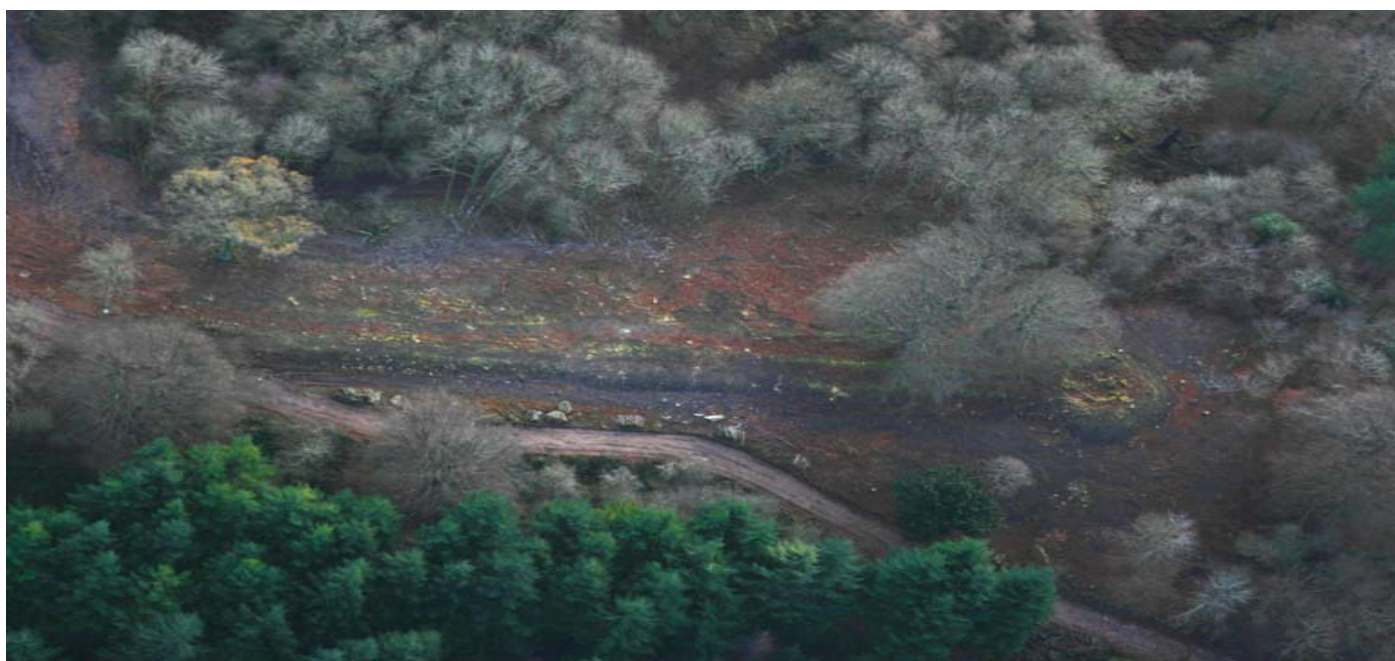


Shaping our Place 2026

Local Development Framework

Archaeology & Development Supplementary Planning Document

April 2010



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FOREWARD

This document has been produced to provide guidance upon, and additional information in relation to, the archaeological policies in the Herefordshire Unitary Development Plan (and any successor plans or planning frameworks). The document follows central government guidance on archaeology and planning, and is a material consideration in the determination of planning applications.

GUIDE

This document is necessarily detailed. Although Herefordshire Council recommend that the document should be read and considered in its entirety, it is recognised that some users may wish to consider particular sections only (eg):

Readers particularly requiring details about the broader statutory and procedural background to archaeology should refer to sections 4-5.

Readers particularly requiring details about early stage archaeological discussions and surveys, and the submission of archaeological information as part of a planning application, should refer to sections 6-7.

Readers particularly requiring details about the preservation of archaeological remains, and related development issues, should refer to sections 9 and 12.

Readers particularly requiring details about archaeological projects or measures required as a condition of planning permission should refer to Section 10.

1. Introduction: Purpose of the Supplementary Planning Document

- 1.1 Herefordshire's archaeology is extremely important to defining the County's cultural identity and is a significant contributor to its distinctive character¹. This is not just in relation to Hereford City and the surrounding market towns, but also for its villages and rural landscape. However the *archaeological resource* is finite and irreplaceable: once damaged or destroyed it cannot be remade². For this reason it is vital to ensure that its elements are not lost without good reason, that its most important sites and monuments are protected properly, and that where development is permitted that would affect such assets, appropriate *mitigation* measures are taken.
- 1.2 The cathedral city of Hereford is an important historic settlement to the extent that it is one of only five cities in England in which an *Area of Archaeological Importance* has been designated under the terms of the Ancient Monuments and Archaeological Areas Act 1979³. Despite having such nationally recognised important heritage at its core, unlike many Counties the great extent of Herefordshire's *archaeological resource* is not well surveyed or even assessed. This is reflected by the fact that English Heritage has designated just 280 *Scheduled Monuments* across the County's 217,973 hectares⁴.
- 1.3 For this reason it is not always possible to indicate where important *archaeological deposits or features* may be encountered. Consequently a heavy emphasis has to be placed upon investigating whether any archaeological remains (above or below ground) might be present when development is proposed. The pre-application stage is often crucial to determining whether both the principle and detail of any proposal will be acceptable. A heavy emphasis is therefore placed upon early discussion between developer and relevant Council staff⁵.
- 1.4 This Supplementary Planning Document sets out those measures that Herefordshire Council, as Local Planning Authority, will employ where below or above ground archaeology is considered material to any planning decision. It should be remembered that archaeological issues within the planning system fit into a national statutory framework with, in particular, Government policy defined in PPG16 – Archaeology and Planning⁶.
- 1.5 This document aims to assist all those with an interest in development where the historic environment is affected and where the presence of archaeological deposits or 'historic assets'⁷ can constrain or modify development proposals. As such developers and their agents, consultants including archaeological consultants, and those determining planning applications will particularly use it.
- 1.6 The basic approach to addressing archaeological issues will be to follow these steps in the order set out:

¹ See section 2, below.

² See section 4, below. Technical terms appear in italics when first use within this document, and are defined in the Glossary that appears as Appendix 2.

³ See section 5, below.

⁴ 2810 km². Source: Herefordshire Council Information Services fact-sheet, 2001.

⁵ See sections 6 and 7, below.

⁶ See section 3, below.

⁷ This is a term used in *Heritage Protection Reform* to denote historic structures and remains of all kinds.

- Define the nature, extent and significance of any *archaeological deposits* or remains;
- Identify the potential impacts of development upon whatever remains are present;
- Preserve important archaeological sites *in situ*;
- Minimise a proposal's impact on (other) archaeological remains; and
- Record the remains, with the most extensive recording usually being required on sites where the deposits are to be entirely (or mostly) lost.

These processes reflect the way in which archaeological advice is formulated, and are described in greater detail within this document, together with other associated advice and information that it is hoped will prove helpful to applicants for planning permission.

1.7 At the moment a parallel system applies. Where works, whether requiring planning permission or not, are proposed that affect a Scheduled Monument (SM), a Scheduled Monument Consent application must be made to the Secretary of State for Culture Media and Sport. Some introductory advice on this matter is included in Appendix 1, part III.

1.8 A number of further associated matters are also covered in the appendices. Appendix 1 covers a range of associated subjects. Some of the terminology used within this document can be technical and peculiar to the archaeological profession, so Appendix 2 comprises a glossary to assist with understanding. Meanwhile, contact information for the archaeology, planning and related services is provided in Appendix 3.

1.9 The purpose of this document is to indicate how we expect archaeology to be taken into account when development is proposed. Specifically, the document aims to:

- Explain and supplement the policies on archaeology and development within the Unitary Development Plan and that will form a constituent element of the emerging Local Development Framework for the county.
- Provide greater certainty for developers as to what is expected in situations where archaeological considerations affect development.
- Ensure best treatment (preservation and/or recording) of the archaeological resource.
- Make clear that this issue is one that needs to be considered at the outset of any preparation of proposals for development and certainly not as an afterthought.

The broad approach to the assessment of the impact of development summarised in paragraph 1.6 is paramount to this objective and the following sections describe, in greater detail, the approach that developers should adopt in order to contribute to sustainable development.

- 1.10 Herefordshire Community Strategy is complementary to Herefordshire UDP and this sets out how a range of partnerships can work together to help ensure the overall economic, social and environmental well being of the County. In this regard archaeological matters have formed part of the agenda pursued by the Herefordshire Cultural Consortium. Herefordshire Council has its own Corporate Plan that translates some of the outcomes from the Community Strategy into its own 'priorities'. This SPD will address a number of land use planning issues that link to the Community Strategy guiding principles, in particular to 'protect and improve Herefordshire's distinctive environment' and also a number of the outcomes under the heading of 'safer and stronger communities'.
- 1.11 Herefordshire Council also wishes to promote greater public involvement in the plan making and development control process. It has adopted a Statement of Community Involvement that sets out how this will achieve this. Consultation upon this document will follow the approach set out in that document for supplementary planning documents.
- 1.12 In accordance with Government guidance this SPD has been subject to a Sustainability Appraisal that is published separately. Such an appraisal tests the performance of this document against a series of environmental, social and economic objectives. These were devised as part of the General Scoping Report of the Sustainability appraisal of Herefordshire Local Development Framework which can be found on the Council's website.

2. The Archaeology of Herefordshire and its Contribution to Society

2.1 Archaeology is a material consideration within the planning process. It is perhaps worth asking at the outset why this should be so. The most immediate answer concerns the value that society places upon its past. To philosophers and historians, it is axiomatic that, as the phrase attributed to the Chinese philosopher Confucius put it as long ago as the fifth century BC, 'study the past, if you would define the future'⁸. The implication in all the eras since that time is that those societies that did not learn the lessons of their history were doomed to repeat its disasters, and to fail to learn from its successes as well as its failures. However, we are not all philosophers, and to practically-minded people, archaeology and the past often seem irrelevant, or at least not centrally important, to their lives. In the following paragraphs we set out as briefly as possible why archaeology is more important to and in today's society than might be suspected, and what particular contribution the archaeology of Herefordshire makes to the quality of people's daily lives, and to the wider picture within Britain and beyond.

