Archaeology](#) [Historic England, 2020b].

121. The DBA will help applicants to assess significance in applications for planning and heritage consents. It can stand alone or be included in a Statement of Heritage Significance, environmental statement and/or design and access statement for submission to the planning authority.

Local validation requirements

122. The submission of a valid application for planning permission [requires](#):

- a. a completed application form;
- b. compliance with national information requirements;
- c. the correct application fee; and
- d. compliance with local information requirements.

123. The Department for Levelling Up, Housing and Communities (Communities and Local Government at the time) has published [Guidance on information requirements and validation](#) [CLG, 2010], which includes a recommendation that for each element of the list of local requirements, it should be clear where any further information or answers to queries can be obtained – including mentioning the HER service as an example.

124. Whilst validation commonly follows a checklist-based approach, more detailed local authority guidance for validation officers may be helpful, such as more detail on how to ensure the applicant has adequately checked the HER. This can support accurate validation, potentially avoiding problems further down the line.

Pre-determination evaluation

125. The principle of a phased programme of works, with one phase informing the next, supports implementation of paragraph 194 of the NPPF. Considering archaeology from the outset, informed by expert advice, helps to inform the design/masterplanning of a scheme, rather than leaving issues to be uncovered at the application stage when a desired scheme has already been finalised by the applicant.

126. Field evaluation (when it is needed) usually follows from and is informed by a DBA; it may require a staged approach where one form of investigation allows the next to be targeted. Evaluation helps LPAs and applicants to manage risk by understanding what heritage assets are present, their significance, importance and the degree of harm likely to be caused. The earlier that risks are understood the more time is available to optimise design, mitigation and cost. The level of detail that is sufficient (referring in particular to NPPF paragraph 194) will vary according to

the likely impacts, and the design and mitigation solutions that can be delivered. Consideration should be given to those factors which would support or exclude the likelihood of remains having previously been identified or disturbed. The absence of information from existing sources at DBA stage cannot alone demonstrate that archaeological potential is low, nor can likely importance be capped on the basis of untested assumptions as to previous loss. Sufficient information is necessary to support the decision maker's judgement, weight and balancing (NPPF paragraphs 199–208) and to allow conflict between the conservation of heritage assets and any part of the proposal to be minimised (NPPF paragraph 195). A development scheme should use the results of evaluation to address impacts in a manner proportionate to the importance of any heritage assets affected (NPPF paragraphs 194, 199 and 205).

127. In planning terms, the outcome of field evaluation could lead to an objection to the scheme as submitted, perhaps leading to its redesign. Alternatively, it can provide evidence to ensure that conditions are properly justified and tailored to tackle specific circumstances, rather than standardised or used to impose unnecessary controls.

128. Planning applications which do not provide a field evaluation that is necessary can be refused on the grounds of insufficient information.

129. Dialogue between the LPA's archaeological adviser and the applicant's adviser identifies the issues to be addressed and on-site conditions to inform the selection of appropriate techniques, their combination and scale. There is a wide range of field evaluation techniques available such as geophysical survey, geoarchaeological deposit modelling and trial trenching so it is important to select the right techniques for the site. Small sites are often simply tested with trial trenches, but for large sites selective use of a range of techniques in combination and in a targeted and iterative way can produce a highly informative data set that effectively characterises the archaeological interest.

130. Historic England [science advisors](#) can support the consideration and selection of archaeological techniques at appropriate stages of the evaluation process. This will enhance understanding, help inform decision-making, and ultimately increase the public value of the work.

131. Appropriate evaluation can support the smooth and speedy progression of the development and help to manage the developer's risk early in the planning process. Where pre-determination evaluation is constrained (e.g. by extant buildings) there may be a need for a further phase of post-consent evaluation and special contingency arrangements for significant discoveries. A case study from Brentford, London shows what can happen when insufficient evaluation led to an unrealistic appreciation of archaeological risk and subsequent delay to the development. This is available as case study 58 via [the report](#) downloadable on the Historic England website.

132. Data gathered can also help to inform a costed mitigation strategy, the benefits of which include a reduction in the chances of unexpected risks and associated costs, and potentially the scope to allocate the cost of archaeology appropriately into financial forecasts.

133. If pre-determination field evaluation is needed, a WSI should be agreed with the LPA's archaeological adviser and approved by the LPA, to ensure it meets their requirements. This is done with reference as appropriate to CIfA guidelines; in particular, CIfA's [Standard and Guidance for Archaeological Field Evaluation](#) [CIfA, 2020g].

