

## PLANNING POLICY GUIDANCE 16: ARCHAEOLOGY AND PLANNING

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### Introduction

1. This guidance is for planning authorities in England, property owners, developers, archaeologists, amenity societies and the general public. It sets out the Secretary of State's policy on archaeological remains on land, and how they should be preserved or recorded both in an urban setting and in the countryside. It gives advice on the handling of archaeological remains and discoveries under the development plan and control systems, including the weight to be given to them in planning decisions and the use of planning conditions. (Separate controls exist for scheduled monuments - See Annex 3.) The guidance pulls together and expands existing advice, within the existing legislative framework. It places no new duties on local authorities, and should not place any significant additional burden on local authorities.

#### **A: The Importance Of Archaeology**

3. Archaeological remains are irreplaceable. They are evidence - for prehistoric periods, the only evidence - of the past development of our civilization.

4. Today's archaeological landscape is the product of human activity over thousands of years. It ranges through settlements and remains of every period, from the camps of the early hunter gatherers 400,000 years ago to remains of early 20th century activities. It includes places of worship, defence installations, burial grounds, farms and fields, and sites of manufacture.

5. These remains vary enormously in their state of preservation and in the extent of their appeal to the public. "Upstanding" remains are familiar enough - the great stone circles, the castle and abbey ruins of the Middle Ages or abandoned coastal defence systems. But less obvious archaeological remains, such as ancient settlements and field systems, are also to be found across large parts of the country. Some prehistoric sites in wetland areas contain important wood and organic remains. Many buildings in older towns lie on top of Roman, Anglo-Saxon or medieval structures.

6. Archaeological remains should be seen as a finite and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction. Appropriate management is therefore essential to ensure that they survive in good condition. In particular, care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed. They can contain irreplaceable information about our past and the potential for an increase in future knowledge. They are part of our sense of national identity and are valuable both for their own sake and for their role in education, leisure and tourism.

7. The present century has been a period of striking environmental change. Some changes, like the erosion of coastal areas, have occurred naturally. But much archaeological heritage has been destroyed by human

activity - for example, by modern construction methods in urban development and expansion of the road network, by modern agricultural techniques (in particular deep ploughing or drainage of wetlands), and by mineral extraction.

8. With the many demands of modern society, it is not always feasible to save all archaeological remains. The key question is where and how to strike the right balance. Where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there should be a presumption in favour of their physical preservation. Cases involving archaeological remains of lesser importance will not always be so clear cut and planning authorities will need to weigh the relative importance of archaeology against other factors including the need for the proposed development (see also paragraph 27). Regardless of the circumstances, taking decisions is much easier if any archaeological aspects of a development site can be considered early on in the planning and development control process. This is discussed in Section B.

9. Archaeological records for England currently contain around 600,000 sites and monuments. Some 13,000 nationally important cases enjoy special protection as "scheduled monuments", under the Ancient Monuments and Archaeological Areas Act 1979. English Heritage have embarked on a survey programme which is expected to result in significant additional numbers being given this statutory protection (see Annex 3).

10. Scheduling archaeological remains ensures that the case for preservation is fully considered given any proposals for development or other work which might damage the monument. The planning system, as paragraph 18 emphasises, is equally in a position to consider the desirability of preserving archaeological remains, and the various options open to planning authorities for dealing with archaeological remains are considered in Section B. Much can be achieved within the wider planning process when developers are prepared to enter into discussions with archaeologists and consider fully the needs of archaeology. This voluntary approach to considering the needs of archaeology is a well-established and growing practice and has been formalized in Codes of Practice by the British Archaeologists' and Developers' Liaison Group (BADLG) (see paragraph 26; also Annex 1, paragraph 9), and the Confederation of British Industry (CBI) Code for Mineral Operators.

11. Archaeological issues are often important in minerals planning, particularly in the extraction of sand and gravel. River valleys have provided an attractive place for man to settle but at the same time these areas often contain valuable sand and gravel resources. Minerals can clearly only be worked where they are found so they often differ from other forms of development in that there is not the same flexibility of choice of location. The CBI's revised Code of Practice for Mineral Operators on archaeological investigations provides advice on how minerals operators should consult archaeological interests in formulating planning applications, to ensure that archaeological factors are fully taken into account in the planning decision process.

12. The key to informed and reasonable planning decisions, as emphasised in paragraphs 19 and 20, is for consideration to be given early, before formal planning applications are made, to the question whether archaeological remains exist on a site where development is planned and the implications for the development proposal. When important remains are known to exist or when archaeologists have good reason to believe that important remains exist, developers will be able to help by preparing sympathetic designs using, for example, foundations which avoid disturbing the remains altogether or minimise damage by raising ground levels under a proposed new structure, or by the careful siting of landscaped or open areas. There are techniques available for sealing archaeological remains underneath buildings or landscaping, thus securing their preservation for the future even though they remain inaccessible for the time being.

13. If physical preservation *in situ* is not feasible, an archaeological excavation for the purposes of 'preservation by record', may be an acceptable alternative (see also paragraphs 24 and 25). From the archaeological point of view this should be regarded as a second best option. The science of archaeology is developing rapidly. Excavation means the total destruction of evidence (apart from removable artefacts) from which future techniques could almost certainly extract more information than is currently possible. Excavation is also expensive and time-consuming, and discoveries may have to be evaluated in a hurry against an inadequate research framework. The preservation *in situ* of important archaeological remains is therefore nearly always to be preferred.

14. Positive planning and management can help to bring about sensible solutions to the treatment of sites with archaeological remains and reduce the areas of potential conflict between development and preservation. Both central government and English Heritage have important roles to play (see Annex 1). But the key to the future of the great majority of archaeological sites and historic landscapes lies with local authorities, acting within the framework set by central government, in their various capacities as planning, education and recreational authorities, as well as with the owners of sites themselves. Appropriate planning policies in development plans and their implementation through development control will be especially important.