2.2 Firstly, let us look at the idea that archaeology, through revealing aspects of our past, can tell us something about the present and future. In 2003, at The Leen Farm, Pembridge, in Herefordshire, excavations by the county archaeological service linked with investigations by earth scientists from the University of Wales at Aberystwyth uncovered 'an inconvenient truth': over-intensification of arable farming at a time of dramatic climatic change can adversely affect your health. Around the beginning of the third century AD, during the days of the Roman Empire, rising continental demand for purchase and export of British corn coincided with a downturn in climatic conditions. This latter resulted in dramatic increases in rainfall, in turn leading to pronounced scouring of the river banks that could be dated from samples taken by the Aberystwyth scientists. This also explained why the ditches of the arable fields revealed in the 2003 excavations at The Leen had been re-cut so often at exactly this time: they were being silted up due to the erosion of plough-soil caused by that same heavy rainfall⁹. Turn on any radio or television (or your i-pod) in Britain today, and you don't need ex-Presidential candidate Al Gore to point out for you the parallels with contemporary climate change, however now induced or accelerated.

2.3 Secondly, we can enquire directly after people's sense of security and identity in contemporary Britain, and its relation to archaeology and the historic heritage. In one survey of opinion carried out for English Heritage, for instance, it was found that 96% of people think that the historic environment is important to teach them about the past, 88% that it is important in creating jobs and boosting the economy, and 87% that it plays an important part in the cultural life of the country¹⁰. Here in Herefordshire, the county archaeology service has carried out local surveys of attitudes as part of the series of river valley projects supported by LEADER+ (European Union) and English Heritage that began with a study of the Arrow Valley. The surveys here showed the strength of identification with and attachment to place

⁸ Confucius, 551-479BC. Much of his moral philosophy is contained within the *Lun yu*, or *Analects*, compiled in the second century BC. Sources: Stanford Encyclopedia of Philosophy; Lau, D.C. 1979, *Confucius: the Analects*.

⁹ Paul White, 2003: 'The Arrow Valley, Herefordshire: Archaeology, Landscape Change and Conservation'

¹⁰ MORI poll for English Heritage, summer 2000. Sample: 3000 respondents. Source: *Power of Place* (2000)

and the local landscape, and that the contribution that particular monuments make to the character of place was widely appreciated¹¹.

2.4 Thirdly, let us look at the cultural life of today's world. It thrives on the production and re-telling of stories and on innovation in art, at all levels and in all spheres. Archaeology is a continual wellspring for stories that can be derived from the narratives of past events, processes and people and that can be used to feed the creative imagination and the performing arts. Meanwhile, the revelation of past productive endeavours through a continual stream of never before seen objects provides constantly renewing inspiration for contemporary arts.

2.5 Fourth, consider archaeology as an activity. Like the BBC, it both entertains and informs. Even before Michael Wood's various *In Search Of...* television series and Channel 4's *Time Team*, archaeological fieldwork and archaeologists at large were seen and portrayed as highly performative. But behind the performance are serious facts, often painstaking scientific inquiry, and of course a mass of informed speculation. Archaeology is both a science and an art, and as such encompasses the fascination of both: sober research and creative interpretation.

2.6 Fifth, archaeology is therefore an important source of material for education, since it implicates not only history and geography, but also the life and experimental sciences, and forensic enquiries, in its activities. It also provides in its fieldwork an 'outdoor laboratory' for the exploration by young minds of their endlessly fascinating environment.

2.7 Sixth, let us consider momentarily some of the things that actually define us as human. One of the most profound of these is our curiosity, while another is our search for novelty. Through its thirst for discovery and synthesis, archaeology satisfies some basic human urges to enquire, to uncover, and to create meaning from the past. Placing as it does our endeavours of today in the perspective of time (and moreover a time-span extending deep into the human past), it provides a positive resource for reflection: archaeology provides us all with a tool for contemplating the future as well as re-visiting the past. It can place the froth of day-to-day events in the present into calmer and often more realistic longer-term perspective.

2.8 Finally, there is again that question of what we do with our cultural and social worlds today, and how we cope with change. Here, archaeology can help us with our contemporary cultural complexity, including migration, cultural or religious minorities, disadvantage, and belonging. Archaeology in England does not just tell us about a white, middle-class Anglo-Saxon sort of history. For instance, there are at least two significant periods of British history when it was immersed in a polyglot and multicultural Imperial world. Archaeology has revealed that under the earlier of these, in the Roman Empire, there were Numidian (Black African) contingents posted on Hadrian's Wall, along with a medley of what we would term today 'East Europeans'. These troops became substantially immersed in local communities. In another instance, during a developer-funded archaeological project at Bath in Somerset, it was discovered that a merchant from Syria visited that city in the fourth century,

¹¹ See Paul White, op cit for the Arrow Valley, Paul White 2008 for the Frome Valley, Peter Dorling 2008 for the Lugg Valley.

probably at least in part for medical treatment (we know because the intended cure failed, and he was buried in a cemetery beyond the East Gate). In Herefordshire, not long afterwards, Romanised Britons seemingly with direct contacts with early Byzantium and the eastern Mediterranean nonetheless found ways to make treaties with the incoming newly-Christianised Saxons: and only archaeology can tell us anything intimate about the lives and histories of these two 'competing' Christian communities.

2.9 Is any of this relevant to 'archaeology and development'? The answer is that, it must be, because we have as a society determined that money should be spent (and added to the costs of development) so that these precious insights, and a positive cultural resource, can be 'rescued' from the necessary disturbance of the development and redevelopment that underpins much of our economic well-being. In practice we are not rescuing so much as expending that resource, albeit it in a structured way. Archaeology enriches us all, because its stories are about all of us.

3. Archaeological Remains and Their Vulnerability

- 3.1 Archaeological remains comprise the surviving physical traces of human activity from early prehistory right through to the 20th century. They are most frequently perceived by the public as comprising upstanding elements such as standing stones, prominent earthworks and the ruined walls of castles and other former buildings. However this is not the full story and there are considerably greater numbers of remains that cannot readily be appreciated because they are buried beneath the ground often without any surface signs of their presence, or are taken for granted since they comprise the fabric of standing structures, often concealed beneath relatively recent reshaping of the buildings concerned.
- 3.2 As noted in section 2 above, for many periods of the past these traces may be the only evidence of human activity and endeavour that survives today. This is especially true of the prehistoric period but in reality many human actions, especially at a local level, have always gone undocumented. Archaeological sites and deposits are of intrinsic importance as a finite and irreplaceable *resource*, therefore, but the historical *information* locked within them comprises more than the sum total of soil, built structures and artefacts contained there. It is the controlled gathering of such information that realises the historical value of the traces and that distinguishes the systematic inquiries of archaeologists from the dabblings of the curious. The information on past lives contained as a passive potential can only be actively unlocked through conduct of specifically archaeological operations comprising painstaking recording and survey, thorough and systematic investigation through excavation, properly advised sampling and scientific examination, and well co-ordinated and thoughtful subsequent archiving, analysis and report writing¹².
- 3.3 Archaeological features and deposits must also be recognised as a fragile as well as finite resource. Once removed either through development, erosion or excavation they and the information they contain cannot be replaced. Demolition, site preparation (topsoil stripping or levelling), foundations, provision of services and landscaping can all destroy or disrupt archaeological deposits. It is accepted that techniques of investigation, for instance through excavation, are always improving. It is nonetheless a fact therefore that even where careful modern excavation takes place some information will inevitably be lost. Government guidance seeks to address this by seeking to preserve in situ Scheduled Monuments and other sites considered to be of national or regional importance. It also places the responsibility for ensuring best treatment of the *archaeological resource* affected by development squarely with the developer.
- 3.4 Archaeological sites, then, are often made up of a complex series of remains, surviving built fabric, deposits and artefacts that together can be recorded and interpreted to tell the story of human activity at that location. It is also clear however that once those elements of a site are disturbed or damaged the site is irreparably compromised and the ability to interpret and understand what it can contribute to wider historical understanding severely impaired.

¹² In Herefordshire, investigation and recording to satisfactory standards is secured by requiring all development related work to be carried out by qualified archaeologists. These are defined as Members of the Institute of Field Archaeologists of Associate or Full Member grade, or under their direct supervision, or by IFA Registered Archaeological Organisations, or by organisations registered under the ongoing Herefordshire Archaeology contractors' registration scheme (see Appendix 1, part X).

- 3.5 Buried remains may include both already known sites as well as those for which there are presently no records or knowledge. Clues to the survival of remains at any particular location may exist from aerial photographs or from previous ground-based surveys or excavations. In assessments of the potential of such sites, archaeologists may extrapolate from information about nearby sites, often obtained through the process of compiling *desk based assessments*. They may also undertake further non-intrusive studies such as geophysical surveys or they may carry out trial excavations, often known as *archaeological field evaluations*. These kinds of operation are described in detail in section 7, below.
- 3.6 Unsuspected or undetected buried remains may be damaged when any preliminary earthmoving, piling or trenching is undertaken to initiate development. The damage may extend beyond the development area due to subtle changes in ground structure, for example occurring through changes to the water table as the consequence of development. Hence works that affect drainage can have particularly negative implications.
- 3.7 Even where buried remains are known to exist, another concern is maintaining the integrity of the archaeological features where severance from a linked feature or set of features can reduce their value. So a material consideration affecting advice upon the acceptability of a development may be the presence of significant known remains nearby, but not actually within the application area. Moreover, preservation in situ may require recovering features unearthed through the development process in order to protect them¹³.
- 3.8 Visible historic earthworks and structures can provide a tangible link with the past and may be important in their own right as landscape features. Some will contribute to the local interest of an area and may have an economic benefit. Similar issues arise for those remains that are visible in the landscape or that comprise significant standing structures, since in these cases the relation of buried to visible remains is an important consideration. Moreover, the archaeology of the standing fabric is itself often of great significance for the information it can provide on the sequence of building operations and the nature of the structures involved. A further concern can arise in respect of their particular setting. Settings can include principal views to and from the remains or appearance in the whole of the wider landscape. The potential for mitigation may vary according to the particular circumstances. Alternatively it may be possible to enhance the setting through the design and layout of development¹⁴.

