

# ARCHAEOLOGY AND DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT

Report By: Head of Planning Services

## 1 Wards Affected

Countywide

## 2 Purpose

To inform members of the comments received to the Draft Planning Archaeology and Development Supplementary Planning Document (SPD) published for consultation purposes in June 2008, and to consider appropriate changes. This document is being produced as part of Herefordshire's Local Development Framework. It will set out the Council's policy and approach to dealing with Archaeology and Development.

## 3 Financial Implications

- 3.1 The costs of preparing this document are being met through existing budgets.

## 4 Background

- 4.1 This SPD is being produced to expand upon and provide additional information and guidance in support of policies and proposals in the Herefordshire Unitary Development Plan. In particular, Plan Policies ARCH1 – ARCH8 of the UDP relate to Archaeology and Development. The SPD follows Government guidance on archaeology and planning provided in Planning Policy Guidance 16 (PPG 16).
- 4.2 The purpose of an SPD is to make clear to interested parties the Council's relevant policies and practices. Once adopted, the guidance contained within it will be a material consideration in the determination of planning applications.
- 4.3 Initial consultation on the SPD during 2008, helped inform the draft document which was presented to Planning Committee in June of that year. The draft SPD was accompanied by a Sustainability Appraisal and a Statement of Consultation. Consultation on the draft was subsequently undertaken in accordance with the Council's Statement of Community Involvement. The response to the consultation was very limited. Several hundred people or organisations were directly consulted, and the general public also had the opportunity to respond. Despite this, only eleven replies were received. Therefore, it would be reasonable to assume that the content of this SPD is largely uncontentious.

## 5 Aims of the SPD

5.1 The aims of the SPD are to:

- Provide as much certainty as possible to landowners, prospective developers and other interested parties;
- Ensure a uniform application of policy;
- Ensure the process is fair and transparent;
- Facilitate a speedier response from the authority to development proposals.

The SPD will therefore assist in pre-application discussions and provide a transparent and accountable procedure by which archaeology and development matters are dealt with by the Council.

## 6 SPD Outline

6.1 The SPD has been drafted to address the following areas:

- Part 1: Archaeology in Context.
- Part 2: Guidance for Applicants.

## 7 Comments Received and Suggested Amendments

7.1 The comments received in relation to the specific questions raised in the consultation draft SPD are considered in general terms in the table below, with an explanation as to how they have been addressed in the final SPD given in Appendix 1. Some consultees did not address the specific questions, but rather provided particular comments of their own (also in table).

All written comments are summarised recorded and responded to Appendix 1 to this report.

Councils Consultation Question	General response	How addressed in SPD
1. Do Sections 2 to 5 provide sufficient background information to enable you to understand the issues covered and show the importance of archaeology to the County's identity, or do they go into too much detail in these respects? What other issues might be addressed here?	General agreement, although there was some concern that these sections are over-complex. However, some consultees fully supported the level of detail provided	A short explanatory summary will be provided at the start of the SPD. This will précis the document, and provide guidance for the easy use thereof

<p>2. Are the processes involved in carrying out preliminary archaeological investigations explained satisfactorily and the requirements made sufficiently explicit?</p>	<p>General and full agreement, although there was some concern that the explanations given might be over-complex</p>	<p>A short explanatory summary will be provided at the start of the SPD. This will précis the document, and provide guidance for the easy use thereof</p>
<p>3. Is the balance between when desk based assessments and/or field evaluations are required pitched at the correct level?</p>	<p>Support from most consultees, although some were unsure of the meaning of the question</p>	<p>The issue was about the question itself, not the content of the SPD</p>
<p>4. Do you agree with the emphasis given to protecting archaeological remains of known or likely national importance?</p>	<p>Clear support from national bodies such as English Heritage, and supported in general by others. However, a minority of consultees wanted more emphasis</p>	<p>Section 8 of the SPD will be briefly amended to make it clearer that there are different means of 'protecting sites', and that only in particular cases is complete preservation <i>in situ</i> needed or justified</p>
<p>5. Do you consider there may be a case to protect remains of lesser than national importance, and if so when might that be?</p>	<p>Where directly answered, there was in most cases agreement with this. One consultee raised issue of costs of protection/recording</p>	<p>Section 4 of the SPD will be briefly amended with a better explanation of funding issues</p>
<p>6. Has sufficient guidance been provided upon when and how remains should be preserved in situ or information investigated, recorded and archived?</p>	<p>General agreement, although occasional concern was raised about the clarity of the guidance to a lay audience</p>	<p>Section 9 of the SPD will be briefly amended to achieve greater clarity here</p>
<p>7. Is the emphasis placed on negotiating enhancements according to the merits of each case the correct one? Can you please explain any views you have in this respect.</p>	<p>Where directly answered, there was good support, although limited reference was made to issues of proportionality. One consultee questioned whether it was reasonable to expect a developer to pay for enhancements</p>	<p>Section 11 of the SPD will be briefly amended to give better explanation of the public benefit of enhancements</p>

