

INFOSHEET #2

Planning frameworks, ethics and public benefit

This infosheet forms part of a CfA toolkit and resource created to support greater public engagement with archaeological projects. The guidance materials are designed to support CfA Standards and guidance. It was created by DigVentures, in partnership with CfA, and funded by Historic England.

You can find the full resource online at:

<https://www.archaeologists.net/toolkits/community-archaeology>

Planning frameworks – finding public benefit in development

How archaeology is delivered within development-led projects across the UK is driven by national planning legislation, which differs within each of the UK's four nations: [England](#), [Scotland](#), [Wales](#) and [Northern Ireland](#). Each of the four countries use a planning system which comprises national and local planning policy set out in formal plans. In addition, other types of development regimes can require archaeological work to be delivered, including nationally significant infrastructure projects (NSIPs), development consent orders (DCOs) and environment impact assessments (EIAs). The resulting framework articulates where development projects need to get planning permission, what is protected and how the balance between development and protection should be managed in the public interest.

Most of the archaeological work undertaken across the UK happens within the planning system. An estimated 70 per cent of UK archaeologists are employed within the UK commercial archaeology sector (n=4700), which was valued at £247 million in 2020–21 (Aitchison 2022, 14–16). The overwhelming source of funding during the same period was realised through private sector clients (88%), with most of the work delivered within residential development (34%) and transport (33%) markets (ibid, 17–18).

This infosheet provides a summary of relevant elements of national planning frameworks which can support public engagement in development projects. In addition, the relationship between public engagement and our professional practice is also discussed, providing linkages into CfA's ethical and standards frameworks.

National planning frameworks

For England, National Planning Policy Framework (NPPF) states that heritage is an irreplaceable resource which should be conserved 'so that they can be enjoyed for their contribution to the

quality of life of existing and future generations' (NPPF 2021, para 189). The framework continues:

Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation

b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring

c) the desirability of new development making a positive contribution to local character and distinctiveness

and d) opportunities to draw on the contribution made by the historic environment to the character of a place. (NPPF 2021, para 190)

For Scotland, [ALGAO Scotland have provided guidance](#) in line with updates made to the National Planning Framework 4 in February 2023. The updated framework introduced new wording which supports and describes a requirement for public benefit outcomes where archaeology and the historic environment is impacted by development. No longer limited to meaning solely activities of excavation, recording, analysis, archiving and publication, it now also includes other 'activities' as well.

NPF4 states, within Policy 7 for '[Historic Assets and Places](#)', that the policy outcomes should ensure

I. The historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change

II. Redundant or neglected historic buildings are brought back into sustainable and productive uses

III. Recognise the social, environmental, and economic value of the historic environment, to our economy and cultural identity.

In addition, the policy specifically signposts the requirement for public benefit, stating that

Policy 7 (O) Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

For Wales, [Planning Policy Wales](#) sets out the land use planning policies of the Welsh government, supported by a technical advice note for the historic environment ([TAN24](#)), including a chapter on archaeological remains. Within TAN 24, the link is clearly made between sustainable development, wellbeing goals (referencing the Well-being of Future Generations (Wales) Act 2015) and the historic environment. The policy is underpinned by Cadw's published [conservation principles](#) which recognise that the historic environment is finite, and a shared resource. TAN24 goes on to state that

TAN24 1.14. Conservation Principles recognises that the whole of the historic environment is a finite and shared resource. Every place has its own history, which has shaped its character and leaves tangible traces in its present form and fabric. This historic character makes each place unique and gives it a distinctive identity. Historic character should be taken into account in the management of change in order to sustain local distinctiveness and a sense of place. The use of an objective, structured approach to identify the elements of historic character and creating an evidence base is vital.

This technical note sits below the umbrella of the national planning policy, which outlines the principle of maximising wellbeing and sustainable places as a key consideration for planning system (para 1.15). Welsh planning legislation seeks to balance the impacts of development against sustainable issues, eg social, economic, cultural and environmental, highlighting that

(para 1.20) Those proposing development also have a responsibility to provide sufficient information to enable the decision maker to make an informed judgement on whether the proposed development is sustainable (i.e. contributes to social, economic, environmental and cultural well-being).

(para 6.1.9) Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place.

In addition, the legislation articulates the link between active and social placement and wellbeing, stating how Active and Social Places are those which promote our social, economic, environmental and cultural wellbeing by providing well-connected cohesive communities (p42). Policy topics focusing on Active and Social Linkages outline how development plan policies and development management decision making can actively create sustainable and cohesive communities, which includes a desire to

(p45) promote and protect culture and the Welsh language and encourage and improve social well-being and health by offering opportunities for social interaction, cultural experiences, and physical activity.

For Northern Ireland, the Strategic Planning Policy Statement ([SPPS](#) 2015) provides the Department for Infrastructure's core planning principles to underpin delivery of the two-tier planning system with the aim of furthering sustainable development. It sets the strategic direction for councils to bring forward detailed operational policies within their new Local Development Plans. The core planning principles encompass health and well-being, creating and enhancing shared space, supporting sustainable economic growth and supporting good design and placemaking, and preserving and improving the built and natural environment (para 4.2).