¹³ See section 9, below

¹⁴ See section 11, below and Appendix 1, parts XIV and XV

4. The Planning and Historic Environment Policy Background

4.1 Government guidance for dealing with archaeology in the development planning process is set out in Planning Policy Guidance Note (PPG) 16: Archaeology and Planning (1990), and to a lesser but still significant degree in Planning Policy Guidance Note (PPG) 15: Planning and the Historic Environment. The 'historic environment' comprises archaeological remains and archaeologically significant deposits, both below and above ground (for instance, incorporated within the fabric of standing buildings), historic buildings, and all traces that survive in today's landscape that relate to its inherited form or character. This places a veteran tree, for example, firmly within both a natural and an historic environmental context, since it provides important insights and scientific data relevant to both.

4.2 PPG 16 (Paragraph 6) defines the importance of archaeology as well as offering advice on the handling of planning applications. It specifies that local planning authorities should include policies for the protection, enhancement and preservation of sites of archaeological interest and their 'settings' in any development plans. In introducing the issue, it states:

Archaeological remains should be seen as a finite, and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction. Appropriate management is therefore essential to ensure that they survive in good condition. In particular, care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed. They can contain irreplaceable information about our past and the potential for an increase in future knowledge. They are part of our sense of national identity and are valuable both for their own sake and for their role in education, leisure and tourism.

4.3 Early consultation is advised to determine whether remains of archaeological importance may affect a development, and to establish how this may be so (paragraphs 19 to 23). The principles of preservation in situ for particularly important or at risk remains, and 'preservation by record' (i.e. archaeological recording), are explained, along with the nature of appropriate arrangements to secure these outcomes (24 to 30). The onus is placed clearly and unequivocally upon the developer to ensure that the development they are proposing to undertake does not lead to the unnecessary or unmitigated loss of remains of archaeological importance. While it makes it clear that planning authorities should not seek funding for archaeological investigations and recording work in exchange for the grant of planning permission, it makes it equally clear that such authorities are entitled to refuse permission for development that does not satisfactorily address archaeological concerns. While there is therefore an expectation that in order to comply with attached conditions, developers will commission necessary archaeological works, the requirement that all planning conditions should be reasonable should be borne in mind by the Council's archaeological advisers in the writing of briefs to guide such commissions.

4.4 PPG 15 provides parallel guidance for historic buildings and areas to that which PPG 16 provides for archaeology. At various points, it notes the degree to which buildings contain archaeological evidence or stand upon or encompass remains of archaeological importance (for example, paragraph 2.15). It also notes that provisions for recording parallel to those for archaeology may be made (paragraph

3.23). Archaeology is also encompassed within PPG 15 in reference to historic settlements, registered parks and gardens, registered battlefields, and the wider historic landscape, and notes that all these landscape-based designations should be a material consideration.

4.5 Herefordshire Unitary Development Plan (UDP), adopted March 2007, provides the land use framework for the County up to 2011. Its policies that will guide decisions upon individual proposals for development affecting archaeological remains are set out below. These policies are intended primarily to help developers in preparing planning applications. The explanation and guidance set out in this Supplementary Planning Document expand upon these policies. It should be noted that interpretation of the individual policies and explanation of how they are applied in practice is covered in this document in the sections identified after the policy title.

Policy ARCH1 Archaeological assessments and field evaluations

Prior to the determination of applications for development on sites where there is reason to believe there are remains of archaeological importance, an archaeological field evaluation may be required. In addition where proposals are put forward within AIUAs (Archaeologically Important Urban Areas) that may affect the integrity of the historic character of such settlements a historic landscape appraisal will be expected. (A list of AIUAs is provided in Appendix 1, Part VI).

(See sections 6 and 7, below)

Policy ARCH2 Foundation design and mitigation for urban sites

In Hereford AAI (Area of Archaeological Importance) and the historic market towns of Bromyard, Kington, Ledbury, Leominster and Ross-on-Wye, applicants may be required to submit details of foundation designs and proposals for optimum preservation of archaeological remains and historic urban deposits in situ.

(See section 9, below)

Policy ARCH3 Scheduled Ancient Monuments

Development proposals and works which may adversely affect the integrity, character or setting of Scheduled Ancient Monuments will not be permitted.

(See section 5, below)

Policy ARCH4 Other Sites of National or Regional Importance

Planning permission for development which would destroy or seriously damage unscheduled nationally important remains or sites of regional importance, or their character or setting, will not be permitted.

(See section 5, below)

Policy ARCH5 Sites of Lesser or Local Importance

Development proposals which adversely affect a site of lesser regional or local importance that is unlikely to merit full preservation in situ will be permitted where the impact on archaeological interests of the site can be shown to have been adequately mitigated.

(See section 10, below)

Policy ARCH6 Recording of archaeological remains

Where preservation in situ is not feasible, conditions on planning permissions will be imposed to ensure that, where appropriate, sites of archaeological interest including standing structures are excavated and/or recorded before alteration, demolition, site clearance or development commences, or are alternatively subject to a limited recording action project during development. The results of any

(See section 10, below)

Policy ARCH7 Hereford AAI

Within the Hereford Area of Archaeological Importance, development which is likely to affect archaeological remains or their setting will only be permitted where either full preservation in situ can be achieved, or time and resources will be made available for an appropriate level of archaeological investigation, conservation and post excavation work to be carried out.

(See Appendix 1, part V, below)

Policy ARCH8 Enhancement and improved access to archaeological sites

Proposals affecting sites of archaeological interest will be required to show how the interest will be protected and where feasible, can be enhanced. Favourable consideration will be given to the development schemes which emphasise the original form and function of the sites and where appropriate improve public access to them. Such measures will be secured by the use of conditions, planning agreements and management plans.

(See section 11, below)

4.6 In combination the UDP policies and this further guidance supports the objectives for the historic environment set out in policy QE5 of the West Midlands Regional Spatial Strategy (June 2004). A further material consideration is the 'Valetta Convention' (European Convention on the Protection of Archaeological Heritage) to which the United Kingdom is a signatory. This emphasises, amongst others, the commitment to the conservation and maintenance of the archaeological heritage, preferably in situ, in particular through the planning system.

5. Designated Sites and Other Important Archaeological Sites and Areas

- 5.1 Since 1882 there has been in existence a nationally co-ordinated system for the delineation of nationally important archaeological sites and monuments. This arose from the first Ancient Monuments Act that established a list or Schedule of such monuments, to be maintained by the Inspectorate of Ancient Monuments based in the Office of Works. This system has undergone many subtle changes since its institution, but perhaps its greatest transformation occurred around twenty-five years ago with, first, the Ancient Monuments and Archaeological Areas Act in 1979, and then the National Heritage Act in 1984. Among other dispositions, the former formalised the processes of designation of monuments, while the latter introduced a system of Consents whereby permission had to be sought from the relevant Secretary of State for a variety of works affecting such monuments (previously, only a notification system was in operation).
- 5.2 The monument description lies at the core of the definition of any Scheduled Monument¹⁵. Today, this comprises a statement concerning the physical nature of the monument, and any information that is known about its history and its particular characteristics. The description is supported for monuments that have been designated or reviewed in recent years by a statement of significance, setting out why the monument concerned is considered to be important.
- 5.3 Since 1979 there has also developed a formal system for establishing whether any particular monument is of sufficient merit to be designated as a Scheduled Monument of national importance. The nine 'scheduling criteria' are as follows: extent of survival; current condition; rarity; representivity (either through diversity or because of one important attribute); period (importance of the period to which the monument relates); fragility; group value (connection to other monuments: spatially, chronologically or thematically); potential (to contribute to our information, understanding and appreciation), and documentation (extent of information available that enhances the monument's significance). The selection of which monuments to schedule then depends upon the 'score' achieved relative to others considered within that type, and to a lesser extent upon the regional pattern of representivity.
- 5.4 Scheduled Monuments are the most comprehensively protected archaeological remains in England. They are not only protected by the terms of the 1979 Act (which prohibits works such as demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or tipping material onto the monument¹⁶), but also through the Town and Country Planning Act 1990. Herefordshire Unitary Development Plan policy ARCH3 states there will be a presumption against the granting of planning permission for development that would adversely affect the integrity, character or setting of a Scheduled Monument.

¹⁵ The term used until recently was Scheduled Ancient Monument (SAM). This has been changed to Scheduled Monument (SM) because it was increasingly the case (for instance with the designation of remains from WWII) that such monuments were not always 'ancient'.

¹⁶ Scheduled Monument Consent (SMC) must be obtained for any such operations, and there is a presumption against granting such permission if it would seriously affect the survival or condition of all or part of the monument. Information produced by English Heritage for owners, occupiers and managers of such monuments is available via <http://www.helm.org.uk/server/show/category.8388> or directly from English Heritage. See Appendix 1, part III.

- 5.5 Although there are as yet no 'local lists' of non-designated but nationally or regionally important sites or monuments, planning policy ARCH4 indicates the way such sites will be regarded. In such cases, locally based documentation, often identified in the County Sites and Monuments Record, and local professional judgement will be adduced in support of advice in respect of specific development proposals.
- 5.6 There are no formal designations of 'landscapes' specifically of archaeological importance in Herefordshire. However, it should be noted that several discrete areas of the landscape have been Registered by English Heritage as parks and gardens of historic significance. As such, they should be treated as a material consideration for applications for planning permission. They are not covered here but within a companion Supplementary Planning Document on *Historic Landscapes*.
- 5.7 There are however some specific areas within the County that are defined as of especial archaeological significance. Primary among these is Hereford City *Area of Archaeological Importance* (AAI). This was designated in 1983 as one of the first such areas to be formally established under the terms of the Ancient Monuments and Archaeological Areas Act, 1979. The area concerned covers the whole of the historic core of Hereford within its Medieval city walls, and extends also to include its erstwhile Medieval suburbs. The reason for this designation was not only the cathedral city status of Hereford, but also for its importance as an archaeologically well-documented pre-(Norman) Conquest Saxon town. The sensitivity of the area within the AAI is such that it is necessary to follow formal procedures separate either from application for planning permission, or applications for Scheduled Monument Consent before embarking on any works involving below-ground disturbance, or dumping or flooding¹⁷. Moreover, UDP policy ARCH7 stipulates that development within the AAI will only be permitted where either full preservation in situ is achieved, or where adequate mitigation measures are in place.
- 5.8 The Unitary Development Plan also identifies a number of other *Archaeologically Important Urban Areas* (AIUAs) – See Appendix 1, part VI. These are neither as closely defined spatially as the Hereford AAI nor do they require the same procedures in reference to development. They comprise 35 locations where there were urban or quasi-urban settlements (such as prominent markets and/or fairs in Medieval times) that may today be villages or even green-field sites, but where notable concentrations of archaeological remains reflecting their specifically urban history may be present.
- 5.9 Under the Coal Industry Act 1994, there are a number of coal industry sites within Herefordshire, which sites are subject to a specific notification procedure in relation to works and operations on those sites. The Coal Authority should be contacted for details of this.
- 6.10 Finally, it is important to note that the system for designation and protection of archaeological remains may be subject to change.