## **B: Advice On The Handling Of Archaeological Matters In The Planning Process**

### **Development Plans**

15. Development plans should reconcile the need for development with the interests of conservation including archaeology. Detailed development plans (ie local plans and unitary development plans) should include policies for the protection, enhancement and preservation of sites of archaeological interest and of their settings. The proposals map should define the areas and sites to which the policies and proposals apply. These policies will provide an important part of the framework for the consideration of individual proposals for development which affect archaeological remains and they will help guide developers preparing planning applications.

16. Although the surviving numbers of archaeological remains are finite and irreplaceable, obviously not all of them are of equal importance. Planning authorities may therefore wish to base their detailed development plan policies and proposals on an evaluation of the archaeological remains in their area. Archaeological remains identified and scheduled as being of national importance should normally be earmarked in development plans for preservation. Authorities should bear in mind that not all nationally important remains meriting preservation will necessarily be scheduled; such remains and, in appropriate circumstances, other unscheduled archaeological remains of more local importance, may also be identified in development plans as particularly worthy of preservation.

### **Sites and Monuments Records - SMRs**

17. All shire counties now maintain Sites and Monuments Records (SMRs) staffed by at least one professional officer, usually employed by the County Council. In London the SMR is maintained by English Heritage. In ex-Metropolitan county areas centralised SMRs are jointly maintained by Metropolitan Boroughs. An increasing number of non-metropolitan District Councils now employ archaeological staff within their planning departments. All planning authorities should make full use of the expertise of County Archaeological Officers or their equivalents (see Annex 1 paragraphs 4-6). English Heritage is ready to advise on the archaeological policies proposed for inclusion in draft plans. Consultation with English Heritage, as suggested by DOE Circular 22/84 (Annex C, paragraph 1), may be of particular help in urban areas where important archaeological remains may not be adequately identified by scheduling.

### **Planning Applications**

18. The desirability of preserving an ancient monument and its setting is a material consideration in determining planning applications whether that monument is scheduled or unscheduled. Developers and local authorities should take into account archaeological considerations and deal with them from the beginning of the development control process. Where local planning authorities are aware of a real and specific threat to a known archaeological site as a result of the potential exercise of *permitted development rights* (as set out in Schedule 2 to the Town and Country Planning General Development Order 1988) they may wish to consider the use of their powers under Article 4 of that Order to withdraw those rights and to require specific planning permission to be obtained before development can proceed. Most such directions require the Secretary of State's approval, either before they come into effect or within six months of being made, unless they relate solely to a listed building. Further advice on the use of Article 4 Directions is given in Appendix D to DOE Circular 22/88.

#### **(a) The First Step: Early Consultations between Developers and Planning Authorities**

19. The needs of archaeology and development can be reconciled, and potential conflict very much reduced, if developers discuss their preliminary plans for development with the planning authority at an early stage. Once detailed designs have been prepared and finance lined up, flexibility becomes much more difficult and expensive to achieve. In their own interests, therefore, prospective developers should in all cases include as part of their research into the development potential of a site, which they undertake before making a planning application, an initial assessment of whether the site is known or likely to contain archaeological remains. The first step will be to contact the County Archaeological Officer or equivalent who holds the SMR, or English Heritage in London. The SMR provides information about the locations where archaeological remains are known or thought likely to exist. Where important remains are known to exist or where the indications are that the remains are likely to prove important, English Heritage are also

ready to join in early discussions and provide expert advice. Special notification requirements apply in designated Areas of Archaeological Importance - see Annex 3, paragraphs 19-20.

20. These consultations will help to provide prospective developers with advance warning of the archaeological sensitivity of a site. As a result they may wish to commission their own archaeological assessment by a professionally qualified archaeological organisation or consultant. This need not involve fieldwork. Assessment normally involves desk-based evaluation of existing information: it can make effective use of records of previous discoveries, including any historic maps held by the County archive and local museums and record offices, or of geophysical survey techniques.

#### **(b) Field Evaluations**

21. Where early discussions with local planning authorities or the developer's own research indicate that important archaeological remains may exist, it is reasonable for the planning authority to request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken. This sort of evaluation is quite distinct from full archaeological excavation. It is normally a rapid and inexpensive operation, involving ground survey and small-scale trial trenching, but it should be carried out by a professionally qualified archaeological organisation or archaeologist. The Institute of Field Archaeologists (see Annex 1 for address), publishes a Directory of members, which developers may wish to consult. Evaluations of this kind help to define the character and extent of the archaeological remains that exist in the area of a proposed development, and thus indicate the weight which ought to be attached to their preservation. They also provide information useful for identifying potential options for minimising or avoiding damage. On this basis, an informed and reasonable planning decision can be taken.

22. Local planning authorities can expect developers to provide the results of such assessments and evaluations as part of their application for sites where there is a good reason to believe there are remains of archaeological importance. If developers are not prepared to do so voluntarily, the planning authority may wish to consider whether it would be appropriate to direct the applicant to supply further information under the provisions of Regulation 4 of the Town and Country Planning (Applications) Regulations 1988 and if necessary authorities will need to consider refusing permission for proposals which are inadequately documented. In some circumstances a formal Environmental Assessment may be necessary. For further details see Annex 3, paragraphs 21 and 22.