The policy statement refers to Regional Development Strategy 2035 (RDS) and

(para 6.2) recognises that Northern Ireland has a rich and diverse archaeological and built heritage which contributes to our sense of place and history. It also regards built heritage as a key marketing, tourism and recreational asset that, if managed in a sustainable way, can make a valuable contribution to the environment, economy and society.

(para 6.3) The planning system has a key role in the stewardship of our archaeological and built heritage. The aim of the SPPS in relation to Archaeology and Built Heritage is to manage change in positive ways so as to safeguard that which society regards as significant whilst facilitating development that will contribute to the ongoing preservation, conservation and enhancement of these assets.

Existing planning frameworks as outlined above provide an ecosystem within which public benefit can be derived from development-led archaeological projects. Following a review of England's planning policy, [Watson and Friedman](#) concluded that the framework provided by NPPF 'provides distinct opportunities which encourage planners to consider how public benefit can be provided through the enhancement of heritage assets, which includes archaeology of both designated and

undesigned status' (2022, 3). Combined with the specific opportunities with archaeology, they propose that the process of excavation can provide significant public benefit during the process of development (ibid, 2). However, to do this, the processes, skills and culture of archaeology (and archaeologists) need to adapt.

Ideas woven into the fabric of planning-led archaeological projects, from 'preservation by record' and creation of knowledge, to the more recent concept of placemaking, need to find ways to embed generation of social value and meaningful public benefits. In this context, the [Public Services \(Social Value\) Act 2012](#) provides an additional framework to be considered within any public contract. This is discussed in more detail within the online toolkit resources (see [Section 2.3 – Procuring public engagement](#)).

Professional ethics – Public Benefit and ClfA Code of conduct

A review of ClfA Standards and guidance highlights existing references to public engagement and benefit within the suite of regulation documents and the professional *Code of conduct*.

Importantly, public benefit is enshrined within the professional framework provided by ClfA. The professional *Code of conduct* also requires archaeologists to be mindful of duties to society (Rule 1.2), to consider impact on place and communities (Rule 1.12) and to provide access to and disseminate information to the public (Rule 4.6 – see Table 1).

Table 1: ClfA professional code of conduct and public benefit

Code of conduct	
1.2	A member shall be mindful of their duties to society, to those that could benefit from their work, to clients and commissioners, colleagues and helpers, to the profession and to themselves; when applying their judgement to balance differing demands they shall give due regard to their fundamental responsibility to the interests of the public.
1.12	A member shall take into account in the planning and execution of historic environment projects the legitimate concerns of individuals or group(s) about places, objects, human remains or intangible heritage that they believe to hold significant cultural or religious meaning or connotations, provided that the member knew or reasonably ought to have known about those concerns. Members shall consult where appropriate with those affected individuals or group(s), with the goal of establishing a mutually beneficial working relationship.
4.6	A member shall accept the responsibility of informing the public of the purpose and results of their work and shall accede to reasonable requests for access to sites (within limitations laid down by the funding agency or by the owners or the tenants of the site, or by considerations of safety or the wellbeing of the site) and for information for dispersal to the general public.

Occasionally, there can be confusion or concerns over the direct involvement of the public in archaeology from an ethical standpoint. ClfA's policy statement on the use of volunteers and students on archaeological projects provides clear support for community engagement and participation in all projects (see below). For transparency and to enable discussion with relevant stakeholders, the policy recommends inclusion of an outline of proposed participation activities within the WSI or project design documentation. Specifically, the policy states that (emphasis added)

*para 3.4. In all archaeological projects, greater public benefits may be achieved by means of community engagement and participation both during and after the project. Health and safety, public liability or commercial confidentiality considerations may dictate the form of engagement that is possible, but **in all cases, it should be demonstrated that the potential engagement of the community has been fully considered.***

*para 3.5. So as to avoid misunderstandings, ClfA recommends that on every occasion on which volunteers or students are to be used, and especially when competitive tenders are sought for a commercial contract, **the full extent of their activities in respect of the services offered must be declared and included in the submitted written project proposals.** The implications (for example financial, timetable, insurance, competence, etc) must be fully explained so that both the client and curator can satisfy themselves that requirements can be discharged satisfactorily.*

ClfA Standards and guidance

ClfA's Standards and guidance offer further reinforcement of these principles and consider specific areas of work where we should be seeking to embed public engagement and benefit. This includes signposting how and where archaeological work should consider '*how public benefits may be achieved by means of engagement, participation and/or dissemination of the results both during and after the project*' (Standard and guidance for archaeological excavation, 3.2.13), and identifying how different roles and documents within the process can foster and support public benefit (see Table 2).