¹⁷ Herefordshire Council is the administering Authority for the AAI on behalf of the Secretary of State for Culture Media and Sport, and Herefordshire Archaeology, the Council's county archaeological service, is the Investigating Authority designated by the Secretary of State in 1999. Guidance on the procedures for Certification and Notification can be obtained from Herefordshire Council, or via the service website at www.smr.herefordshire.gov.uk.

6. The Importance of Early Consultation for Development Proposals

6.1 Planning Policy Statement 1 on Development and Planning makes it very clear that early consultation with the local planning authority is advisable in respect of any development. PPG 16: Archaeology and Planning (1990) also strongly advises developers to seek early consultation about the archaeological implications of their proposed developments. This is because archaeology is one of the first potential constraints upon development that will have to be dealt with satisfactorily before development can commence. An early consultation of this nature will also help developers to understand the various and potentially complex steps of the archaeological processes that might be involved.

6.2 PPG 16 (paragraph 19) notes the potential consequences of failure to consult:

Once detailed designs have been prepared and finance lined up flexibility becomes much more difficult and expensive to achieve. In their own interests, therefore, prospective developers should in all cases include as part of their research into the development potential of a site which they undertake before making a planning application an initial assessment of whether the site is known or likely to contain archaeological remains.

6.3 Applicants for planning permission should obtain information about the location of their development at an early stage in their site planning process, in particular by involving the Council's archaeological advisers in pre-application discussions.

The 'first step' should be to contact one of Herefordshire Council's advisory archaeologists to discover what is known about the location in question and to learn what records are held in the Sites and Monuments Record. The advisory archaeologists may also be able to offer advice upon the potential for the uncovering important remains during development and the potential disruption this could cause. They will advise upon the benefits to be gained from obtaining information about this potential from more purposive searching of records, including those held in other repositories such as the local record office/documentary archives repository, or the National Monuments Record in Swindon¹⁸. They can also advise upon the desirability of obtaining further information by direct examination of the site.

6.4 Applicants for planning permission should seek advice upon whether and if so what archaeological works are needed in advance of the submission of any planning application to inform a heritage statement.

Involving the advisory archaeologists at an early stage can establish the viability or otherwise of development proposals. There may be reasons for refusal of the application due to the presence or proximity of important remains. Even where the importance of archaeological remains is not so great as to lead to the rare circumstance where refusal of the application is advised, early consultation can help in the design of the development if there are major remains that need to be conserved even while development is permitted. Section 7 explains both circumstances in greater detail.

¹⁸ Sources of further information are detailed in Appendix 4

6.5 Early consultation with advisory archaeologists can even help to reduce costs and problems for the developer by providing information about ground conditions that might not be available through more limited forms of site investigation. Past experience suggests when the advisory archaeologists have recommended preliminary site investigations to gather information for archaeological purposes, these have produced substantial new and unsuspected information about groundwater conditions, contamination sources, and/or presence of relatively recent but hitherto unknown below-ground obstructions deriving from prior but poorly recorded development or maintenance works.

6.6 Where planning conditions are expected to be imposed requiring a scheme of archaeological works to be undertaken prior to development commencing, applicants for planning permission are advised to discuss these early within the development planning process.

The discharge of archaeological conditions attached to a planning permission for development will need to occur in most instances before almost any other work is undertaken on the site. It is not sensible, therefore, to be discussing detailed matters of design and landscaping with the local planning authority, for instance, when the archaeological issues have neither been raised nor discussed. Moreover, it is important that the archaeological conditions that are attached are appropriate to the circumstances of the development project as well as to the archaeology.

6.7 Where an environmental statement is required under the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999, it will be particularly important to clarify archaeological requirements at the earliest opportunity with the advisory archaeologists.

Applicants should be aware that there may be the need for extensive investigations and they will need to be planned well ahead, taking into account that seasonal weather may be a consideration. Archaeological requirements will usually be described in outline in any scoping statement for an Environmental Assessment, and careful consideration should be given to the scope and scale of works necessary to meet these requirements¹⁹. Archaeology should be considered clearly and specifically in any assessment report.

6.8 Early consultation is also advisable in respect to historic buildings. PPG 15 (Paragraph 2.15) states that:

“(Many) historic buildings are either of intrinsic archaeological interest or stand on ground which contains archaeological remains. It is important in such cases that there should be appropriate assessment of the archaeological implications of development before (planning) applications are determined; and that, where permission is to be granted, authorities should consider whether adequate arrangements have been made for recording remains that would be lost in the course of works for which permission is being sought.”

¹⁹ For further information on how to proceed with archaeological considerations for Environmental Statements, see Appendix 1, part XVIII.

7. Planning Applications and the Provision of Supporting Information

7.1 Consultations with the advisory archaeologists may provide an ‘early warning’ system to help guide development proposals. They can advise upon the form of supporting information needed within any heritage statement. Current Government guidance on archaeology and development makes a distinction between ‘assessments’ and ‘evaluations’. What this reflects is a difference in the level of detail that may be required in the archaeological information provided in support of a planning application.

7.2 Developers should ensure adequate information is provided to support their planning application through commissioning an archaeological assessment or evaluation carried out by a suitably qualified archaeological consultant or contractor.

To avoid unnecessary delay in the determination of an application, the developer should ensure that adequate information is provided when the planning application is submitted. Failure to provide such information may lead to a refusal to register the application, or the issue of a requirement under Regulation 4 of the Town and Country Planning (Applications) Regulations, 1988, requiring submission of adequate supporting information, or summary refusal of the application (PPG 16, paragraph 22). Delay can be avoided through commissioning an archaeological consultant or contractor to provide the information required within any heritage statement.

7.3 Herefordshire Council’s Archaeological Service does not carry out work that is funded as a result of their development control advice, either before or after the submission of a planning application²⁰. The advisory archaeologist will normally indicate at an early stage in the preliminary and pre-application discussions what kind of information would be expected to be provided with the planning application (see section 7.4, below).

7.4 An archaeological desk-based assessment will be required where the nature of the archaeological interest is insufficiently certain and an initial appraisal of existing information may serve to clarify this potentially without a need for more detailed or more extensive gathering of new information.

Desk based assessments are reports that specify what is already known about a site, monument or location from a variety of sources both historical and archaeological²¹, together with an assessment of the survival, significance, and condition of remains thought likely to be or actually established as being present. A separate statement of the implications will usually be reserved for the client. The desk based assessment should never contain ‘recommendations’ since this can be read to presume the advice and role of the advisory archaeologists in the formulation and presentation of their advice. It should be noted that this does not preclude the agent or consultant presenting such views as information in support of the application in a separate document, but this should be clearly ‘labelled’ as such, rather than appearing as part of the ‘information base’ provided with the assessment.

²⁰ See Appendix 1, part X, on consultants and contractors. That section also provides guidance on how to find a suitably qualified consultant/contractor and explains the registration scheme operated by the archaeology service.

²¹ Examples are historic documents (including antiquarian accounts), early maps, aerial photographs, and reports of casual finds or deliberate former archaeological surveys or more intensive investigations.

7.5 The desk-based assessment can be supplemented by inspection of the surface of the site, surface collection surveys, measured surveys, and geophysical and imaging surveys of various kinds. Which kinds of such studies are carried out will depend upon the individual circumstances. Proposed development of a 'green-field' site presently under arable, for instance, could usefully include geophysical/imaging work as well as surface collection. Again, what is reasonable and practicable in any particular case needs to be established in advance in consultation with staff of the county archaeological service.

7.6 Archaeological field evaluations will be required where more definite or more detailed information is necessary to help to gauge the potential impact of the proposed development upon remains of known or likely archaeological importance.

Advice should be sought from the advisory archaeologists upon whether such an evaluation is needed and if so the extent and nature of such work, which will depend upon the individual circumstances. What is usually involved is the rapid examination of a sample of the affected area through controlled excavation of a series of archaeological trenches. Within the trenches, enough of the revealed archaeological deposits should be examined to gain as clear an idea as possible concerning the presence, disposition, character, depth and condition of any archaeological remains and deposits present.

7.7 Enough of the area affected needs to be sampled to a sufficient degree, usually not less than 2% of the application area, nor more than 5%, to establish the implications of development. The disposition of trenches should be determined in part by the archaeological potential of the whole proposed development site, and in part by the particular proposals and the plans being prepared. It will be recommended in most cases that the site itself is the primary consideration in particular because a preferred location for buildings and their foundations within the site may be found to intercept remains that merit preservation in situ²². In such a case, it may be necessary to re-design either or both the proposed design and the location of buildings. It is therefore necessary to establish areas within the site in which such re-design/re-location can be accommodated without so intercepting significant remains. To avoid an iterative exercise and for the planning of drainage and other facilities, it is worthwhile to have as full an understanding of the disposition of remains across the whole site at the outset.

7.8 In practice, the initial advice may be given that the likelihood of intercepting significant archaeological remains in the proposed application area is such that an integrated information gathering exercise involving desk-based, survey and field evaluation works should be commissioned from the outset. Although this is a relatively expensive operation to commission before certainty about the development proposal on other criteria has been gained, it does have the advantage that when this data is in, the dangers of unwelcome surprises will have been minimised.