Judging significance and harm, redesigning to mitigate impacts and preserving archaeological remains

134. The DBA and, where necessary, the field evaluation inform discussion between the applicant and the LPA, and decision-making on:

- whether a non-designated heritage asset has been identified. As stated in the [PPG](#), there are a number of processes through which non-designated heritage assets may be identified; LPAs may do so as part of the decision-making process on planning applications;
- the level of significance of any non-designated heritage assets, including whether any are of equivalent significance to a scheduled monument;
- the potential harm arising from the proposed development scheme;
- whether appropriate design mitigation measures (e.g. development layout or foundation design) have been proposed;
- whether any positive heritage benefits have been identified, and what weight to give them; and
- whether or not the scheme represents an acceptable use of land (from an archaeological perspective).

135. If the process of assessment and field evaluation identifies harm to the significance of an asset of archaeological interest, then the first step is, usually, to seek to avoid or minimise that harm. For designated heritage assets, great weight should be given to the asset's conservation, and the more important the asset the greater the weight should be (NPPF paragraph 199).

136. For many sites, preservation of an asset of archaeological interest means designing the scheme so that the archaeological remains are left undisturbed. In such circumstances it is essential to ensure that clear records indicate the presence of preserved archaeological remains.

Note that impacts may be both direct (for example the removal of deposits) as well as indirect (where a change in water levels due to the scheme might lead to long-term deterioration of archaeological deposits).

137. Where heritage assets are identified that warrant being retained within the scheme, sufficient evidence needs to be collected to inform the decision-making process. This focuses on the significance and current state of preservation of the archaeological remains and their burial environment, and the potential harm to their significance that might result from the development. Where there is harm to significance, redesigning the scheme has the potential to avoid or minimise the harm. There may be cases, however, where the extent of harm is such as to lead to refusal of the planning application (though [such refusals are rare – see Archaeology in Development Management \[ALGAO, 2019\]](#)), or cases where excavation will be required. [Preserving Archaeological Remains \[Historic England, 2016b\]](#) and to [Piling and Archaeology \[Historic England, 2019d\]](#) provide further advice when making decisions about development schemes or other land-use changes and their potential impact upon archaeological remains.

138. A case study from Thame, Oxfordshire shows how pre-determination archaeological evaluation can inform a planning condition for further investigation. The extent of the discoveries made led to the re-design of later phases of the development to preserve some of the most important archaeological remains. This is available as case study 12 via [the report](#) downloadable on the Historic England website.

Planning conditions and their use

139. The NPPF states that “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects” (paragraph 56).

140. The PPG provides guidance on the [use of planning conditions](#). A range of different archaeological issues can be covered by a condition, such as investigation, preservation, foundation design or public benefit.

141. Archaeological investigation conditions are not subject to deemed discharge (see schedule 6 of the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)), meaning that the LPA’s consent, agreement or approval regarding investigation of the archaeological potential of the land is required.

142. Typically plans for archaeological investigation are set out in a WSI, which take account not only of the fieldwork to be done, but also post-

excavation analysis, archiving and dissemination (including publication). For more information on WSIs refer to ClfA's [Standard and Guidance for Archaeological Excavation](#) [ClfA, 2020b].

143. There may be cases when a WSI is submitted before a planning application is determined to better understand the archaeological interest of the site and how a scheme might be implemented. Early engagement with the LPA and its archaeological advisers helps to inform the decision-making process, including the potential for a compliance condition relating to such works. This type of planning condition can speed up the consent process in straightforward cases; however, if aspects of a project change after consent is granted, a variation of condition application may be needed.

144. Pre-commencement conditions prevent any ground disturbance authorised by the planning permission from beginning until the condition has been complied with. From an archaeological perspective, they are normally used when investigation is needed (supported by clear justification) before work starts on site. Care should be taken when considering the use of pre-commencement conditions, as set out in the [PPG](#). They require the applicant to submit a WSI to the planning authority for approval after permission has been granted but before development begins. The WSI will set out the stages of investigation – for small developments this could just be a single archaeological excavation but for large or complex projects there are likely to be many separate fieldwork stages which need to be brought together for analysis. Other conditions could be used to preserve archaeological remains (as mentioned above); they might require a method statement to control foundation design or landscaping works or require a heritage asset to be fenced off and protected during construction.

145. A staged approach to the discharge of archaeological conditions can help to avoid problems for developers, such as delays that may arise when a lengthy programme of archaeological work is secured by a single clause pre-commencement condition. Related advice is included in [Managing Significance in Decision-Taking in the Historic Environment \(GPA 2\)](#) [Historic England, 2015a], which also includes an example condition.