#### **(c) Consultations by Planning Authorities**

23. When planning applications are made without prior discussion with the local planning authorities, the authorities should seek to identify those applications which have archaeological implications, and to assess their likely archaeological impact by consulting the County Archaeological Officer or equivalent and the County Sites and Monuments Record. When it is evident that a particular development proposal is likely to affect archaeological remains, applicants may need to be asked to provide more detailed information about their scheme - for example, the type of foundations to be used - or they may be asked to carry out an evaluation. Planning authorities should also ensure that they are fully informed about the nature and importance of the archaeological site and its setting. They should therefore seek archaeological advice, normally from the County Archaeological Officer or equivalent who in turn may wish to consult locally based museums and archaeological units and societies. In the case of a development proposal that is likely to affect the site of a scheduled ancient monument Article 18(1) of the Town and Country Planning General Development Order 1988, requires local planning authorities to consult English Heritage. Local planning authorities may find it helpful to consult more generally with English Heritage on applications for development that affect non-scheduled sites. Existing information about a site is often sufficient to allow authorities to make planning decisions which take into account all material considerations.

#### **(d) Arrangements For Preservation By Record Including Funding**

24. The Secretary of State recognises that the extent to which remains can or should be preserved will depend upon a number of factors, including the intrinsic importance of the remains. Where it is not feasible to preserve remains, an acceptable alternative may be to arrange prior excavation, during which the archaeological evidence is recorded.

25. Planning authorities should not include in their development plans policies requiring developers to finance archaeological works in return for the grant of planning permission. By the same token developers should not expect to obtain planning permission for archaeologically damaging development merely because they arrange for the recording of sites whose physical preservation *in situ* is both desirable (because of their level of importance) and feasible. Where planning authorities decide that the physical preservation *in situ* of archaeological remains is not justified in the circumstances of the case and that development resulting in the destruction of the archaeological remains should proceed, it would be entirely reasonable for the planning authority to satisfy itself before granting planning permission, that the developer has made appropriate and satisfactory provision for the excavation and recording of the remains. Such excavation and recording should be carried out before development commences, working to a project brief prepared by the planning authority and taking advice from archaeological consultants. This can be achieved through agreements reached between the developer, the archaeologist and the planning authority (see following paragraph). Such agreements should also provide for the subsequent publication of the results of the excavation. In the absence of such agreements planning authorities can secure excavation and recording by imposing conditions (see paragraphs 29 and 30). In particular cases where the developer is a non-profit making community body, such as a charitable trust or housing association, which is unable to raise the funds to provide for excavation and subsequent recording without undue hardship, or in the case of an individual who similarly does not have the means to fund such work, an application for financial assistance may be made to English Heritage.

26. Agreements covering excavation, recording and the publication of the results may take different forms. For example, developers or their archaeological consultants and local planning authorities may wish to conclude a voluntary planning agreement under section 106 of the Town and Country Planning Act 1990 or other similar powers. The Secretary of State is pleased to note the increasing number of agreements being reached within the terms and spirit of the British Archaeologists' and Developers' Code of Practice. Model agreements between developers and the appropriate archaeological body regulating archaeological site investigations and excavations can be obtained from the British Property Federation. These agreements can provide for the excavation and recording of sites before development work starts. Voluntary agreements are likely to provide more flexibility and be of greater mutual benefit to all the parties than could be provided for by alternative statutory means. They have the advantage of setting out clearly the extent of the developer's commitment, thereby reducing both uncertainty over the financial implications of having to accommodate any archaeological constraints and the possibility of unforeseen delays to the construction programme.

### Planning Decisions

27. Once the planning authority has sufficient information, there is a range of options for the determination of planning applications affecting archaeological remains and their settings. As stated in paragraph 8, where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there should be a presumption in favour of their physical preservation *in situ* ie, a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. The case for the preservation of archaeological remains must however be assessed on the individual merits of each case, taking into account the archaeological policies in detailed development plans, together with all other relevant policies and material considerations, including the intrinsic importance of the remains and weighing these against the need for the proposed development.

28. There will no doubt be occasions, particularly where remains of lesser importance are involved, when planning authorities may decide that the significance of the archaeological remains is not sufficient when weighed against all other material considerations, including the need for development, to justify their physical preservation *in situ*, and that the proposed development should proceed. As paragraph 25 explains, planning authorities will, in such cases, need to satisfy themselves that the developer has made appropriate and satisfactory arrangements for the excavation and recording of the archaeological remains and the publication of the results. If this has not already been secured through some form of voluntary agreement, planning authorities can consider granting planning permission subject to conditions which provide for the excavation and recording of the remains before development takes place (see following section). Local planning authorities may, as a matter of last resort, need to consider refusing planning permission where developers do not seek to accommodate important remains.

## Planning Conditions

29. Planning authorities should seek to ensure that potential conflicts are resolved and agreements with developers concluded before planning permission is granted. Where the use of planning conditions is necessary, authorities should ensure that, in accordance with DOE Circular 1/85, they are fair, reasonable and practicable. It is however open to the local planning authority to impose conditions designed to protect a monument and to ensure that reasonable access is given to a nominated archaeologist - either to hold a "watching brief" during the construction period or specifically to carry out archaeological investigation and recording in the course of the permitted operations on site. Conditions on these lines help to ensure that if remains of archaeological significance are disturbed in the course of the work, they can be recorded and, if necessary, emergency salvage undertaken.

30. In cases when planning authorities have decided that planning permission may be granted but wish to secure the provision of archaeological excavation and the subsequent recording of the remains, it is open to them to do so by the use of a negative condition i.e. a condition prohibiting the carrying out of development until such time as works or other action, e.g. an excavation, have been carried out by a third party. In such cases the following model is suggested:

"No development shall take place within the area indicated (this would be the area of archaeological interest) until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority." (Developers will wish to ensure that in drawing up a scheme, the timetable for the investigation is included within the details of the agreed scheme).

