

NPPG5 - ARCHAEOLOGY AND PLANNING

Introduction

1. This National Planning Policy Guideline (NPPG) sets out the Government's planning policy on how archaeological remains and discoveries should be handled under the development plan and development control systems, including the weight to be given to them in planning decisions and the use of planning conditions. The guidance is aimed at planning authorities in Scotland, and is also of direct relevance to developers, owners, statutory undertakers, government departments, conservation organisations and others whose actions have a direct physical impact upon the natural or built environment

2. More detailed advice on planning procedures and the separate controls over scheduled monuments is given in the associated Planning Advice Note *Archaeology - the Planning Process and Scheduled Monument Procedures*.policy context

3. As part of its intention to work towards sustainable development, the Government seeks to encourage the preservation of our heritage of sites and landscapes of archaeological and historic interest, so that they may be enjoyed today and passed on in good order to future generations. The White Paper on the Environment, *This Common Inheritance*, states that the Government's aim is to preserve and enhance this heritage through:-

- looking after properties in Government care;
- promoting enjoyment and understanding of the heritage;
- encouraging private sector efforts, and making financial assistance available to help meet the extra costs of maintaining and restoring heritage property;
- identifying and recording our heritage; and
- ensuring that the legislative system properly protects and preserves it.

4. Archaeological remains are a crucial part of this heritage. They are evidence - for prehistoric periods, the only evidence - of the past development of our society and culture, and of human interaction with the natural environment, and thus help in the interpretation of the landscape today. In many ways, there is a continuing and close relationship between the natural and the cultural heritage, including archaeology. Archaeological remains are a finite and non-renewable resource, and should therefore be regarded as a part of the environment to be protected and managed. The primary policy objectives are that they should be preserved wherever feasible and that, where this proves not to be possible, procedures should be in place to ensure proper recording before destruction, and subsequent analysis and publication.
background information 5. Today's rural and urban landscape is the product of human activity over thousands of years. There are settlements and remains of every period, from the camps of the early hunter-gatherers 10,000 years ago to remains of 20th-century industrial and military activities. They include places of worship, settlements, defences, burial grounds, farms, fields, and sites of industry, in some cases forming broader archaeological landscapes.

6. The total extent of archaeological remains is unknown. Although there are records of over 70,000 sites and monuments in Scotland, many others will exist, including a large number of isolated sites where archaeological artefacts have been found (findspots). Many of the 70,000 substantive sites are composed of more than one monument. Over 5,600 nationally important sites are currently protected as scheduled monuments under the Ancient Monuments and Archaeological Areas Act 1979, but the potential number of nationally important sites is

much larger, and some 300 new sites are added to the Schedule annually. In addition, there are many monuments which, while not fulfilling the criteria for national importance, are of regional or local significance. All of these sites and monuments, whether scheduled or not, are fragile and irreplaceable.

7. The Secretary of State for Scotland is responsible for setting the general framework of the planning system. Through his executive agency, Historic Scotland, he is also responsible for compiling and maintaining a Schedule of nationally important monuments which are afforded legal protection; for controlling works (such as developments which could have an impact upon the site or setting of such monuments) through the scheduled monument consent (SMC) procedures; for protecting and preserving archaeological and historical remains of importance by direct and indirect means; and for promoting public understanding and enjoyment of Scotland's historic monuments.

8. The majority of Scotland's Regional and Islands Councils have recognised the value of developing archaeological services for planning, recreational and educational purposes. Such archaeological services are provided by qualified archaeologists who have the necessary experience of archaeological fieldwork, record curation and local authority procedures to provide up-to-date information and advice tailored to local, and particularly local planning, needs. Throughout this NPPG the term "Regional Archaeologist" is used to refer to the senior member of such a service.

9. Where there is no archaeological expertise within a district authority, it should be sought from the Regional Archaeologist. If there is no Regional Archaeologist, Historic Scotland endeavours to provide a basic service of advice, but this must inevitably be less detailed and locally-aware than a Regional Archaeologist could provide, and will be available for a limited period only.

