



ARCHAEOLOGY, PLANNING POLICY AND LEGISLATION

Legislation and policy relating to archaeology and the historic environment are complex and constantly changing. If you need to understand the legal context for the archaeology you are doing, an appropriately skilled professional archaeologist can advise you.

Governments recognise the historic environment as a fragile resource and have adopted policies for understanding its significance and for ensuring its appropriate management.

Although the resources of the historic environment have the potential to bring great benefits, the interests of different parties involved in their management and use are not always aligned. In many parts of the world, the planning systems and legislation relating to heritage provide a framework for mediation of those interests. They recognise that landowners have rights to do what they wish with their property, but that those rights may need to be constrained if changes planned to benefit the owner will have particularly damaging effects on resources that are important to society at large. This concept of balancing conflicting needs involves weighing up short-term benefits with potential impoverishment of society's resources for future use. Where the demand for development is found to outweigh the need for preservation of the historic environment, destruction of assets can be permitted but offset by an improved understanding of what happened in the past, normally through excavation or other types of investigation.

All historic environment assets, whether designated or not, are material considerations. The spatial planning processes in the UK, for example, involve a regularly used series of steps or phases to manage change in the historic environment. Any professional archaeologist you appoint will be familiar with these steps, although they may only have experience of a particular step themselves and will need to pass you on to a different expert as the project progresses.



GOOD PRACTICE GUIDANCE

ClfA-Registered Organisations and ClfA-accredited individuals are committed to working ethically, in accordance with our *Code of conduct*. That ethical code is underpinned by ClfA Standards for all stages of the process, and by guidance on good practice in meeting those standards. In the UK, it is highly likely that authorities will require your archaeological work to be carried out to ClfA Standards. The *ClfA Standards and guidance* can be found on our website at <https://bit.ly/3gq34Tt>. You can refer to any of these documents to ensure you are receiving a service that meets professional standards.

Steps taken within the spatial planning process in the UK can include

- communication with a local or national authority to discuss historic environment assets and their value or legal protection
- desk-based assessment of the resource, its significance and the potential impact of the scheme on that significance (to support outline or detailed planning applications)
- field investigations, if the significance of archaeological remains cannot be adequately defined without; (geophysical survey, targeted trench or pit excavation, or limited building investigation might be used)
- reporting to the local authority on the results of investigations or production of an Environmental Impact Assessment chapter
- determination of planning permission by the Local Authority, with or without an archaeological condition
- if significant remains are present, recording or conservation work in advance of or during development in accordance with the terms of a planning condition
- if appropriate, community or public engagement in the work
- analysis and interpretation of results
- publication of findings of all stages
- archiving of documentation, digital data, research material and finds

Enlisting the help of professionally accredited archaeologists at the start of your project will benefit all stages of a development. A professional archaeologist will guide you through the planning process from start to finish. For more detailed guidance on managing archaeology within construction projects, we recommend the recently updated CIRIA Archaeology Guide – *Archaeology and construction: good practice guidance* (www.ciria.org), which provides technical advice and good practice examples (see page 38 of this guide).

WORKING ON PROJECTS OUTSIDE THE UK

The Chartered Institute for Archaeologists requires that the Institute's *Code of conduct* and Standards be adhered to wherever an accredited professional or Registered Organisation works. If you are looking for an archaeologist to help you with a project based outside the UK, you will need to select an archaeologist with experience of working with different types and levels of legislation and guidance and in different cultural contexts. Internationally, legislation and policy varies in its scope and focus. International conventions and charters need to be interpreted and applied by experts for each case as it arises.

A professional archaeologist will be able to help you interpret the requirements of

- Environmental and Social Impact Assessment legislation, requirements, and standards
- internal policies of international banks and lending institutions with regard to environmental and social standards for projects receiving funding support (which are also applied widely even where a specific bank is not involved as a lender)
- International Finance Corporation (IFC) Performance Standard 8 and accompanying guidance in relation to tangible and intangible heritage, EBRD Performance Requirement 8 Cultural Heritage (2014) and European Investment Bank; Environmental and Social Standard 5 Cultural Heritage (2018)
- relevant local legislation and guidelines
- World Bank Environmental and Social Framework Standard 8 Cultural Heritage (2014)
- the Burra Charter

A professional archaeologist can advise on using professional standards and when to use the appropriate guidance or methodologies from other jurisdictions.



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