The use of this model is also advocated in the CBI Code of Practice for Mineral Operators. The advice on the use of the above condition should be regarded as supplementary to that contained in DOE Circular 1/85 relating to archaeology.

## Discovery of Archaeological Remains during Development

31. The preceding guidance (paragraphs 19 and 20 in particular) has been framed to minimise occasions when totally unexpected problems arise while development is in progress. Nevertheless, and in spite of the best pre-planning application research, there may be occasions when the presence of archaeological remains only becomes apparent once development has commenced. Developers may wish to consider insuring themselves against the risk of a substantial loss while safeguarding the interest of historic remains unexpectedly discovered on the site. Conflicts that may otherwise arise between developers and archaeologists may not be easy to solve although English Heritage, who have a great deal of experience in handling these situations, are ready to offer practical advice, as is the British Archaeologists' and Developers' Liaison Group. Where fresh archaeological discoveries are deemed by the Secretary of State, on English Heritage's advice, to be of national importance, in accordance with his published criteria (see Annex 4), the Secretary of State for National Heritage has power to schedule the remains. In that event developers would need to seek separate scheduled monument consent before they continue work. It is also open to a planning authority or the Secretary of State to revoke a planning permission if deemed necessary, in which case there is provision for compensation. In the majority of cases, however, it should prove possible for the parties to resolve their differences through voluntary discussion and for a satisfactory compromise to be reached.

## **Annex 1 - Key Bodies And Organisations**

### **Central Government**

1. The Secretary of State for the Environment is responsible for setting the general framework for the planning system and for the protection and preservation of archaeological remains of importance. The Secretary of State for National Heritage is responsible for both compiling and maintaining a schedule of nationally important monuments subject to legal protection and for the control of works to such scheduled monuments through the scheduled monument consent procedure (see Annex 3, paragraphs 5 to 9).

### **English Heritage**

2. The Historic Buildings and Monuments Commission for England (English Heritage) was set up by the National Heritage Act 1983 and inherited many functions previously exercised by the Secretary of State for the Environment. The general duties of English Heritage in relation to ancient monuments are -

- (a) to secure, so far as is practicable, the preservation of ancient monuments situated in England; and,
- (b) to promote the public's enjoyment of, and advance their knowledge of, ancient monuments in England and their preservation.

English Heritage's specific functions relating to ancient monuments are to provide the Secretary of State for National Heritage with general advice in relation to ancient monuments and specifically on whether particular remains are worthy of scheduling. They also advise the Secretary of State in relation to applications for scheduled monument consent. They may provide financial assistance towards the upkeep of ancient monuments and towards archaeological investigation. With the consent of the Secretary of State English Heritage may acquire or take ancient monuments into guardianship.

### **Royal Commission on the Historical Monuments of England (RCHME)**

3. RCHME is the national body of survey and record. Its aim is to compile and make available a basic data base of England's ancient monuments and listed buildings (the National Monuments Record) for use by individuals and bodies concerned with understanding, conserving and managing the built environment. The National Monuments Record is an index of the more detailed information held in the various County Sites and Monuments records.

### **County Councils' and other Local Authorities' Sites and Monuments Records**

4. The first requirement of any policy aiming to protect and manage archaeological remains is a record of all known sites. All counties (and other planning authorities which operate on a regional basis, e.g. National Park Authorities outside the County framework) should continue to maintain an up-to-date archaeological SMR. The Department of the Environment and, since 1984, English Heritage have for a number of years been helping authorities without an adequate record to create a computerised system. Each County planning authority has one and in London the SMR is maintained by English Heritage. In ex-metropolitan county areas centralised SMR's are jointly maintained by the Metropolitan Boroughs.

5. The development of compatible records at county level or regional level provides an indispensable tool for the formulation of local development plans, and the determination of planning applications. More widely, the SMR is an important first stage in the positive management and presentation of the historic landscape for the purpose of education and recreation and as an input to local history, conservation and tourism projects.

6. The ideal is that the SMR should have three main elements; a list, description, and assessment of all known ancient monuments; a map record (commonly at a scale of 1:10000) which identifies the boundaries of the site, and an archive which contains detailed record for specific sites, such as aerial photographs, survey and excavation reports, references and other written and graphic records. The task of compiling and monitoring the record usually rests with a County Archaeological Officer or his equivalent who can



provide detailed advice, in particular to planning officers at both county and district level. A list of contact addresses for county archaeological officers appears in Annex 2.

### **Local Planning Authorities**

7. Local planning authorities (including Urban Development Corporations) have a number of key responsibilities in relation to archaeological sites and monuments within their areas. For instance, they may have major remains, buildings or sites in their care; they may acquire ancient monuments and grant-aid their preservation and can help to present and manage historic sites which contribute to the local landscape, amenities and economy of their area; finally they have a crucial role in safeguarding the archaeological heritage through their development control functions. Some authorities have a highly developed archaeological service on which to draw for planning, recreational and educational purposes. Authorities who do not have the necessary expertise to address archaeological issues in-house can seek it from County Archaeological officers and professional archaeological organisations (see Annex 2).

### **The Association of County Archaeological Officers (ACAO)**

8. ACAO is the national body representing professional County Archaeological Officers or their equivalents, which advises the Association of County Councils on archaeological matters. It seeks to co-ordinate and represent their views to the Government and other national archaeological and environmental organisations.

### **The British Archaeologists' and Developers' Liaison Group**

9. The Liaison group is a permanent body initiated jointly by the British Property Federation (BPF) and the Standing Conference of Archaeological Unit Managers - SCAUM (SCAUM is the national body representing some 75 professional archaeological units), and endorsed by English Heritage, the Council for British Archaeology, the Institute of Field Archaeologists and the Department of the Environment as well as others. Its aim is to foster voluntary co-operation between developers and archaeologists to encourage good working practices through their Code of Practice. Copies of the Code (Second edition, 1988) are available from the BPF.