7.9 It should be noted that the scope and therefore the cost of commissioning such work is not limited to the conduct of fieldwork by suitably qualified archaeologists and its

²² See section 9, below

immediate and summary reporting²³. The archaeologists carrying out such work must include the work of adequate analysis, full archiving and deposit of archive, and appropriate recording in their schedule of works for such commissions²⁴.

Environmental Statements

- 7.10 To all intents and purposes, all the above operations will be required in most instances where Environmental Statements are being prepared under the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 to support a planning application. However, in such cases, two further operations will need to be added. The first is the preparation of an historic landscape appraisal. This is a study of the landscape impact of any proposed development, with specific reference to the impact it will have upon its character, including the contiguity of the inherited pattern of enclosure²⁵. The second is an overall archaeological impact assessment that considers all aspects of the archaeological resource together, and identifies the scope for both adequate mitigation of impacts and potential for positive enhancement of any significant identified historic assets.
- 7.11 Some historic landscape appraisals will need to be more specialised. An example is for those appraisals noted in Herefordshire UDP policy ARCH 1, where a proposal may affect an Archaeologically Important Urban Area. Here, the appraisal must take into account the impact of the proposed development upon the character of the AIUA concerned.

²³ See paragraph 4.2, above, and Appendix 1, part X.

²⁴ See section 10, below

²⁵ See section 13, below, and the companion Supplementary Planning Document on historic landscapes. It will be expected that the Herefordshire Historic Landscape Characterisation, its GIS and associated database will be consulted during the course of compiling such appraisals.

8. Appraising the Significance of Archaeological Remains

8.1 The process of appraising the significance of the archaeology at the location where development is being proposed, and the assessment of the likely impact of any development, begins with the question of whether the remains are of national significance such that they should be retained *'in situ'*. If they are not the next issue is whether they are still sufficiently important to nonetheless be investigated and recorded. Having determined relative importance, the further issue of what impact will the proposed development have upon the archaeological remains has to be assessed. There are various ways in which sites can be protected, including through positive design that alters the layout (and thereby minimises the impact) of any proposed development. However in the small minority of case where the remains are of known or likely national importance, protection of that importance – in whatever way achieved -should be a paramount consideration.

8.2 Assessment of whether any undesignated archaeological remains are of national importance will be made according to the statutory criteria set out in PPG 16 Annex 4

Questions of the rarity of the remains in question, their completeness, condition, and group value will always feature strongly in the local planning authority's appraisal of the importance of any archaeological remains. Even though the Council's assessment may suggest that the archaeological remains are of national importance, the decision as to whether they should be Scheduled as a Monument is made by the relevant Secretary of State upon advice from English Heritage and scheduling may not necessarily follow. However, this will not affect the assessment of their importance for the purposes of determining whether planning permission should be granted or not, nor in what form.

8.3 In the case of monuments of known or likely national importance, there will be a presumption that the remains should be preserved in situ.

The primary option identified in PPG 16 in where particularly important remains are known to be present or are discovered, is for preservation in situ. Essentially, the remains will be preserved unaltered by the presence or proximity of development²⁶. This is also the Council's policy set out in Herefordshire Unitary Development Plan. Policy ARCH3 states that works that may adversely affect the integrity, character or setting of Scheduled Monuments will not be permitted. Moreover, policy ARCH4 indicates planning permission will be refused for development proposals that would destroy or damage unscheduled remains, their character or setting, where judged to be national or regional importance. The premise here is that the surviving remains are a physical resource that needs to be expended judiciously. Excavation and recording today will involve the 'expenditure' of the resource in the ground and its transformation into a different kind of resource, namely historical information. By retaining deposits in the ground, not only does the resource remain 'unexpended', but it also offers the advantages of deferring the expenditure: namely, that more funding may be available in the future, and the amount of information that

²⁶ See section 9, below. The case of deeply stratified archaeological deposits, most often encountered in historic urban core areas, needs special consideration here, because of acceptance of the principle that in some cases, the deeply buried deposits can be protected by foundation design, even where piles need to be used for foundation security.

archaeologists can extract from the preserved remains during any future expenditure through future archaeological excavation and recording may increase.

Further advice on preservation in situ is given in section 9.

8.5 In cases where the remains are considered to be of importance, but not enough to merit their preservation in situ, these should be preserved by record.

In this option, it is the information value that can be accrued today through controlled archaeological investigation and recording that is in focus. This option is often advised for those parts of a site that do not merit preservation in situ when other parts do. However, it is most commonly advised for the whole of a site area, or at least for the whole area affected by a particular development. In cases where preservation by record is advised, a further series of operations are provided as further advice: for example, the preparation of briefs, the receipt of project designs, the implementation of archaeological recording projects, and the monitoring of those projects through to completion of project archives²⁷.

8.6 In instances where archaeological remains should be retained in situ the Council will wish to be assured that the impact of the development upon the remains can be adequately mitigated before granting consent.

The *assessment of impact* is a separate consideration, especially for those cases (the vast majority in practice) where it is feasible for the development to proceed because it is likely that the impact of development can be adequately mitigated. The assessment of impact is nonetheless just as, if not more, difficult to make given the possible complexities and the number of contingent and unknown factors at play in any specific situation. Impact is assessed both in terms of the construction operations involved, including piling for foundations, and any identifiable long-term impacts on any remains preserved in situ beneath or within the development. The assessment of impact is integral with a consideration of means to mitigate that impact. For instance, alternative designs of foundations where preservation in situ is desirable can make a very considerable difference to the 'survivability' of any archaeological remains for which a preservation in situ option is sought.

8.7 The Council will impose conditions on the grant of planning permission or enter into agreements under section 106 of the Town and Country Planning Act where this is necessary to ensure the proper preservation of archaeological remains in accordance with good practice.

The standard planning conditions on archaeology currently used by Herefordshire Council are identified in Appendix 3. Decisions upon which conditions best suit the case concerned, whether the situation can best be covered using standard conditions, or whether conditions need to be drafted to suit will be determined according to the special circumstances of a particular case. Whether standard or custom drafted, the conditions attached will link back directly to the planning policies for archaeology included in Herefordshire Unitary Development Plan and specified in section 3, above.

²⁷ See sections 10 and 14, below.

9. Advice upon Preservation In Situ

9.1 Where the archaeological remains present on the site of a proposed development are accorded very high importance, and their rarity, condition or fragility is sufficient to call into question whether the development can be permitted, or at least whether it can be permitted in the form of the submitted proposals they should be preserved 'in situ'. PPG 16 identifies this as 'Preservation of Archaeological Remains In Situ' (PARIS)²⁸. The main preservation options are set out here. Permission can be refused to prevent damage from development. Alternatively, permission can be granted while at the same time specifying that some remains should remain in place, protected within the development area. This protection can be made through suitable alteration to the design of the development, or through careful design of foundations to protect remains buried below the new structures concerned.

Instances where Permission will be Refused

9.2 In the most extreme case, the remains present on a site may be of sufficient significance and quality that development of any kind is called into question. In such cases, the remains are preserved in situ by virtue of refusal of planning permission. There may be cases where mitigation through partial preservation, for instance beneath the footprint of a proposed new building, is presented as a viable option. Although this option will be considered it may remain the view of the local planning authority that this will not achieve the stated aims and preservation will again be achieved through refusal.

9.3 In some cases planning permission may need to be refused where the development site is outside but contiguous to a site of important archaeological remains. This may be because the development adversely affects the setting of a significant monument. In other cases, although standing or buried remains within a specific application site may not in themselves be sufficiently important or sensitive to merit an outright refusal, the presence of linked, perhaps more significant remains close by might lead to a refusal. This would be on the basis of damage to the integrity of the remains in total, where that integrity adds to the importance of the remains in question.

Preservation Through Grant of Permission

9.4 In other cases it may be possible to preserve the archaeological remains in situ while the development itself is permitted to proceed. The mitigation measures concerned are likely to include avoidance of remains where possible through the design and implementation of site layout and foundations. Where limited disturbance is unavoidable or some of the remains are of lesser significance, it might be possible for adequate measures to be put in place to mitigate the impacts through archaeological investigation and recording.

9.5 The redesign of site layout to avoid archaeological remains can often be achieved firstly through identification of the area of greatest archaeological importance, and then through reconfiguration of open space, repositioning of roads and drainage, and

²⁸ See PPG 16, paragraph 27 concerning the requirements for PARIS in planning decisions.

so on. What it is possible to achieve by these means will depend upon both the location of the proposed development, and upon the nature of the remains in question. In most cases, the recommended means of securing the future survival of the 'avoided' archaeological remains will be to lay a permeable membrane over the remains concerned and then cover with a sterile protective layer, with measures to avoid any disturbance which itself will signal a threat to the preserved remains.

Foundation Design

- 9.6 In many cases, and particularly in towns and villages, foundation design is the main means of achieving preservation in situ. In many cases, the preferred solution will be to create rafted foundations that 'float over' the archaeological remains and preserve them beneath the foundation slab. However, this solution is not suitable in all conditions and for all buildings, and care needs to be taken to avoid ingress of water or other sub-foundation soil processes that may adversely affect the preserved deposits. Localised disturbance during construction will need to be adequately mitigated.
- 9.7 In various locations in the County, but particularly within the area of the Medieval city walls at Hereford, the presence of deeply stratified archaeological deposits can mean that the cost of full investigation and recording of the archaeological remains will be very high, and in some locations, the importance of the remains will be sufficiently great to warrant a preferred option of preservation in situ. In either case, the solution that is often promoted both to afford a degree of preservation in situ and permit development to take place without prohibitively expensive commitments to full excavation and recording is the use of foundation piles to support the ground-slab for the new build. This however often presents a number of dilemmas and some technically difficult problems upon which specific advice should be sought²⁹.
- 9.8 The use of mini-piles through complex urban archaeological deposits is undesirable. While the percussive impact of such piling may be less than for bored and larger diameter piles, the stratigraphic integrity of the 'in situ' archaeological deposit will be unacceptably damaged by the density of pile insertion required. In some respects, the use of mini-piling is comparable to the feeding of a Medieval manuscript through a shredder: spatially, the direct impact is minimal, but the process renders the complex stratified and usually intercutting archaeological remains illegible. Although the figures given for the total area 'affected' by the thousands of pile insertions involved in mini-piling may seem minuscule, with some estimates suggesting as little as 2% of the foundation area being affected, a mini-piled site is almost incapable of meaningful future excavation because the continuity of the archaeological deposits has been irreparably compromised.
- 9.9 The use of greater diameter pile-clusters for foundations can lead to preservation of 'islands' of contiguous deposits, allowing more meaningful future investigation. However, the implementation of such foundation schemes needs a number of additional technical safeguards, and requires adequate investigation of pile-cluster locations as well as the locations of ground-beams and slabs. This can result in up

²⁹ Some technical and operational guidance has been issued recently by English Heritage (see Appendix 4 for reference) that addresses issues of emplacement impacts of piles, the monitoring of compression, and the re-use of piled foundations. However, a number of the fundamental concerns that advisory archaeologists have concerning the impact of piling and whether it is preferable in different circumstances remain to be considered at length.

to 40% of the on-site archaeological deposit being excavated, and adds to the development costs in its own right. Increasingly, developments in cities like Hereford involve the re-development of sites of prior 20th century developments. In all such cases, it is expected that serious consideration will be given to the re-use of existing piled and slab foundations for the planned new structures.