10. In most of Scotland's Regions and Islands Areas there exists a Sites and Monuments Record (SMR), which is intended to contain a description of all known archaeological sites, enabling an assessment of their importance to be made by the Regional Archaeologist. To be of value, such information must be continuously maintained and updated. In addition, the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) maintains the National Monuments Record of Scotland.

11. Within this framework the key to the future protection and preservation of the great majority of archaeological sites and historic landscapes lies in co-operation between local authorities and site owners and developers. Appropriate planning policies in development plans and their implementation through development control will be especially important, as will the development of an adequate and regularly maintained information base. *policy guidelines* 12. It is the Government's aim to accommodate development without eroding environmental assets, and this includes Scotland's archaeological heritage. The development planning system provides the policy framework for meeting the need for development along with the need for preserving archaeological resources, and for minimising the potential for conflict between these two objectives.

13. Local authorities have a number of powers and responsibilities related to archaeological sites and monuments within their areas:-

- as owners, occupiers or lessees they may have important remains, buildings or sites in their care;
- they have powers to acquire ancient monuments and grant-aid the preservation of historic sites or monuments, whether in their care or not;
- they can help to preserve and manage historic sites which contribute to the local landscape, amenities and economy;
- they help safeguard the archaeological heritage through their development planning and development control functions; and
- they have a crucial role in the preparation and maintenance of SMRs and archives as a basis for the above activities.

Local authorities can also ensure that archaeological services are developed for planning, recreational and educational purposes.

14. Planning authorities should ensure that archaeological factors are as thoroughly considered as any other material factor in both the development planning and the development control processes. Although not all proposals will have significant archaeological implications, any type of proposal, including those which are permitted development, may have an effect upon archaeological remains and artefacts. This applies equally to activities undertaken to achieve other conservation goals, for example coastal protection works.

15. Because of their extent, certain activities, such as forestry planting, roads and mineral extraction, may have particularly significant consequences for archaeological remains. This is reflected:-

- in the requirements on regional and general planning authorities to take account of important archaeological sites and areas when drawing up Indicative Forestry Strategies (see SDD Circular 13/1990);
- in the archaeological standards required of applicants to the Forestry Commission's Woodland Grant Scheme;
- in the principle recently adopted by government departments of directly funding necessary archaeological investigations from project costs, for example in trunk road schemes; and
- in the recently-agreed Confederation of British Industry Archaeological Investigations Code of Practice for Mineral Operators in Scotland, which seeks to extend best practice elsewhere to Scotland.

16. Planning authorities and all parties involved in development should regard archaeological remains as a finite and often highly fragile resource, vulnerable to needless or thoughtless damage and destruction. It is also important that the integrity of the setting of archaeological sites be safeguarded. However, not all remains are of equal importance. Authorities should therefore base their development plan policies and development control activities on up-to-date knowledge of the various categories of archaeological remains in their area, following advice from the Regional Archaeologist.

17. Where development is proposed, planning authorities, using the categories outlined in this paragraph as a guide, should weigh the relative importance of the archaeological features in question and their potential use for amenity, tourism and education purposes against other

factors, including the benefits of the proposed development:- P90_10829 *Sites of National Importance*

- Scheduled ancient monuments are of national importance and it is particularly important that they are preserved in situ and within an appropriate setting. Developments, which would have an adverse effect on scheduled monuments or the integrity of their settings, should not be permitted unless there are exceptional circumstances. Scheduled monument consent is required from the Secretary of State through Historic Scotland for any development affecting a scheduled ancient monument, and notification to Historic Scotland of any planning application affecting the site of such a monument is required under Article 15(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- Not all nationally important remains meriting scheduling are yet scheduled. Historic Scotland are currently preparing non-statutory registers of those monuments in SMRs likely to be of national importance. Where such monuments have been identified and the information has been made available to the planning authority, the authority should proceed as for scheduled monuments, except that notification to Historic Scotland and SMC are not legally required.

P94_12029 *Sites of Regional and Local Importance*

- Many significant archaeological sites recorded in SMRs will not merit scheduling under the criteria for national importance but may nevertheless be of importance in a regional or local context. Such sites should be defined and justified through development plan policies with priority also given to their preservation within an appropriate setting, although the strength of protection will not be as high as that given to sites of national importance. In circumstances where it is considered appropriate to approve a planning application which would result in damage or alteration to a site, provision must be made for the recording of any part of the site which is affected.