### **Council for British Archaeology (CBA)**

10. The CBA is the leading representative body for archaeology in Britain with its membership comprising national and local organisations, archaeological units and trusts, county and local museums and universities. It seeks to co-ordinate and represent the views of the archaeological community and presents those views to Government and others. It also seeks to promote public interest in archaeology. It is a source of advice on local plan policies and is regularly consulted by many authorities.

### **The Institute of Field Archaeologists (IFA)**

11. The IFA is the UK's professional institution for archaeologists in Britain. It is concerned with defining and maintaining proper professional standards and ethics in field archaeology. All members conform to a Code of Conduct and there is a disciplinary procedure for investigating and dealing with allegations of improper conduct. A *Directory of Members* is published which lists the registered areas of competence of each member. Corporate membership of the Institute carries the distinction MIFA, AIFA or PIFA according to experience and qualifications.

### **Addresses of Key Bodies and Organisations**

#### **1. Department Of The Environment**

2 Marsham Street  
London  
SW1P 3EB  
Tel: 071-276-3000

## **2. Department Of National Heritage**

2-4 Cockspur Street  
London  
SW1Y 5DH  
Tel: 071 211 6000

## **3. English Heritage**

Fortress House  
23 Savile Row  
London  
W1X 1AB  
Tel: 071-973 3000

## **4. Royal Commission On The Historical Monuments Of England**

Fortress House  
23 Savile Row  
London  
W1X 1AB  
Tel: 071-973 3500

## **5. Local Authority Associations:**

### **i. Association Of District Councils**

26 Chapter Street  
London  
SW1P 4ND  
Tel: 071-233 6868

### **ii. Association Of County Councils**

Eaton House  
66a Eaton Square  
London  
SW1W 9BH  
Tel: 071-235 1200

### **Association Of County Archaeological Officers**

Eaton House  
66a Eaton Square  
London  
SW1W 9BH  
Tel: 071-235 1200

### **iii. Association Of London Authorities**

36 Old Queen Street  
London  
SW1H 9JF  
Tel: 071-222 7799

### **iv. Association Of Metropolitan Authorities**

35 Great Smith Street  
London  
SW1P 3BJ  
Tel: 071-222 8100

### **v. London Boroughs Association**

23 Buckingham Gate  
London  
SW1E 6LB  
Tel: 071-834 6788

**6. Council For British Archaeology**

112 Kennington Road  
London  
SE11 6RE  
Tel: 071-582 0494

**7. The Institute Of Field Archaeologists**

The Minerals Engineering Building  
University of Birmingham  
PO Box 363  
Birmingham  
B15 2TT  
Tel: 021-471 2788

**8. The British Archaeologists' And Developers' Liaison Group**

British Property Federation  
35 Catherine Place  
London  
SW1E 6DY  
Tel: 071-828 0111

**9. Museums And Galleries Commission**

7 St. James's Square  
London  
SW1Y 4JU  
Tel: 071-839 9341

**Annex 2 - Contact Addresses For County Archaeological Officers And SMRs (as at November 1990)**

<p><b>Avon</b>                  Planning Department                  Avon County Council                  PO Box 46 Middlegate                  Whitefriars, Lewins Mead                  Bristol                  BS99 7EU                  Tel: 0272 226528</p>	<p><b>Bedfordshire</b>                  Planning Department                  Bedfordshire County Council                  County Hall                  Bedford                  MK42 9AP                  Tel: 0234 63222 extn 2071</p>	<p><b>Berkshire</b>                  Dept of Highways and Planning                  Berkshire County Council                  Shire Hall                  Shinfield Park                  Reading                  RG2 9XG                  Tel: 0734 875444 extn 4936</p>
<p><b>Buckinghamshire</b>                  County Museum                  Technical Centre                  Tring Road                  Halton                  Aylesbury                  HP22 5PJ                  Tel: 0296 696012</p>	<p><b>Cambridgeshire</b>                  Dept of Lands and Buildings                  Cambridgeshire County Council                  Shire Hall                  Castle Hill                  Cambridge                  CB3 0AP                  Tel: 0223 317111 extn 3312</p>	<p><b>Cheshire</b>                  Planning Department                  Cheshire County Council                  Commerce House                  Hunter Street                  Chester                  CH1 1SN                  Tel: 0244 603160</p>
<p><b>Cleveland</b>                  Cleveland Archaeology                  PO Box 41                  Southlands Centre                  Ormesby Road                  Middlesbrough                  TS3 0YZ                  Tel: 0642 327583 extn 223</p>	<p><b>Cornwall &amp; Isles of Scilly</b>                  Cornwall Committee for                  Archaeology                  Old County Hall                  Station Road                  Truro                  TR1 3EX                  Tel: 0872 74282 extn 3602/3/4</p>	<p><b>Cumbria</b>                  Planning Department                  Cumbria County Council                  County Offices                  Kendal                  LA9 4RQ                  Tel: 0539 21000 extn 4378</p>
<p><b>Derbyshire</b>                  Planning Dept                  Derbyshire County Council                  County Offices                  Matlock                  DE4 3AG                  Tel: 0629 580000 extn 7125</p>	<p><b>Devon</b>                  Property Department                  Devon County Council                  County Hall                  Exeter                  EX2 4QQ                  Tel: 039238 2626/2266</p>	<p><b>Dorset</b>                  Planning Department                  Dorset County Council                  County Hall                  Dorchester                  DT1 1XJ                  Tel: 0305 251000 extn 4277</p>
<p><b>Durham</b>                  The Antiquities Department                  The Bowes Museum                  Barnard Castle                  County Durham                  DL12 8NP                  Tel: 0833 690107</p>	<p><b>East Sussex</b>                  Planning Department                  East Sussex County Council                  Southover House                  Southover Road                  Lewes                  BN7 1YA                  Tel: 0273 481608</p>	<p><b>Essex</b>                  Planning Department                  Essex County Council                  Globe House                  New Street                  Chelmsford                  CM1 1LF                  Tel: 0245 352232 extn 307</p>
<p><b>Gloucestershire</b>                  Planning Department                  Gloucestershire County Council                  Shire Hall                  Gloucester                  GL1 2TN                  Tel: 0452 425683</p>	<p><b>Greater London</b>                  The London Division                  English Heritage                  Chesham House                  30 Warwick Street                  London                  W1R 6AB                  Tel: 071 973 3732</p>	
<p><b>Greater Manchester</b>                  Greater Manchester Archaeology                  Unit                  University of Manchester                  Oxford Road                  Manchester                  M13 9PD                  Tel: 061 275 2315</p>	<p><b>Hampshire</b>                  Planning Department                  Hampshire County Council                  The Castle                  Winchester                  SO23 8UE                  Tel: 0962 846735/6/7</p>	<p><b>Hereford and Worcester</b>                  Archaeology Section                  Hereford &amp; Worcs County                  Council                  Cranham School                  Tetbury Drive                  Warndon                  Worcester                  WR4 9LS</p>