10. Mitigation by Investigation and Recording

10.1 The most frequently used archaeological condition on planning permissions refers to 'preservation by record', and it follows closely the suggested format for such conditions set out in paragraph 30 of PPG 16. Essentially, it requires that before the commencement of any development on the site subject to planning permission, arrangements must have been put in place by those responsible for the development project to conduct a programme of archaeological investigation and recording works.

10.2 **Upon receipt of a planning permission with such a condition attached, the applicant or developer, or their agent, should contact the archaeological service for guidance specific to that particular case.**

The advisory archaeologist will normally supply a *brief* for an archaeological project³⁰. Guidance and possibly a brief may also be supplied for any element of preservation in situ to be enacted, but the focus here and now is upon archaeological projects concerning any preservation by record element.

10.3 The brief will provide a summary of available background information, and will then set out the scope of works to be carried out in order to discharge the planning permission. The first element of that scope is a description of the spatial extent and the level of sampling to be carried out within the investigative project required. This scoping will explain the nature of the investigative project that should produce an adequate record of any remains or deposits to be destroyed or damaged during the course of the development. In many cases, a controlled open area archaeological investigation will be specified, for instance within the footprint of a planned building. In other cases, a more limited sample excavation may be specified. In still other cases, it may be that all that is required in the first instance is to have an archaeologist present on site to record any remains that may be present, with some provision for detailed investigation and recording should that attending archaeologist note more significant or extensive remains are being intercepted in the course of development works than initially anticipated.

10.4 **The consultant or contract archaeologist and their client must present the project design for the works specified in the brief to the advisory archaeologist for comment and approval.**

The brief prepared by the advisory archaeologist will set out the requirements for any such recording works being carried out. The brief, and any attached advice or contact information, will also request that the responsible person in receipt of the brief and in charge of the enactment of the planning permission should commission an archaeological consultant and/or contractor to interpret and discharge the terms of the brief. This interpretation will take the form of a written *project design*, prepared by the archaeological consultant/contractor on behalf of the developer, and forming the basis for the contract between them. This project design will be taken by the planning authority to commit the developer and the archaeological

³⁰ To secure best practice, there are now a series of model briefs that can be consulted to gain an idea of what is involved. See Appendix 4 for further information. For Herefordshire, an example of a brief is referred to in Appendix 1, part IX.

contractor to the 'written scheme of investigation' specified in the condition, including all the processes following the completion of archaeological works on site.

10.5 Applicants should assure themselves that they have understood fully the extent of the obligations entered into to discharge of the archaeological condition, and especially that adequate time has been programmed into the development project to allow the archaeological project to be satisfactorily carried out on site. Adequate financial and other resources must be committed not only to undertake fieldwork on site, but also for the involvement of appropriate specialists in sampling and analysis of the deposits, and for the timely conduct of post-excavation archiving and reporting (see below).

10.6 The County Archaeological Service will agree monitoring arrangements with applicants or developers carrying out archaeological projects as part of the process for complying with relevant planning conditions.

Applicants or developers should afford staff of the County Archaeological Service access to their sites at reasonable times to monitor the conduct of archaeological works undertaken in accordance with the agreed project design. Where projects are of such a scale that a detailed and concerted programme of monitoring is required but beyond the immediate resources of the County Archaeological Service to provide, conditions may be imposed or agreements entered into requiring applicants to put measures in place for monitoring, including monitoring of the reporting arrangements.

10.7 Routine monitoring will take a variety of forms. It features monitoring visits during the course of archaeological works on site, but also includes checks on the progress of work with archaeological contractors and also with developers and their agents, contractors and sub-contractors, as relevant. It may also include review meetings with contractors in the later stages of such archaeological projects, especially where these contractors are participants in the Council's own registration scheme. In the event of an unsatisfactory monitoring visit or meeting, follow up action will be set in train.

10.8 The Council will wish to be assured that an adequate scheme of specialist scientific inquiry and sufficiently expert analysis of retrieved samples, including faunal remains, environmental samples, and artefacts, is in place both during fieldwork and during the analysis and reporting stages of the work³¹.

In particular, the advisory archaeologists will take steps to ensure that where appropriate, and in particular where a full excavation has taken place, a full post-excavation assessment (PEA) has taken place within a short period of the close of fieldwork. This should be attached to, but is not the same as, an interim report on the results of the work. The PEA is purely an interim document that identifies the work necessary to the full completion of the analysis, archiving and final reporting of the archaeological project.

³¹ Advice is available on these matters from the Regional Science Adviser, based in the West Midlands office at English Heritage; see Appendix 4.

10.9 Following the submission of the interim report accompanied by the PEA, the advisory archaeologist will normally require the submission of an *updated project design*³².

This again is a document that both the archaeological contractor and the developer will be expected to produce and to sign up to, specifying how, and within what timetable, the *completion stages* of an archaeological project are to be organised. The updated project design will include a statement on work on the *project archive* undertaken to date and will specify what further archiving remains to be done. It will specify what further specialist study and analysis, for instance, laboratory work on pollen or other environmental samples, thin-section or other comparative analysis on ceramics, is to be undertaken in pursuit of recommendations made by specialists in the submitted PEA. It will identify what conservation of materials, for example full treatment of metalwork, and what publication drawings are yet to be commissioned and undertaken. It will also specify by what means the final results of the project will be disseminated, and when the project archive will be deposited.

10.10 The advisory archaeologist will determine whether or not the completion stages of a project have been undertaken in full.

It is only at this point that the archaeological condition attached to the permission will be regarded as having been satisfactorily discharged.³³ It is advisable therefore for the applicant, developer or their agent to keep well appraised of the progress of the post-excavation project through its various stages, and to ensure that the contractor is achieving satisfactory progress with the agreed programme.

³² It is important to emphasise here that this obtains for all completed projects that have involved interventions into otherwise intact archaeological deposits, since all such interventions will have resulted in the removal of potential evidence. So such stages will be expected to be completed for all projects, including archaeological field evaluations that do not lead to further mitigation (for instance because the intended development project does not take place).

³³ Developers and their agents often seek to obtain verification from the local planning authority that the archaeological condition has been discharged at the close of archaeological recording works on site. However, the impact of the development can only be regarded as having been mitigated when the post-excavation project is completed.

11. Enhancement and Improved Access to Archaeological Sites

- 11.1 Occasionally there are circumstances where a proposed development close to or partially incorporating remains of archaeological importance can provide an opportunity for the enhanced conservation of, and/or access to those remains. Such remains may already be visible at the time of preparation of development proposals, or they may actually come to light during an archaeological project designed to mitigate the impact of that development. The likely public benefit of such enhancement is promoting greater awareness of their historic significance. The rarity and scale of the preserved remains, and the degree to which awareness can be improved within reasonable cost parameters, will be among the key factors to consider.
- 11.2 Herefordshire UDP policy ARCH 8 indicates that a range of measures are available to enhance the archaeological interest of a site and/or improve accessibility. The following paragraphs explain how this policy is to be understood and how it will be implemented.
- 11.3 Where opportunities exist and are feasible measures to enhance an archaeological site and/or improve access should be assessed jointly between the applicant and advisory archaeologist.**
- It is important to understand what is meant by the term ‘enhancement’ in an archaeological context. It rarely means ‘added to’, nor is it meant to imply that the monument or structure itself should be ‘reconstructed’ in the sense of an attempt to recreate some imagined lost form. Rather, what is envisaged is conservation in terms of ‘making secure’ and arresting further deterioration, and the creation of means for such conservation, such as protective covering.
- 11.4 The question of feasibility is a key issue. This will depend upon the nature of the proposed development, the nature of the featured remains, and the degree to which on the one hand the proposed development can be adapted to accommodate the archaeological remains, and on the other hand the suitability of those remains for conservation and display. A key consideration will be the degree to which the costs of the conservation work in design and implementation terms can bring benefit to the overall development in public as well as commercial terms. In some cases, as where it becomes possible to bring an area or a structure into use when hitherto it had been regarded as not developable, there needs to be an assessment of the ‘heritage dividend’ involved in utilising rather than ignoring the historic and heritage interest³⁴. Opportunities might be taken to seek funding from grant aiding bodies such as the Heritage Lottery Fund.
- 11.5 Exceptionally there may be instances where a normal presumption against development may be suspended in the context of a development scheme coming forward that might radically improve the conservation of a monument and enhance public access to it. This should not be read as an indication that schemes for the re-use of major structures such as ruined stone-built castles or even semi-ruinous domestic buildings such as former watermills or wayside cottages will be looked

³⁴ See Appendix 1, part XVI

upon favourably. English Heritage has issued advice upon 'enabling development' that will be given significant weight.