P97_12746 *Other Sites*

- Cases involving archaeological remains of lesser importance, and sites where finds have been made in the past but no remains are known, will not always be so clear cut. Planning authorities should therefore take particular advice from Regional Archaeologists.

18. The preservation in situ of important archaeological remains is always to be preferred, particularly in relation to nationally important sites. Where this is not possible, an archaeological excavation incorporating the recording and analysis of remains and publication of the findings, together with the deposition of the artefacts in an appropriate museum and the records in the National Monuments Record of Scotland, may be an acceptable alternative. This is usually expensive and time-consuming, and is always less preferable from the archaeological viewpoint, even though important information may be recovered. In some circumstances, it may be possible to undertake new development so that it preserves underlying archaeological remains, or at least reduces damage to them, by the use of piled or rafted foundations at a much lower cost than excavation. This may be particularly applicable within historic burghs, where the density of archaeological remains, the costs of excavation and the value of land are all high. *action required*

P103_14078 *Sites and Monuments*

Records 19. The first requirement of any policy aiming to protect and manage archaeological remains is a sound information base. This can be achieved by the creation, maintenance and regular augmentation of a record of all known sites. Such a record will permit an accurate assessment of the importance of known sites and the likelihood of undiscovered sites within the area of a development proposal. All planning authorities should ensure that they have access to such a record, which should be professionally maintained and readily available for consultation by planning departments of regional, islands and district councils and all other interested parties.

P106_14761 *Development Plans*

20. A primary function of development plans is to reconcile the requirements for development land with the conservation of our natural and built heritage. These plans provide the policy framework for authorities to safeguard archaeological sites and monuments in their areas. Once established this framework should guide decision-making on individual applications for development which may affect an archaeological site or monument or its setting. The status of development plans will be enhanced when Section 58 of the Planning and Compensation Act 1991 is brought into effect. This will introduce what is in effect a presumption in favour of proposals which are in accord with the development plan, adding weight to their relevance in deciding planning applications and appeals. Accordingly, it will be increasingly important that plans incorporate relevant and robust policies, made against a background of sound archaeological information and advice, for the preservation of important archaeological sites and monuments.

21. Structure plans should, in considering possible land use allocations and strategic locations for development, take full account of the implications for scheduled archaeological remains and other nationally important remains at present unscheduled. Such plans should also include:-

- relevant general protection policies for nationally important remains and their settings; for unscheduled sites of regional and local importance and their settings; and also for landscapes of historic importance; and
- general policies requiring the excavation and recording of such sites where the primary aim of preservation has not been achieved.

22. Local plans should include:-

- policies for the protection, preservation and, where appropriate, enhancement of all nationally important sites of archaeological interest and their settings; and also for other unscheduled remains and their settings identified as particularly worthy of preservation;
- where appropriate, policies for the protection of landscapes of historic importance; and
- policies requiring the excavation and recording of sites where the primary aim of preservation has not been achieved.

It will normally be undesirable, for reasons of scale, to depict all currently known sites on the local plan proposals map. In addition, because unknown sites would be omitted and the

importance of imperfectly known sites possibly under-valued, such an approach could be misleading for plan users. It may, however, be appropriate for the proposals map to define the location of key sites to which the policies apply, making a distinction between sites of national importance and other sites. In this case the local plan should state that the proposals map is not exhaustive and that undefined sites will also be covered by relevant policies.

23. Planning authorities should make full use of the Regional Archaeologist (see paras 8 and 9) when devising archaeological policies for inclusion in development plans.

24. Planning authorities should not include in their development plans policies requiring developers to finance archaeological works in such a manner that the grant of planning permission may be seen as a direct return. However, planning authorities may include policies which:-

- strongly encourage developers to give support to such work, particularly the excavation and recording of sites in advance of development where preservation has proved impossible;
- presume against the destruction without recording of identified sites; and
- seek to ensure that development does not proceed until such excavation and recording has taken place.