		Tel: 0905 58608
<b>Hertfordshire</b> Planning Department Hertfordshire County Council County Hall Hertford SG13 8DN Tel: 0992 555244	<b>Humberside</b> Property Services Dept Humberside County Council County Hall Lairgate Beverley HU17 9BA Tel: 0482 868770	<b>Isle of Wight</b> Archaeology Unit Isle of Wight County Council Clatterford School 61 Clatterford Road Carisbrooke Newport PO30 1NZ Tel: 0983 529963
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<b>West Yorkshire</b> West Yorkshire Archaeology Service 14 St John's North Wakefield WF1 3QA Tel 0924 290900	<b>Wiltshire</b> Library and Museum Service Wiltshire County Council County Hall Bythesea Road Trowbridge BA14 8BS Tel 0225 753641 ext 2743	

## Annex 3 - Legislative Arrangements

### Scheduling of Ancient Monuments of National Importance

1. Under the Ancient Monuments and Archaeological Areas Act 1979 the Secretary of State for National Heritage has a duty to compile and maintain a schedule of monuments; monuments on the schedule have statutory protection. Inclusion of new monuments on the schedule is at the Secretary of State's discretion, although monuments added to it must be of national importance. The non-statutory criteria for scheduling published in 1983 (and restated in 1990) are set out in Annex 4. The Secretary of State is required to consult English Heritage before adding to the schedule or removing monuments from it. In practice, most proposals for scheduling originate with English Heritage, some at the request of local authorities or amenity groups, but the decision rests with the Secretary of State. Occupied dwellings and churches in use for ecclesiastical purposes cannot be scheduled.

2. Owners are normally consulted before sites are added to the schedule, although this is not a statutory requirement and there may not always be time in cases where development is impending. Scheduled sites are registered as a charge in the local land registry and notified to the County Sites and Monuments Records. English Heritage have published lists of scheduled monuments, county by county. Enquiries concerning the county lists should be directed to the Department of National Heritage, Heritage Division, 2-4 Cockspur Street, London, SW1Y 5DH.

3. The present schedule of some 13,000 sites has been compiled over a period of over a hundred years, since the first statutory protection for monuments was introduced in 1882. However it is recognised to contain an inadequate and unrepresentative sample of the extensive archaeological remains now known to survive in England. English Heritage have started on a programme (the Monuments Protection Programme), expected to take some 10 years to evaluate all known archaeological remains in England and to identify those which may be suitable for scheduling by the Secretary of State. This exercise is being carried out in close liaison with county authorities; it is expected to result in a very significant increase in the number of scheduled monuments. But even so, because of the stringent criteria for scheduling, large numbers of identified sites are likely to remain unscheduled, and whether or not they are preserved will depend upon the value of the remains, the commitment of owners of monuments and of the public and the policies of local authorities.

4. As a selective example of the nation's archaeology the schedule differs from the more comprehensive list of buildings of special architectural or historic interest compiled under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990. But, broadly speaking, scheduled monuments rank in importance with Grade I or Grade II\* listed buildings. Where buildings are both scheduled and listed, ancient monument legislation takes precedence, and scheduled monument consent rather than listed building consent is required for works. Such cases are being reviewed as part of the Monuments Protection Programme and where appropriate they are being de-scheduled leaving their protection under listing legislation.

### Control of Work to Scheduled Monuments

5. Once a monument has been scheduled, the consent of the Secretary of State for National Heritage is required before any works are carried out which would have the effect of demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or covering up the monument. The scope of the control is therefore both more extensive and more detailed than that applied to listed buildings. Consent can be granted only for detailed proposals and unlike planning permission there is no provision for the granting of outline consent. There are however six *class consents* currently in force which enable owners to proceed with certain specified types of work without application for consent - they are listed at Annex 5. These class consents are currently being reviewed with a view to issuing an up to date Order in the near future. The Secretary of State has power to revoke or modify a consent (whether granted following an application or deemed to have been granted by class consent).

6. Although monuments on Crown land may be scheduled (Section 50 of the Ancient Monuments and Archaeological Areas Act 1979), works by or on behalf of the Government on such land have Crown exemption from statutory scheduled monument consent controls. However, they remain subject to a non-

statutory procedure known as scheduled monument clearance which follows similar procedures to scheduled monument consent.