146. The local authority archaeological adviser should always be consulted on the approval of archaeological planning condition details. Once approved the works on site must be carried out in accordance with the approved scheme with any minor variations agreed and documented. A case study from Surrey demonstrates challenges that can arise when a planning condition is discharged prematurely. This is available as case study 126 via [the report](#) downloadable on the Historic England website.

Fieldwork and unexpected discoveries

147. In most cases the LPA's archaeological adviser will monitor and sign-off fieldwork as the development progresses (in accordance with the agreed conditions) and needs to be involved in decision-making if unexpected remains are encountered.

148. Historic England [science advisors](#) can support the consideration and selection of archaeological techniques to increase the public value of the work, and help all parties to understand the significance of the results.

149. The results of fieldwork need to be assessed and an appropriate level of reporting agreed with the LPA. Reporting on fieldwork is likely to be done in stages in cases where initial findings and assessment lead to further reports and publications. If initial results are of limited significance, it may be sufficient simply to deposit a short report with the local HER (through OASIS – see the section on reporting below) and the archive with the receiving museum. For projects of greater significance, the next step is to complete a post-excavation assessment report setting out the results of the investigation, their significance and proposals for research, publication and archiving (also see below). Post-excavation assessments should have regard to relevant regional, national and thematic research frameworks. The WSI will normally have set out a timescale within which the post-excavation assessment must be completed, and that document will then provide a programme for completing the project. Compliance with this programme should be covered by the planning condition and/or the WSI approved under it.

150. On rare occasions, despite suitable assessment and evaluation, unexpected remains, such as isolated burials or metalwork hoards, may be encountered during the development. Delays can be avoided by ensuring archaeological monitoring and recording works take place as far in advance as practicable, and by including appropriate contingency arrangements and resources.

151. If remains are present that may warrant designation as a scheduled monument then discussions will be required between the developer, the planning authority, Historic England and other relevant stakeholders, exemplified by the case study of an ice well discovered in central London. Developers are advised to incorporate the potential for unexpected discoveries into their risk management strategies.

152. If the remains of any military aircraft and vessels that have crashed, sunk or been stranded are encountered, they are protected by the [Protection of Military Remains Act 1986](#). It is an offence to interfere with protected military remains without a licence from the SoS.

153. There is a legal duty on finders of archaeological remains which may be identified as Treasure to report these to the coroner for the district in which they were found. Advice on what may be Treasure can be obtained from local [Finds Liaison Officers](#); refer to the [Treasure Act 1996](#) for further information. There is also a legal requirement if you recover wreck material (as defined by the [Merchant Shipping Act 1995](#)) to notify the Receiver of Wreck, who currently sits within the Maritime and Coastguard Agency.

154. If remains are present that may warrant designation as a Protected Wreck then discussions will be required between the developer, the planning authority, Historic England and other relevant stakeholders.

National importance

155. Under the terms of the [Ancient Monuments and Archaeological Areas Act 1979](#) the SoS has a duty to compile and maintain a schedule of monuments of national importance. This duty is exercised by the SoS for DCMS.

156. The current policy of the SoS is to select monuments for scheduling on the basis of their archaeological or historical interest, and their management needs ([Policy Statement on Scheduled Monuments](#) [DCMS, 2013]).

157. Scheduling is discretionary: on occasion the SoS may decide not to schedule a monument despite having identified it as being of national importance. On other occasions the SoS may identify a monument as being of national importance but decide that it is incapable of being scheduled, or that a site is of national importance but that it does not qualify as a ‘monument’.

158. It is not necessary for a monument to have archaeological interest in order for the SoS to identify it as being of national importance, or to schedule it.

159. National planning policy on the conservation of non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, is set out in the [NPPF](#) (with particular reference to paragraphs 194-203 and in particular to footnote 68) and [National Policy Statements](#). In such circumstances, the assets should be considered subject to the policies for designated heritage assets.

160. National planning policy is supported by the [PPG](#), which provides more information about the different types of non-designated heritage assets that can meet the criteria of demonstrable equivalence to a scheduled monument. These are of three types:

- those that have yet to be formally assessed for designation;
- those that have been assessed as being nationally important and therefore, capable of designation, but which the SoS for DCMS has exercised his/her discretion not to designate. Before Historic England submits an assessment to the SoS, it consults LPAs on the contents of that assessment; the LPA will also be informed of the decision taken by DCMS;
- those that are incapable of being designated by virtue of being outside the scope of the [Ancient Monuments and Archaeological Areas Act 1979](#) because of their physical nature.

