

Rotherwas Access Road: Peer Review of Procedures Undertaken by Herefordshire County Council

1. Scope of questions asked

I have been asked to assess whether the procedures of Herefordshire County Council in respect of the Rotherwas Access Road have been undertaken in accordance with the principles of statutory planning guidance on archaeology and planning, Planning Policy Guidance Note 16: Archaeology and Planning, known generally as PPG 16.

2. The key principles of PPG 16

These can be summarised as the following:

- 2.1 The preservation of archaeological remains *in situ* (PARIS) is a material consideration in the planning process. This principle was codified in case law in the 1980s. The presence of archaeological remains that are worthy of preservation *in situ* can be a reason for amending or even refusing a planning application. Therefore, the archaeological implications of all development proposals need to be assessed before determination in order to determine whether PARIS is an issue.
- 2.2 PPG 16 emphasises the importance and benefit of early consideration of archaeological issues in the planning process. In particular, pre-determination archaeological assessment – including field evaluation - is encouraged to consider the impact of development proposals on the archaeological heritage and in particular to establish whether PARIS is likely to be an issue.
- 2.3 Mitigation of the impact of development on archaeology can be secured by planning conditions for investigation and subsequent post-excavation and publication.

3. Issues considered regarding the Rotherwas Access Road based on evidence supplied

- 3.1 The scope and scale of the pre-determination archaeological assessment.
 - 3.1.1 Once a preferred route is chosen, the purpose of a pre-determination (or pre-application) archaeological assessment should be to provide sufficient information for the LPA to determine a planning application. In particular, it should determine if there are archaeological remains present which will be affected by the proposal (including off-site impacts such as compounds, haul roads and diverted services), that are worthy of preservation *in situ* and which therefore could be a reason for amending or refusing the planning application.

3.1.2 It is acknowledged that it is generally not possible to identify the presence of all important archaeological remains potentially worthy of preservation *in situ* without sampling all of the areas that will be impacted by a planning proposal. The aim of the archaeological evaluation should therefore be to maximise the opportunity to reveal such remains and minimise as much as possible the risks that such remains will be present, but not identified by the evaluation.

3.1.3 It is also acknowledged that there will be many reasons, especially limitation of access to land, which influence whether a pre-determination archaeological evaluation may not identify all archaeological remains that might be thought worthy of preservation *in situ*. In this respect, road schemes – where the applicant usually does not own the land – are very different to most of the planning applications that local authority archaeological advisors have to deal with.

3.1.5 It is nonetheless important that the results of the evaluation and the advice by the local authority archaeologists to the LPA, combine to provide a critical assessment of the risks from the proposal in terms of PARIS, including the limitations of the evaluation process such as problems of access, ground conditions etc.

3.1.6 The pre-determination archaeological assessment for the preferred route of the Rotherwas Access Road was undertaken in the late 1980s and in 2002, and comprised fieldwalking, geophysical survey, augering and trial-trenching. The ten archaeological trial-trenches excavated in 2002 comprised c.0.5 -1% sample of the route (it was not possible to calculate the precise proportion).

3.1.7 Questions:

It seems clear from the documentation that there were difficulties with gaining access to land for archaeological investigation both pre- and post-determination. The following questions are asked to gain specific details on this issue:

1. What efforts were made to undertake a more extensive pre-determination evaluation by trial-trenching?
2. Were there any problems with achieving a more extensive evaluation such as refusal of access to the land?
3. The specification for the evaluation in 2002, mentions that 25 trenches were to be dug (page 9, point 2). Was this number reduced because of problems with gaining access to land and if so, which areas were affected?
4. Were there any particular problems with undertaking pre-determination evaluation of the area of the important early prehistoric discovery?
5. Were the potential risks of PARIS if access was not obtained for trial-trenching made clear to the LPA at any stage?

- 3.2 Making appropriate provision for the unexpected discovery of archaeological remains worthy of preservation *in situ*.
- 3.2.1 The brief for the post-determination archaeological investigation issued by Herefordshire County Council (21/5/2004) does not make specific reference to procedures/measures to be put in place in the event of unexpected discoveries which might warrant preservation *in situ*. It is however clear from the variations in the archaeological specifications produced by the Archaeology Service for Worcestershire County Council, that discussions did take place and that additional provision was made.
- 3.2.2 It is also clear that meetings and extensive discussions and negotiations did take place concerning the conservation of the important early prehistoric discovery. These seem to have resulted in a satisfactory outcome in terms of mitigation.
- 3.2.3 Questions:
1. What procedures for review and amendment of the programme of work were followed to take account of the new discoveries made that might be worthy of preservation *in situ*?
 2. Were there any additional written instructions issued by Herefordshire County Council regarding procedures for dealing with unexpected archaeological remains that might be worthy of preservation *in situ*?

4. Preliminary Conclusions

- 4.1 Based upon the documents received, it is clear that in almost all respects the guidance within PPG 16 was adhered to. Pre-determination assessment was carried out; appropriate provisions for archaeological mitigation were put in place by the LPA; archaeological remains worthy of preservation *in situ* and preservation by record have been identified and adequately dealt with according to relevant Government and Institute of Field Archaeologists (IFA) guidance and standards. In particular, the ability of Herefordshire County Council to achieve a scheme for the preservation *in situ* of the archaeological remains to the north of Camp Farm is to be commended and is an example of best practice.
- 4.2 There may however have been some scope for improvement in procedures for the areas mentioned below, depending on the answers to the above questions. It should be emphasised that these observations are made only on the basis of the evidence supplied and with the full benefit of hindsight. In addition, in my experience, these are issues which are present for most - if not all – local authority road scheme developments.
1. The risk of finding important archaeology at a late stage in the development process would, in all likelihood, have been reduced by a more extensive pre-determination archaeological evaluation. However,

the constraints on access to the land (see question 3.1.7 above) and the ability to interpret the important archaeology found to the north of Camp Farm, from evaluation evidence alone will both need to be taken into account in making any conclusions on this issue.

2. It would have been useful if a risk assessment of the likelihood of the presence of archaeology worthy of preservation *in situ* being present within the areas affected by the proposals had been produced as part of the pre-determination archaeological evaluation and advice to the LPA. Even if it were not possible to assess such risks with any certainty, the application of the precautionary principle may have been beneficial. It would also have enabled the potential for achieving engineering solutions to PARIS encountered on the route post-determination to be considered at an earlier stage in the development process.
3. It may also have been useful in terms of clarity and understanding for all parties concerned if procedures for dealing with the eventuality of finding archaeological remains worthy of preservation *in situ* had been included within the project brief or in supporting documentation (if this had not already been done – see questions 4.2.3. above). These could have included procedures for review and obtaining independent advice on the significance of any remains found from English Heritage and appropriate academic specialists. Whilst this would probably have not affected the outcome with respect to the archaeological remains found, it might have speeded up the decision making process and have avoided some of difficulties in terms of relations with English Heritage.

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