<p>8. Is placing emphasis on the council and the developer working together to safeguard unexpected archaeological discoveries the correct approach? It would be helpful if you could give reasons for your view.</p>	<p>Firmly supported in the clear majority of cases. Limited concerns were raised regarding the justification for 'additional' work</p>	<p>Section 12 of the SPD will be briefly amended to make it clearer what work might be justified in what cases</p>
<p>9. Is the Council's Approach to enabling the public to be consulted upon and informed about archaeological works on development sites sufficiently explicit and appropriate?</p>	<p>Two consultees questioned the clarity and suitability of the approach. However the clear majority were supportive, in some instances strongly so. There was evident endorsement from (for instance) parish councils, and from Advantage West Midlands</p>	<p>Section 15 of the SPD will be briefly amended to clarify the approach being adopted, and to explain any alternatives</p>
<p><b>Comments unrelated to Council's questions</b></p>	<p><b>Comments made</b></p>	<p><b>How addressed in SPD</b></p>
<p>a) Coal Authority requirements</p>	<p>The Coal Authority, as part of its strongly supportive response, advised that the matter of Coal Authority permissions under the Coal Industry act 1994 was not included</p>	<p>The Coal Authority's advisory note will be summarised at the end of Section 5 of the SPD</p>
<p>b) English Heritage further comments</p>	<p>Various comments in the broadly supportive English Heritage response, pointing out a number of technical matters requiring slight adjustment</p>	<p>A number of minor amendments will be made to relevant parts of the SPD in order to take account of these comments.</p>
<p>c) Overall comments on the SPD</p>	<p>Very broad and non-specific statements of (eg) criticism or support</p>	<p>These comments were too general to either require or allow any changes</p>

## 8 Conclusions

- 8.1 Despite the limited response the comments received on the draft SPD have been helpful and amendments recommended that should result in a more informed and inclusive document.
- 8.2 The SPD will assist in pre-application discussions and will provide a transparent and accountable procedure by which archaeology and development matters will be undertaken in the County. When introduced, it will be a material consideration in the determination of planning applications.

**RECOMMENDATION**

**that the Committee agree any changes to the draft SPD on Archaeology and Development, and recommends to Cabinet that the amended document be adopted as part of the Council's Local Development Framework.**

**Background papers** Statement of Community Involvement (Adopted March 2007)  
Herefordshire Unitary Development Plan (Adopted March 2007)

**APPENDIX 1: Summary of written comments received from consultees.**

<b>CONSULTEE</b>	<b>COMMENTS</b>
Tony Fleming (English Heritage)	<p>(Q1) Considered there was plenty of detail; The term “Archaeology” could have been defined earlier in the SPD; More weight to the archaeology of buildings; The role of Secretary of State was not clearly stated; Heritage consents are not same as planning consents, more explanation needed; Importance of ‘setting’ could have been emphasised</p> <p>(Q2) Agreed with SPD stress on early consultation</p> <p>(Q3) Consider inclusion of desk-based assessments within heritage statements</p> <p>(Q4) Agreed with the SPD priorities as regards heritage management; Need to edit sections on national designation system.</p> <p>(Q5) Agreed with SPD</p> <p>(Q6) Sufficient guidance provided</p> <p>(Q7) Unsure of question</p> <p>(Q8) Agreed the approach was correct</p> <p>(Q9) Agreed the approach was sufficiently explicit and appropriate</p>
Mark Pearce (Advantage West Midlands)	<p>Supported the objectives of the SPD.</p> <p>Viewed SPD as a positive step in helping to deliver WMES, and in promoting the region’s heritage.</p>
Rachael Bust (Coal Authority)	<p>Considered SPD to be well presented, detailed and useful</p> <p>Requested a specific paragraph be added to the SPD, relating to specific notification requirements under the 1994 Coal Industry Act</p>