161. As stated in the NPPF (paragraph 199): “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)”; and (paragraph 200.b) “substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments ... should be wholly exceptional”. It is therefore important to establish whether a development would affect a non-designated heritage asset of archaeological interest, which is demonstrably of equivalent significance to a scheduled monument and, if so, how much harm would be caused, before a planning decision is made. In most cases this will require a DBA and field evaluation to make an informed judgment.

Archiving and publication (including reporting)

162. The physical archive (containing relevant documents and archaeological materials) is deposited with the appropriate repository, such as a local museum.

163. Recent recommendations for best practice in the report [Planning for Archives](#) [HE / ALGAO: England, 2019] aim to embed archive delivery within the planning process, including sharing common standards, improving communication and the management of digital material. This has emerged from a [series of initiatives](#) Historic England is leading as it seeks to resolve issues in archive practice and curation, and implement recommendations made to DCMS.

164. The overall vision is for a flexible and sustainable approach to the creation, compilation and curation of archaeological archives that derive from the planning process:

- a. which maximises their benefit to the public in terms of understanding, learning, participation and enjoyment;
- b. in which developers and landowners are clear about their responsibilities;
- c. in which archaeologists are confident in their decisions about what to select for archive and why;
- d. in which archaeology collections are curated in publicly accessible repositories; and
- e. in which digital material is properly managed and curated.

165. Depending on the quantity and significance of the results from the archaeological work undertaken, an appropriate level of publication will be required. Publishing digital data online is the primary approach that is common to all reporting strategies resulting from development-led archaeology. The digital record will go to an accredited digital repository such as the [Archaeology Data Service](#) (ADS) that has Core Trust status. In some cases, there may be more than one phase of reporting required.

166. In addition, there is an increasing range of options for other publications, including pamphlets for the local community, digital and web-based publications, peer-reviewed journal papers and standalone monographs. The approach to publication impacts on how widely the outcomes of the archaeological work will reach and hence on the public benefit delivered. A successful publishing strategy will depend on maintaining a clear idea of the target audience, how they are most likely to access information and what type of information they are most likely to need.

167. [OASIS](#) is an online system for recording information about historic environment fieldwork, investigation and research, which enables investigators across the UK to record (meta)data and supply digital copies of investigation reports to ADS. This makes the results from the investigation publicly accessible and supports dissemination via an [online open access library](#).

168. The digital records from OASIS and reports in the [open access library](#) are accessible for use by HERs and researchers. This can be effectively achieved when investigators complete the section in OASIS on how the results help to answer one or more questions in a published Research Framework. This will help local authorities to fulfil the NPPF requirement that they “...require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible” [paragraph 205].

Enforcement

169. The PPG defines a [breach of planning control](#), against which enforcement action can be taken, sets out who can take enforcement action and when such action should be taken. Whilst it can be time consuming, enforcement work is vital to conserve and enhance the historic environment in accordance with national policy and maintain confidence in the decision-making process. . A case study from Sheffield demonstrates the value of enforcement (or, to be more precise, in this case the threat of enforcement). This is available as case study 134 via [the report](#) downloadable on the Historic England website.

170. For archaeology, breaches of planning control can take several forms. Potentially the most damaging situation is construction work starting on site without archaeological investigation required by a condition. In this case considerable harm could occur quickly, and prompt action, which may include enforcement action, is essential. Another issue may occur with regards to costs associated with fieldwork being allocated, but there being insufficient or no allocation for funding of post-excavation work, despite there being requirements for funding. If publication and archiving is not completed, then information remains inaccessible and is effectively lost. Again, ensuring that appropriate funding has been secured and is complied with is essential, with appropriate enforcement action taken as necessary.

171. As noted earlier in this Advice Note, SMC will be required for works to a scheduled monument. If these works are undertaken without consent in place it is a criminal offence and prosecution action can be taken.

172. The [Proceeds of Crime Act 2002](#) (POCA) contains a range of powers that can be used to provide confiscation orders in relation to persons who benefit from criminal conduct, allowing the recovery of property that has been obtained through unlawful conduct. There have been a number of cases in which powers under POCA have been used with regards to planning enforcement and unauthorised works. It is therefore worthy of consideration by LPAs when contemplating taking such action.