- 11.6 In any instances where schemes are being considered that might affect a site or structure that could be enhanced in such ways, the developer or their agent should contact the County Archaeological Service to establish what scope there may be to successfully implement such a conservation project. It would normally be expected that, following such consultation, the prospective applicant should commission a *conservation statement* that identifies in outline terms the significance and condition of the monument concerned. This should be accompanied by a *protection and design statement* that sets out how, in general terms, the monument will be conserved, and how the design of the overall proposed development will integrate the archaeological remains within it.
- 11.7 Public access is another term that requires some further explanation. The nature of public access provided will very much depend upon the particular circumstances of the case. For instance, the consolidation and display of remains within a public precinct of some kind – for instance a shopping mall – would usually involve unlimited access when the precinct is open. On the other hand, the incorporation of part or all of a structure within a normally secure building – for example in a basement or semi-basement area – could involve public access at certain times, or by appointment. There would normally be an expectation that 'access' should include intellectual access, and there are various means whereby this can be achieved, including through information and virtual tours on the world wide web, but also by more traditional means such as information panels, leaflets and books.
- 11.8 The implementation of such works will normally be secured by condition and, as appropriate by planning agreements as specified under Section 106 of the Town and Country Planning Act, 1990. Regard should be had to Herefordshire Council's Planning Obligations Supplementary Planning Guidance, in particular section 3.7 which refers to heritage and archaeology. In most instances where a significant monument, or a significant part of a monument, is included within such a scheme there will be an additional expectation that, when the works established in the brief addressing the archaeological condition or S106 agreement have been completed or are nearing completion, the developer will commission the preparation of a conservation management plan³⁵ for the monument. The content and finalised form of this plan will need to be agreed before the scheme can be regarded as completed and the terms of any conditions or agreement met.

³⁵ See Appendix 2 for a definition of a conservation management plan

12. Unexpected Discoveries

- 12.1 It is made clear in PPG 16, in paragraph 31, that despite the conduct of the best pre-planning application research, and the making of full provision for investigation and recording in accordance with that guidance, there are circumstances where remains of major archaeological importance that are unsuspected may be revealed in the course of archaeological or other works on site during development. If these remains are of sufficient importance to merit preservation in situ, there are significant consequences for the development project.
- 12.2 There are also circumstances in which important archaeological remains may be uncovered during development although no prior provision has been made for archaeological investigation and recording have been made. This might be because there were insufficient records available at the time of initial consultation or of submission of a planning application, to trigger even a requirement for further information. In such cases, again, the primary concern must be to determine whether the remains merit preservation in situ, or can be dealt with adequately through an archaeological project to investigate and record them.
- 12.3 Of particular note should be the discovery of human remains in the course of development³⁶. Especially where these form part of a cemetery, this may create a significant problem for the progress of the development. In Herefordshire, early Christian cemeteries can be encountered in this way, not only within settlements or near to churches, but also in the wider countryside. This is because in many areas, there has been a significant shift in location from the earlier church sites and cemeteries to the Medieval pattern that we see substantial continuity with today.
- 12.4 In the event that remains are discovered in this way during the course of development, again the County Archaeological Service should be consulted upon the best course of action. PPG 16 (paragraph 13) suggests that “developers may wish to insure themselves against the risk of a substantial loss while safeguarding the interest of the historic remains unexpectedly on the site. Conflicts that might otherwise arise between developers and archaeologists may be difficult to resolve”. It goes on to note that English Heritage is prepared to make staff available to provide information, arbitration and a second opinion in such cases. So too is the Association of Local Government Archaeological Officers, who will be able to provide examples of best practice based upon examples from elsewhere in the UK.
- 12.5 A context in which unsuspected features of historic or archaeological importance are occasionally revealed is during works to standing buildings. PPG 15 (paragraph 3.24) notes that many historic buildings are ‘of intrinsic archaeological interest’. It observes that “Hidden features of interest are sometimes revealed during works of alteration, especially in older or larger buildings: chimney pieces, fireplaces, early windows and doors, panelling, wattle and daub partitions and even wall paintings may come to light. Applicants for listed building consent should be made aware of this possibility and should seek the advice of the local planning authority when such things are found.”

³⁶ There are formal arrangements in place for the reporting of such remains to the local coroner and the police. See Appendix 1, part VIII for details.

12.6 When important remains are unexpectedly discovered, the Council will work with the applicant to devise and implement a *design solution* to safeguard them, preserving them in situ where the remains are of national importance or by record in other instances.

This is a policy specifically prepared to deliver the appropriate protection of the remains in question, while enabling the development to go ahead, often without substantial alteration to the original scheme. It will usually involve the incorporation of the remains in question within or beneath the new structures being built on the site. The key principle to be adopted in all such operations, however, is *reversibility*. This is the principle that whatever covering or construction built around or upon the remains can be removed at a later date without compromising or damaging the original deposits or fabric comprising those remains.

12.7 It is important to emphasise that the unexpected discovery of remains need not be a disaster for the development project concerned, and there may be a 'heritage dividend' that can be reaped as a result of the remains in question providing a signature or distinguishing feature for the whole or part of a new development. Discoveries of walls of former buildings may for instance lead to their consolidation and linkage into landscaping, and may provide positive boundaries between areas of a development site. Wholly buried remains may inspire a creative reworking of housing unit location or design.

12.8 It may not always be possible to achieve the 'heritage dividend' in this way on site. However, the discovery of the remains and their conservation may inspire the provision of interpretive facilities on site or in the near vicinity.

13. Works Not Requiring a Planning Application

13.1 Various mechanisms exist that allow certain types of development to be carried out without the need for a planning application to be made. These include:

- Works described as 'Permitted Development'. Such development is deemed to meet particular requirements, for instance within normal domestic situations;
- Work carried out by some key utility companies;
- Certain agricultural and forestry operations;
- Certain telecommunications works;
- Countryside hedgerow removal; and
- Some works by the church (qualifying for 'ecclesiastical exemption').

Some of this work may require clearances and permissions of other sorts and an archaeological input is frequently made at an early stage. **The exact procedures that may obtain are set out below under separate headings.** Some of the most common examples are described in this section where there is likely to be a need to involve the advisory archaeologists in the County Archaeological Service in planning and executing such works. Of particular note is Government's intention to streamline the planning process for determining key infrastructure projects.

Works to Domestic Property

13.2 A number of works involving minor alterations to normal domestic premises at present do not require planning permission. In these cases, there will be no need for consultation with advisory archaeologists or for the organising of an archaeological project, unless the location concerned falls within the terms of the Ancient Monuments and Archaeological Areas Act. If the location is within the scheduled area of a monument, or is in a location that may affect the setting of a Scheduled Monument, there will be a need for at least consultation with English Heritage, and in the former case for Scheduled Monument Consent to be obtained. In Hereford city, if the premises are located within the Area of Archaeological Importance, appropriate notification and certification to the administering authority (Herefordshire Council) is required³⁷. However, where the works proposed are to a Listed Building, they may require Listed Building Consent. The range of circumstances where permitted development exists is expected to increase with the enactment of impending new legislation.

Infrastructure Works

13.3 The impact on archaeological remains of infrastructure works carried out under permitted development regulations will vary according to the nature of the planned scheme and the locations affected. In Herefordshire in 2007 for instance works were carried out by Welsh Water, by National Grid, and by the Environment Agency that involved significant potential impacts upon archaeological remains. In one case the proposals were the subject of an Environmental Statement, and in all cases comprehensive programmes of archaeological mitigation were put in place and enacted. A number of such schemes are linear in character, and these involve

³⁷ See Appendix 1, parts III and V, for further information.

the potential interception of important archaeological remains, both known and unknown, along their course. In most instances, unless the route of the works can be diverted, the impact will involve total or near-total destruction of remains. Although such works are not controlled by the UDP archaeology policies, they are planned and conducted with their provisions in mind. A number of infrastructure operators have adopted codes of practice in relation to archaeology and it is to be expected that these will be complied with in all relevant instances.

- 13.4 Exactly what works will qualify for consideration under a streamlined system for infrastructure projects is still under debate. It is expected however that major power generation and waste treatment sites as well as strategic communications developments will fall within this class. Exactly how any changes will accommodate the needs of archaeology has also yet to be made clear.

Agricultural and Forestry Notifications

- 13.5 In order to support agricultural and forestry activities, some works, generally small in scale, only require prior notification to the local planning authority although consideration may be given to siting and design aspects of the proposal. In such circumstances, if the works or buildings being proposed are thought likely to have a detrimental visual or other impact on nationally important archaeological remains or monuments prior approval can be refused. In such cases the normal processes of consultation with the County Archaeological Service should occur, with emphasis being upon seeking advice early in the project's design.

Telecommunications Works

- 13.5 Certain works to erect telecommunication masts are also dealt with on the basis of prior notification to the local planning authority. Again these generally involve small scale engineering operations and considerations in terms of the potential impact on important archaeological remains or monuments are the same as for agricultural and forestry operations. Emphasis will be placed upon early consultation, especially in accordance with industry codes of practice.

Hedgerow Removal

- 13.6 The removal of a countryside hedge requires notification to the local planning authority under the Hedgerow Regulations 1997. Such hedgerows are assessed in terms of their importance according to a number of specific criteria, which include reference to a number of archaeological matters. There is a presumption in favour of retaining important hedgerows unless the reasons for removal are exceptional.

Works to Ecclesiastical Buildings

- 13.7 Certain works affecting places of worship, and their curtilages, can qualify for 'Ecclesiastical Exemption' from the need to apply for Listed Building Consent. However planning permission will be required for 'development' works. In Herefordshire, the advisory archaeologists liaise with the Diocesan archaeological consultant on a regular basis to facilitate the provision of mitigation advice to the Diocesan Advisory Committee on churches.

14. The Importance of Archives and Access to Information

- 14.1 The archive from any archaeological project comprises two components. The first is the archive of records and the second is the remains found during an archaeological project.

The Archive of Records

- 14.2 A full explanation of the meta-data arrangements in place for archaeological projects undertaken as a consequence of development will be required to comply with the provisions in briefs prepared for applicants by the County Archaeological Service.**

The archive of records comprises all the documentation that has been assembled during the course of the project concerned. It will include all digital images and information, as well as all hand written or hand drawn field records, such as site and feature plans, and all section drawings; all documentation of finds; analytical and specialist reports received, including scientific reports; and all synthesis and reporting of both an interim and a final nature. In sum, it is all the digital and documentary material that would be required for another archaeologist to be able to examine the work undertaken and to re-interpret some or all of the discoveries made in the light of further research. Particularly important to any future such work is the inclusion of 'meta-data', which is 'information about the information stored: how it was collected, how studied, how inventoried, and how synthesised'. At present, this is an under-developed part of the documentation for and archive of such projects, and this needs to be improved upon.