<p>Virginia Morgan</p>	<p>(Q1) Referred to procedures for 'unusual' archaeology</p> <p>(Q2) Did not agree with the preliminary processes (in relation to the so-called 'Rotherwas Ribbon')</p> <p>(Q3) Did not know</p> <p>(Q4) Although broadly in agreement with the emphasis, did not agree protection was always early enough</p> <p>(Q5) Agreed that lesser remains should be protected early in process</p> <p>(Q6) Did not know, but was concerned about the continuance of development (on the 'Rotherwas Ribbon' site)</p> <p>(Q7) was concerned about briefness of public access (to the 'Rotherwas Ribbon' site)</p> <p>(Q8) Suggested that the approach (to the Rotherwas Access Road works) was not reversible</p> <p>(Q9) Did not agree that the Council's approach was explicit and appropriate</p>
<p>Roger Onions (Luston Parish Council)</p>	<p>Agreed with the sentiments of the report</p> <p>Pointed out the tourism potential of archaeology</p>

<p>Arthur Fraser</p>	<p>(Q1) Considered the SPD too long, and the detail and justifications given unnecessary</p> <p>(Q2) Thought the SPD was insufficiently clear and explicit about requirements</p> <p>Use of the 'boxes' might cause confusion, as might poor definition in some paras</p> <p>(Q3) Again considered there was too much detail</p> <p>Thought there were potential contradictions between different paragraphs of the SPD</p> <p>(Q4) Need to state basics</p> <p>Pointed out that the Council might need to justify actions</p> <p>(Q5) Stated that the council had a responsibility to fund any continued maintenance and display of sites preserved <i>in situ</i></p> <p>(Q6) Regarded the case for preservation <i>in situ</i> as being over stated, and that approaches involving controlled removal should be given due prominence.</p> <p>(Q7) Was concerned that developers might be liable to disproportionate costs here</p> <p>(Q8) Was concerned about the costs of 'additional' work that might be required</p> <p>Cross referencing to relevant sections of the UDP?</p> <p>(Q9) Refer to LDF. Control needed to keep costs reasonable</p>
<p>Sutton St Nicholas Parish Council</p>	<p>(Q1) Regarded SPD as too detailed</p> <p>(Q2) Agreed, but felt the explanations were over complex</p> <p>(Q3) Did not understand the question</p> <p>(Q4) Agreed</p> <p>(Q5) Agreed. Local interest rarity or research value</p> <p>(Q6) Agreed</p> <p>(Q7) Agreed. Each case to be looked at individually</p> <p>(Q8) Agreed</p> <p>(Q9) Agreed</p>



<p>Roger Cullimore (Moreton C Cullimore Gravels Ltd)</p>	<p>Considered archaeological interest of mathon pit</p>
<p>Judy Stevenson (Herefordshire Heritage Services)</p>	<p>(Q1) Regarded SPD as providing an excessive amount of information</p> <p>(Q2) Agreed</p> <p>(Q3) Agreed and understood, but pointed out that <i>the public</i> might not understand the question</p> <p>(Q4) Agreed</p> <p>(Q5) Agreed. Local interesst rarity or research value</p> <p>(Q6) Agreed, although it might seem complicated to the public</p> <p>(Q7) Agreed. Each case to be looked at individually</p> <p>(Q8) Agreed. Partnership working is important</p> <p>(Q9) Agreed</p> <p>Overall the principles are sound, but the document is over-long.</p>

<p>Jim Beard (Colwall Parish Council)</p>	<p>(Q1) Stated that the SPD was a well - balanced approach to the subject which would invoke interest</p> <p>(Q2) Agreed</p> <p>(Q3) Agreed</p> <p>(Q4) Agreed</p> <p>(Q5) Agreed, particularly in cases in which there was a specific local link</p> <p>(Q6) Agreed</p> <p>(Q7) Indicated that all archaeological finds were of public interest</p> <p>(Q8) Considered that this approach was dependent on the willingness of developers to co-operate</p> <p>(Q9) Suggested that the parish/town council should be informed whenever development takes place that has archaeological implications.</p> <p>Pointed out the particular archaeological interest of Colwall and its environs, and the local knowledge of this that existed.</p>
<p>Stephen Challenger (Diocese of Hereford)</p>	<p>Confirmed agreement with the SPD</p> <p>Mentioned the liaison that takes place between Hefordshire Council and the Diocese in relation to archaeology</p>