7. The form of application for scheduled monument consent is laid down in Regulations (The Ancient Monuments (Applications for Scheduled Monument Consent) Regulations 1981) and forms may be obtained either from the Department of National Heritage or English Heritage. Detailed guidance notes on how to apply for scheduled monument consent are also available from the Department of National Heritage (Heritage Division) and English Heritage. Completed applications should be sent to Heritage Division, 2-4 Cockspur Street, London SW1Y 5DH. The Secretary of State is required to consult with English Heritage before issuing a decision. Given the need for detailed proposals to be included in the application, it generally helps applicants to discuss proposals at the very earliest opportunity with English Heritage, if possible before making a formal application.

8. There is no formal provision for consultation with local authorities on scheduled monument consent applications. The majority involve minor works on which it would not in any case be appropriate to offer consultation. Where the application relates to a development proposal in which the local authority are concerned (usually as planning authority), English Heritage will normally discuss the application with the authority concerned before advising the Secretary of State. Local authorities may also telephone the Department of the National Heritage to enquire about the progress of applications. Alternatively, planning authorities may find it worthwhile to consult with County Archaeological Officers and equivalents as English Heritage generally work very closely with them.

9. Normally applicants are notified by the Department of National Heritage of the proposed decision before it is formally issued, and have the right to ask for a hearing. The Secretary of State may himself decide that a public local inquiry should be held before a final decision is reached. Where such a hearing or inquiry is proposed for a proposal which is also subject to a planning inquiry, every attempt will generally be made to ensure that the two inquiries are held simultaneously.

#### **Offences relating to Scheduled Ancient Monuments**

10. The 1979 Act created a number of offences relating to ancient monuments. Well publicised successful prosecutions of those who carry out unauthorised work to scheduled monuments can provide a valuable deterrent to the wilful damage or destruction of monuments, and it is the Department of National Heritage's policy to encourage proceedings where it is considered that a good case can be sustained. The Act provides a number of defences including genuine and reasonable ignorance of the scheduled status of the site, and the need for work for health and safety purposes.

11. English Heritage keep a record of reported incidents, and carry out a preliminary investigation often with Police assistance. A guidance note, 'Damage to Ancient Monuments: Guidance to Prosecutions', prepared by English Heritage was endorsed and issued by the Association of County Councils on 22 June 1988. If there does appear to be a case for prosecution, English Heritage (normally after consulting the police in the first instance) will approach the Crown Prosecution Service, to institute proceedings, providing such documentation and expert advice as may be required.

12. The power to prosecute offenders is not limited to the Department of National Heritage or English Heritage. A number of local authorities are both able and willing to institute legal proceedings themselves. The Department of National Heritage and English Heritage very much welcome such action. Local authorities are often the first source of information on damage cases, and have both the archaeological expertise and local knowledge to follow up cases quickly. Speed in assembling evidence is often critical to success in securing a conviction before memories fade, or vital evidence is concealed. Where local authorities are prepared to take the initiative, English Heritage will co-operate fully to supply any documentation or other evidence which may help the case. In addition, where costs incurred by local authorities in proceedings are significant, and cannot be reclaimed, English Heritage is prepared to consider a financial contribution provided it has agreed in advance to support the case for prosecution.

#### **Metal Detectors**

13. Most metal detector users act responsibly; but illegal metal detecting often causes serious damage to ancient monuments - not only to the fabric of the monument, but also to its interpretation and



understanding once artefacts have been removed from their archaeological context. It is an offence under Section 42 of the Act to use metal detectors in a protected place (any place which is either the site of a scheduled monument or any monument in the ownership or care of a local authority, English Heritage or the Secretary of State) without prior consent from English Heritage. An English Heritage guide entitled "Users of Metal Detectors" explains the law and procedure for obtaining consent. Consent is not normally given except for bona fide, non destructive, research purposes or for the recovery of valuable items of lost property, e.g. rings and watches.

### **Monument Management**

14. Statutory protection may not of itself secure the future preservation of a monument. In most cases it is essential to develop a management plan and to carry out regular maintenance to prevent progressive decay of the building or site. Ruins, as much as buildings in use, need constant minor repair to prevent their deterioration. Grassed field monuments can be seriously damaged by neglect which allows pests and shrubs or trees to proliferate, or by unsuitable farming regimes. While the responsibility for repairing and maintaining monuments lies squarely with the owner, English Heritage can provide advice and financial assistance of two main kinds for the preservation of important sites.

15. Grants under Section 24 of the Act are given by English Heritage principally for the costs of the repair, archaeological recording and consolidation of monuments. More rarely, they may be given to a suitable body for purchase of monuments which are at risk of damage or destruction. Grant may also be available towards the capital costs of schemes for the presentation or display of monuments although English Heritage have indicated that this type of scheme has lower priority for funding than urgent and essential repairs.

16. Management agreements made under Section 17 of the Act either by the Department of National Heritage, English Heritage or local authorities may also involve payment. Such agreements may often be used to encourage the beneficial management of field monuments on agricultural land, e.g. barrows or deserted settlement sites. They may run for an agreed number of years usually in return for a lump sum payment at the outset to cover any capital costs, e.g. fencing, and additional costs to the owner of a positive management regime over the period in question. This may involve pest and weed control and control of stocking levels.

17. English Heritage provide advice on the management of ancient monuments, principally through their Inspectors of Ancient Monuments but also through their network of Field Monument Wardens assigned to individual areas. The Wardens in particular inspect scheduled monuments on a regular basis, reporting on their conditions and are available to discuss with both owners and local authorities measures for the improved management of sites.