Standards for archaeological excavation, field evaluation and watching brief, as well as advice by historic environment services, stewardship of the historic environment, consultancy services, desk based assessment and archaeological materials, all identify a need to both consider and embed public engagement and public benefit within projects.

Table 2: ClfA Standards and guidance in relation to public benefit

Standard and guidance for archaeological excavation (also field evaluation, watching brief)	
3.2.13	<p>A WSI should set out how public benefits may be achieved by means of engagement, participation and/or dissemination of the results both during and after the project, as appropriate to the scale, nature and circumstances of the work. Health and safety issues, public liability and commercial confidentiality, while important considerations, should not be used as a barrier to public engagement without clear justification.</p> <p>NB: this is repeated in the <i>Standard and guidance for field evaluation</i> (3.2.14) and the <i>Standard and guidance for an archaeological watching brief</i> (3.2.14).</p>
3.8.3	<p>Consideration should be given to publicising the results of the project through a range of outlets, from conventional archaeological publications to, for example, site viewing platforms, interpretation panels and lectures, open days and school visits, radio and television programmes, videos and popular publications and the Internet. If, following post-excavation assessment, a formal printed or online journal publication report is agreed not to be warranted, consideration should be given to the availability of the digital report to ensure that the results of the project are widely available for future researchers and for local authority advisers.</p>

Standard and guidance for archaeological advice by historic environment services	
11.1	<p>Advisors should seek to ensure that archaeological investigation is directed towards providing benefit to the public, whether directly through participation and engagement in the process or indirectly through the increase in knowledge that the results of investigation provide to the local and wider community.</p>
11.3	<p>Community engagement fosters public understanding and support for the historic environment and adds value to development-led archaeological work. It may include providing talks and presentations, guiding walks, arranging conferences, exhibitions, open days and living history events, providing school project work and learning resources, offering work experience and volunteering opportunities, and supporting community archaeology projects.</p>

Standard and guidance for stewardship for the historic environment	
2.3	<p>Social and community benefit: Contrasts and continuities between past and present societies can invest historic assets and places with a significance that supports awareness of community and a sense of roots.</p>
2.3.2.	<p>When assessing the significance of privately owned historic assets, take account of the wider public interest in them and any public benefits they can bring; respect the rights of private ownership and draw the attention of owners to their public value.</p>

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2.4.2	When evaluating the economic benefits of historic assets, take account of the public value ascribed to them. In seeking to manage market forces or justify subsidising a 'conservation deficit' (a budgetary deficit arising from conservation requirements), ensure all aspects of public value are appreciated, especially benefits to community identity and cultural tourism.
2.5.7	Involve Museums and Record Offices as key partners in the public explanation of historic sites and buildings, for their skills in interpretation, communication and display and by signposting their related collections and displays.
3.6	Two-way communication is a vital part of conservation, to ensure there is an informed public, to understand public perceptions of the historic environment, and to sustain the public interest that justifies its protection.
3.6.1	Recognise that the privilege of investigating and managing historic assets brings with it responsibilities, for sharing their particular interest with owners, clients and the public, and for recognising and including their perceptions of significance.
3.6.3	Inform local and wider communities about conservation work that is suitable for publicity. Bring out the significance of the assets involved, why work is required, what is being done currently and what might need to be done in the future.

Standard and guidance for the collection, documentation, conservation and research of archaeological materials

3.2.1b	Finds work may form part or all of a project of interpretation and presentation of archaeological material to the public, including displays and publication.
3.8.7	Consideration should be given to publicising the results of finds work through a range of media, from conventional archaeological publications to, for example, display panels, exhibitions and lectures, open days and school visits, radio and television programmes, videos and popular publications and the Internet.

Standard and guidance for commissioning work or providing consultancy advice on archaeology and the historic environment

2.1b	Those providing advice to the commissioners of archaeological services and/or procuring archaeological services must ensure that the commissioners concerned are appropriately informed and have access to the necessary specialist advice. The relevant expertise may not be purely archaeological but might also include, amongst other skills, expertise in project management, spatial planning, consultancy, research, public engagement and presentation.
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3.1.2c	Advisors should where possible, promote community engagement with the historic environment, seeking to ensure that archaeological investigation is directed towards providing benefit to the public, whether directly through participation and engagement in the process, where it is appropriate to do so, or indirectly through the increase in knowledge that the results of investigation provide to the local and wider community. Such engagement should be proportionate to the scale, nature and circumstances of the work.
3.1.2d	Advisors should, where appropriate to the nature and significance of the results, promote in addition to formal publication the use of innovative forms of dissemination which produce wider public benefit than conventional methods of publication. These might include the use of different forms of media, exhibitions or events.

Standard and guidance for historic environment desk-based assessment	
3.4.3	Assessment of significance: assessment should also identify the potential impact of proposed or predicted changes on the significance of the asset and the opportunities for reducing that impact. It should consider how the significance of the asset might be enhanced, and might suggest how loss of significance of one interest might be offset by enhancing that of another (eg through increased knowledge and public appreciation).