6

Permitted Development (PD)

PD and the potential for impacts on archaeology

173. Planning permission is required to carry out development, but there are different routes to permission; for example, planning permission may be granted through a Local or Neighbourhood Development Order or a Permitted Development (PD) Right.

174. A PD Right is a national grant of planning permission (also see the [PPG](#)) which allows certain building works and changes of use to be carried out without having to make a planning application. In such circumstances, though a planning application is not needed, other consents may still be required under other regimes (such as SMC, LBC or the need to obtain permission to excavate human remains – see section 5) and ‘prior approval’ from the LPA may be required for certain matters.

175. PD Rights may be subject to conditions and limitations to control impacts and to protect local amenity, as set out in [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) (as amended). It is important to check what those conditions and limitations are, and whether such Rights have been excluded or removed, for example:

- due to the area being protected, such as World Heritage Sites or National Parks (known as Article 2(3) land) or if the site is, or contains, a scheduled monument;
- if the proposed works relate to development specified in the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#);
- if the proposed works affect a habitats site;
- because the LPA has restricted its application through an Article 4 direction, or because it has been removed through a condition on planning permission.

176. It is also important to find out if there is a requirement to obtain prior approval from the LPA before exercising the PD Right, and to liaise with the LPA more generally regarding the ability to rely on PD Rights for the

proposed works. The consideration of archaeology in relation to prior approval can be seen, for example, in the PD Right for the construction of new dwellinghouses. Subject to various conditions and limitations, there may be scope to demolish and replace a building in relation to the construction of new dwellinghouses PD. Box 6 outlines the steps to be taken with respect to archaeology in such a scenario, arising from the need for prior approval of the LPA.

177. Where a development brought forward under PD Rights encounters unexpected remains of archaeological interest, liaison with the LPA is recommended to ensure the implications of any development can be appropriately assessed and managed. If human remains are encountered, it is a legal requirement (with reference to the [Burial Act 1857](#)) to inform the police, who will usually contact the local authority archaeological adviser to assist with verifying the archaeological or modern context of the remains.

Box 6: Class ZA Demolition of buildings and construction of new dwellinghouses in their place

Class ZA appears in [Part 20, Schedule 2 of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#). As noted in the title, it permits demolition of certain types of building with replacement block of flats or dwellinghouse.

Development is not permitted if the land is or forms part of a listed building or scheduled monument of article 2(3) land, or other limitations are imposed. Conditions are imposed on this Right which need to be adhered to, the first of which is for the developer applying to the LPA for prior approval on various matters including the impact of the development on heritage and archaeology.

The procedure in relation to prior approval will entail submission of relevant details, including a written description of the proposed development, a plan, and a written statement on the heritage and archaeological considerations of the development. The LPA must then, so far as they consider reasonably practicable, when dealing with prior approval as to the impact of the development on heritage and archaeology consult any bodies they consider to have heritage and archaeological expertise relevant to their functions.

When determining the application for prior approval, the LPA must take account of any representations made and have regard to the NPPF (in so far as relevant to the subject matter of the prior approval), as if the application were a planning application. The development cannot begin until the LPA have given their prior approval. The development must then be carried out in accordance with the details approved.

Utility works

178. Statutory undertakers (companies/agencies authorised by statute to provide services to the public) have various PD Rights to carry out works, subject to various conditions and limitations. Relevant legislation informs the works undertaken to avoid unacceptable impacts on the environment.

179. Clause 3 of the [Water Act 1991](#) covers general environmental and recreational duties and Schedule 9 of the [Electricity Act 1989](#) covers the preservation of amenity. There is no equivalent to a Schedule 9 statement requirement in the provisions of the [Gas Act 1986](#); however, National Grid (the sole owner and operator of the gas transmission system in the UK) states that the principles in its document [National Grid's commitments when undertaking works in the UK](#) [National Grid, 2016] should apply equally to its electricity and gas transmission works.

180. Under the [Water and Sewerage Undertakers \(Pipelaying and other Works\) \(Code of Practice\) Order 1999](#) codes of practice were approved for many of the water companies, which set out good practice for those companies when fulfilling their duties, including those which relate to archaeology.

181. Successful implementation of a utility company's duties with regard to amenity and impacts on the environment relies on consultation before works are undertaken:

- a. with the LPA and its archaeological adviser for non-designated heritage assets; and
- a. with Historic England when assessing impacts on designated heritage assets.

182. Utility companies may agree general consultation criteria with LPA archaeological advisers either individually or collectively in a region to avoid needless consultations on minor works.

7

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