P130_18410 *Development Control* 25. The preservation of ancient monuments and their setting is a material consideration in determining planning applications and appeals, whether a monument is scheduled or not. Therefore the archaeological implications of development proposals should be considered at the outset of the development control process. In considering applications for planning permission which involve, or may have implications for, archaeological remains, planning authorities should:-

- encourage prospective developers to seek early discussions;
- consult the Regional Archaeologist at the outset of the process;
- ensure, where appropriate, that the prospective developer arranges for an archaeological assessment and, if necessary, a field evaluation; and
- ensure that relevant information on the cultural heritage, including archaeological resources, is taken into account in any environmental assessment that may be necessary in relation to the application for planning permission (for further details see Planning Advice Note 42).

26. There will be occasions where a planning authority, following consultation with the Regional Archaeologist (and, if a scheduled ancient monument is involved, Historic Scotland), decides 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. In such cases, the planning authority should satisfy itself, before granting planning permission, that the developer has made appropriate and satisfactory provision for the excavation, recording, analysis and publication of the remains, and for the notification of any finds to the appropriate authorities. Excavation and recording should be carried out to the best possible standard before development commences, by appropriately skilled personnel working to a project brief supplied by the developer and acceptable to the planning authority on the basis of the professional archaeological advice of the Regional Archaeologist. Where scheduled ancient monuments are involved, the

responsibility for approving the brief lies with Historic Scotland, acting on behalf of the Secretary of State through the SMC procedures.

27. Planning authorities should achieve these objectives through the use of planning conditions or, in some cases, by means of Section 50 agreements. Conditions or agreements should also be framed to ensure that if remains of archaeological significance are found in the course of building or other work they are properly recorded and, if necessary, emergency salvage excavation undertaken. Attention should be drawn to the legal requirements relating to the reporting of artefactual finds to the National Museums and of human remains to the police - local museums can provide advice on these topics.

28. Because works affecting scheduled monuments are subject to control under the Ancient Monuments and Archaeological Areas Act 1979, it is not usually necessary to duplicate this control through the use of planning conditions. However, where planning permission is being granted for development which might affect the setting of a scheduled monument, or a non-scheduled monument or its setting, the planning authority may impose conditions designed to:-

- protect the monument or its setting;
- secure the provision of archaeological excavation and recording of remains: or
- ensure reasonable access by archaeologists before and during the construction period.

(Suggested model conditions are included in PAN 42.)

29. The requirements of conditions must be reasonable in all the circumstances of the case. Provided that there is early consultation, archaeological investigation should normally have taken place in advance of development and it should not be necessary to impose conditions which hold up development and construction work while archaeological investigation of known remains takes place. However, completely unforeseen archaeological discoveries may be made during development, and it is normal to include provision for skilled archaeologists to be given access to inspect and record these. Where discoveries made during development work are considered to be of outstanding national importance, they may rapidly be protected through the use of the Secretary of State's scheduling powers under the Ancient Monuments and Archaeological Areas Act 1979, but this is done only in the most exceptional circumstances if development has been approved and is underway.

30. Some development which is permitted in terms of Schedule 1 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 may in exceptional circumstances, give rise to a real and specific threat to a scheduled monument or other significant archaeological site, or their settings. In these cases planning authorities may wish to consider the use of their powers under Article 4 of that Order to withdraw particular permitted development rights. They should also note that permitted development rights do not over-ride the statutory provisions of the Ancient Monuments and Archaeological Areas Act 1979 and that scheduled monument consent is still required in cases where scheduled monuments are directly affected. *conclusion* 31. Positive planning control, as well as development plans, can help to reduce possible conflict between development and preservation, and to indicate ways of preserving archaeological resources without unnecessarily delaying development. The ultimate objective is to secure the best possible treatment of the archaeological heritage while at the same time accommodating the need for development.

Source: <http://www.scotland.gov.uk/Publications/1998/10/nppg5>

notes 32. The guidance given in this NPPG supersedes the guidance given on archaeological matters in paragraphs 66 and 67 of Scottish Development Department Circular 18/86 on the use of planning conditions and in paragraphs 35 and 36 of Appendix A to that Circular.