### **Preservation by Record**

18. English Heritage can offer financial assistance for preservation by record, but as demand consistently outstrips the funds available, it must be extremely selective in its choice of projects for funding. In terms of quality, sites must be of national importance measured against the nonstatutory criteria (Annex 4). Their excavation must accord with current academic priorities identified in consultation with English Heritage's own Advisory Committee on Ancient Monuments and the principal national archaeological societies. The present emphasis is increasingly on projects which can illuminate important research questions and fill gaps in our knowledge. English Heritage funds will not be made available unless the destruction of sites is both imminent and unavoidable. English Heritage's policy in respect of preservation by record is set out in two policy documents "Rescue Archaeology Funding: A Policy Statement" and "The Management of Archaeology Projects". The latter document in particular outlines English Heritage's view that responsibility for producing a record of archaeological deposits which are unavoidably threatened by development and which cannot be preserved in situ lies with the developer, and it provides guidance on the range of that responsibility.

### **Areas of Archaeological Importance (AAIs)**

19. The main body of this guidance underlines the importance of early consultations between developers and local planning authorities with a view to establishing the existence and importance of any

archaeological remains on a development site and to ensuring that they are considered as an integral part of the planning application. In this context it is worth noting that Part II of the Ancient Monuments and Archaeological Areas Act 1979 provides for designation of Areas of Archaeological Importance either by the Secretary of State or by local planning authorities (subject to confirmation by the Secretary of State). Within areas so designated - to date there have been five designations, i.e. the historic town centres of Canterbury, Chester, Exeter, Hereford and York - potential developers are required to give six weeks notice to the relevant planning authority of any proposals to disturb the ground, tip on it, or flood it. The investigating authority for the area, nominated by the Secretary of State (usually the relevant archaeological unit) then has the power to enter the site and, if necessary, to excavate it for up to four and a half months before development may proceed. The Act makes no financial provisions for the costs of administering the scheme.

20. The effectiveness of designations under the 1979 Act has been subject to monitoring and the running of the scheme has been reviewed by English Heritage. As this PPG has been framed to deal with archaeological interests more comprehensively than the provision of AAIs allows, the Secretary of State has decided that no more AAIs should be designated until an assessment of the effectiveness of the PPG has been undertaken which it is planned should begin some 12 months following publication of this PPG.

### **Environmental Assessment**

21. For certain types of development (listed in Schedules 1 and 2 to the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988) formal environmental assessment (EA) may be necessary. Where EA is required, the developer must provide an environmental statement setting out the information specified in Schedule 3 to the Regulations about the site and the likely significant effects of the proposed development on the environment. This should include information relating to any significant effects on material assets and the cultural heritage, such as archaeological features and other human artefacts, and the measures envisaged to avoid, reduce or remedy adverse effects.

22. Where development requiring EA affects the site of a scheduled ancient monument, English Heritage must be consulted on the submitted environmental statement and they may be able (although not required to do so) to provide information to assist in the preparation of the statement. Further information about the EA procedures may be found in DOE Circular 15/88 and the booklet 'Environmental Assessment - A Guide to the Procedures' published by HMSO.

### **Simplified Planning Zones (SPZs)**

23. The provisions relating to SPZs are set out at sections 82 to 87 of, and Schedule 7 to the Town and Country Planning Act 1990. SPZs have the effect of granting planning permission for specified types of development within the scheme. Where archaeological remains lie within the area of a proposed SPZ, it may be necessary to tailor the scheme to accommodate them. Scheduled Monuments within SPZs remain subject to scheduled monument consent.

#### Annex 4 - Secretary Of State's Criteria For Scheduling Ancient Monuments

The following criteria (which are not in any order of ranking), are used for assessing the national importance of an ancient monument and considering whether scheduling is appropriate. The criteria should not however be regarded as definitive; rather they are indicators which contribute to a wider judgement based on the individual circumstances of a case.

- (i) *Period*: all types of monuments that characterise a category or period should be considered for preservation.
- (ii) *Rarity*: there are some monument categories which in certain periods are so scarce that all surviving examples which still retain some archaeological potential should be preserved. In general, however, a selection must be made which portrays the typical and commonplace as well as the rare. This process should take account of all aspects of the distribution of a particular class of monument, both in a national and a regional context.
- (iii) *Documentation*: the significance of a monument may be enhanced by the existence of records of previous investigation or, in the case of more recent monuments, by the supporting evidence of contemporary written records.
- (iv) *Group Value*: the value of a single monument (such as a field system) may be greatly enhanced by its association with related contemporary monuments (such as a settlement and cemetery) or with monuments of different periods. In some cases, it is preferable to protect the complete group of monuments, including associated and adjacent land, rather than to protect isolated monuments within the group.
- (v) *Survival/Condition*: the survival of a monument's archaeological potential both above and below ground is a particularly important consideration and should be assessed in relation to its present condition and surviving features.
- (vi) *Fragility/Vulnerability*: highly important archaeological evidence from some field monuments can be destroyed by a single ploughing or unsympathetic treatment; vulnerable monuments of this nature would particularly benefit from the statutory protection which scheduling confers. There are also existing standing structures of particular form or complexity whose value can again be severely reduced by neglect or careless treatment and which are similarly well suited by scheduled monument protection, even if these structures are already listed historic buildings.
- (vii) *Diversity*: some monuments may be selected for scheduling because they possess a combination of high quality features, others because of a single important attribute.
- (viii) *Potential*: on occasion, the nature of the evidence cannot be specified precisely but it may still be possible to document reasons anticipating its existence and importance and so to demonstrate the justification for scheduling. This is usually confined to sites rather than upstanding monuments.