Remains Retrieved During an Archaeological Project

- 14.3 Applicants will be required to ensure all material retrieved during their archaeological project has been processed, where appropriate washed, stabilised and conserved, and then adequately labelled, and to be placed within suitable storage receptacles.**
- 14.4 The second component of the archive is the totality of the remains retrieved during the conduct of an archaeological project. This will therefore include all retained building materials, all finds of ceramic, stone, metal and other objects (or fragments thereof), and all unprocessed soil, environmental or materials samples.

Storage of Archive Material

- 14.5 The applicant will be required to ensure the two archive components are stored together in a suitable repository.**

Both parts of the archive together comprise a unique record of the archaeological remains observed, investigated and recorded upon the development site. In law, all artefacts recovered on a site are the property of the landowner, and all documentation commissioned by a developer is the property of that developer, notwithstanding the contractual arrangements in place, and intellectual property rights. However, the satisfactory discharge of an archaeological planning condition may require that legal title to both components of the archive should be passed to

the designated repository. In most instances in Herefordshire, this will be Hereford Museum³⁸.

14.6 The applicant or developer should ensure that the public has the opportunity to consult records of the archaeological project and to read about discoveries

Adequate provision for access to information is a key requirement of the satisfactory discharge of archaeological planning conditions. This includes both physical and intellectual access, since it is this information that justifies the conduct of the archaeological projects in the first place.

³⁸ See Appendix 1, part II.

15. Communities as Stakeholders

15.1 It is essential that the community be regarded as a key stakeholder in the development process involving an archaeological project from its inception. As such, developers and their archaeological consultants will be encouraged to inform 'host' communities about the progress of archaeological works, and explain what they are adding to shared understandings of the history of the locality and more widely. Developers should consult such communities either formally or informally about how the development can best contribute to the reinforcement of identity and a sense of place.

15.2 The Council expects measures to be taken to consult the community on steps being taken to inform the public about the progress of archaeological projects and where feasible and appropriate to permit viewing of the works as they unfold.

There are a number of specific measures that can be taken in support of the Council's aims set out in Statement of Community Involvement so far as archaeological matters are concerned. It would be good practice for applicants and developers to consider whether they might work with the community to expand local knowledge and contribute to local distinctiveness and place shaping.

15.2 The first of these measures is the provision of information upon the progress of such projects. As well as press releases at appropriate junctures, developers could, through their archaeological consultants and contractors provide web-based information concerning the nature of the archaeological work being carried out, and discoveries being made. It is particularly important that elected representatives are kept informed, so contact should be made with and information provided to the local ward member, and the local parish council.

15.3 The second measure to be identified is the provision of site tours. With some forethought limited safe access can be provided through arrangements for viewing areas that might overcome insurance issues. Equally, the location of the archaeological investigations can often be segregated from the construction works. Moreover, in many instances the archaeological project is conducted and completed before the main construction works begin on a site. In all such cases, pre-booked visits of the public under the supervision of the archaeological project manager can quite straightforwardly be organised and conducted.

15.4 A third such measure is the provision of simple guide leaflets at suitable points within the community concerned and at the site itself. These again should explain why the work is being undertaken, what archaeological work is involved, and what results have been obtained.

15.5 Such requirements of course need to be fair and reasonable. For this reason, such provision, agreed with the advisory archaeologists, need to be tailored to the scale of work being undertaken. However, it should be borne in mind that development works are not always or automatically seen to be of benefit to the communities that 'host' them, and it can be highly beneficial in terms of good public relations to

indicate what is being done to investigate and to record aspects of the history of that community as an integral part of the individual development project³⁹.

³⁹ See also Appendix 1, parts XVI and XVII.

Appendix 1: Additional Information and Guidance:

I The County SMR/Historic Environment Record/HER

Known until 2010 as the county Sites and Monuments Record, this comprises a local record centre mostly holding secondary information, but in a specially ordered way. The SMR comprises the core resource around which and through which the county archaeological service operates. It is made up of a primary records database supported by a limited suite of related databases. It contains information on all recorded find-spots of archaeologically significant material, and (in principle) on all monuments, buildings and landscape features that have been recorded in the past. It also contains information on past landscape and natural environmental processes (at least for the *Holocene* era since the Ice Ages). Besides the databases it comprises digital Geographical Information System layers, and collections of aerial photographs. It has a particularly important collection of oblique aerial photographs taken specifically for historic environment purposes.

II Hereford Museum and the deposition of archives

Hereford Museum in the Council's Heritage Services is the designated repository for the archives from archaeological investigations in Herefordshire. The Museum has issued its own guidance upon the registration of archaeological projects and the deposition of archives arising from archaeological projects. Developers and their agents and consultants, as well as consultant archaeologists and archaeological contractors should make themselves aware of the provisions of that guidance (see Appendix 4 for details of how to obtain the guidance).

III Applications for Scheduled Monument Consent (SMC)

These are required in support of planning applications when the land included within such an application contains in whole or in part a monument, or site, or deposits, Scheduled as a designated Monument of national importance. Applications are made to the Secretary of State for Culture Media and Sport who in turn will approach English Heritage for appropriate advice. If SMC is granted, it usually has its own conditions attached. According to the proposals being prepared for the Heritage Protection Bill, such Consent procedures will not only be amalgamated with Listed Building and other Consents (such as Conservation Area Consent), but these too will be administered by the local planning authority.

IV Cross-compliance and other environmental constraints and consents

In addition to SMC, other consents may be required (see for instance Part V, below). Not least may be those attaching to the land in question, as in the case of land that has been or is in receipt of subsidy, for instance through Environmental Stewardship. Other locally, regionally or nationally listed or designated sites may cover the area of Sites of special Scientific Interest or other natural environmental designations. In such cases, separate application must be made for consent to alter or add to the location in any way.

V **Hereford City Area of Archaeological Importance**

The system of regulatory control of development in Hereford under the Town and Country Planning Act is augmented within the Area of Archaeological Importance by separate measures under the Ancient Monuments and Archaeological Areas Act, involving the prior notification of ground disturbing, tipping, and flooding operations. Anyone undertaking such operations is legally required to submit an operations notice and accompanying certificate to Herefordshire Council (forms obtainable from Herefordshire Archaeology) six weeks before the commencement of the operations.

There are a number of exceptions to this general need to notify, principally relating to minor gardening, street works and utilities works, where the depth of dig will not exceed 600mm.

VI **List of Archaeologically Important Urban Areas in Herefordshire:**

As noted in section 5, above, these areas represent the locations of former market settlements and of small towns of the Medieval period in the county.

The list comprises:

Bromyard, Ledbury, Leominster, Kington, and Ross-on-Wye (Medieval market towns that have continued as viable small market towns through to the present day); *Pembridge, Weobley and Wigmore* (former market towns that continued to have some urban characteristics through to c.1700 and beyond, and continue – at least in the case of Pembridge and Weobley – to retain clues to this history in their built form today); *Eardisley, Ewyas Harold, and Longtown*, (villages today that once had urban characteristics as Medieval market centres at the present location of the village), *Brampton Bryan, Clifford, Kilpeck, Lyonshall, and Richard's Castle* (villages today that once had urban characteristics in locations - at least for the most part - now separated from the present site of the village); *Huntington and Stapleton* (places with former urban characteristics now almost entirely abandoned); *Ploughfield* - near Preston-on-Wye, *Thrupton*, and *Wilton* - near Ross-on-Wye, (very short-lived Medieval urban foundations) ; and *Bodenham, Kingsland, Kinnersley, Madley, Much Cowarne, Mansell Lacy, Staunton-on-Wye and Winforton* (former small market centres with one or other of the characteristics of the other Medieval settlements, including earthworks marking abandoned areas). In addition to these primarily Medieval settlements, there are five former Romano-British focal settlements with extremely important remains surviving below ground, that are also defined as AIUAs. These are at *Blackwardine* (Humber, near Leominster), *Kenchester* (with buried enclosing stone wall with bastions), *Leintwardine* (earth walled), *Stretton Grandison* (possibly walled) and *Weston-under-Penyard* (near Ross-on-Wye). Parts or all of each of these sites are protected under law as Scheduled Monuments.

No formal guidance is available as to the projected limits of the historic settlement areas in each case. For the market towns continuing today, there are both Medieval and post-Medieval urban elements, and historic suburban and industrial areas. These towns are the subject of *Market Town Archaeological*

Profile studies currently in progress, which characterise the historic urban fabric and what is known of their archaeology, and indicate development sensitivities locally. Eardisley, Pembridge, and Weobley contain significant numbers of surviving historic timber-framed houses, and this increases their overall historic environmental significance. Kilpeck, Longtown, Lyonshall, Mansell Lacy, Much Cowarne, Thrupton and Richard's Castle possess significant extensive surviving earthworks representing the sites of former houses and other buildings, and these are also of considerable importance therefore archaeologically. Numbers of these settlements have been the subject of Central Marches Historic Towns Survey assessments, undertaken in the mid-1990s and available on the internet or through the county SMR/HER.

Two present-day villages, Leintwardine and Longtown, feature significant and extensive areas that are Scheduled Monuments. Prospective developers of sites at these villages should therefore take note of the likely need to consult also with English Heritage concerning the archaeological implications, at an early stage in the formation of their plans.

VII **Local Lists**

There are at present (2008) no local lists of sites of archaeological importance. The SMR (see part I, above) contains records of over 20,000 sites or features of archaeological interest, but these are not ranked in terms of importance and serve simply as an indication of the location of known features of historic or archaeological significance in the landscape.

However, with the reforms to historic asset designation planned in the forthcoming Heritage Protection Act, there may be created in Herefordshire and elsewhere, lists of regionally or locally important assets. These will be defined according to clear criteria, and are likely to include both monuments of less well established importance or less well surviving condition. They may also encompass especially valued local heritage features nominated by resident communities and assessed and evaluated by the Council's professional advisers. However, although any such listed assets will be regarded as a material consideration in the planning process they will not enjoy statutory protection as such.

VIII **Burial grounds and human remains**

As noted above in Section 12.3, human remains may be discovered on a site, or known to exist on a site. It is an offence in law to disturb human remains without proper authority.

The kind of authority needed to deal with human remains, and how those remains are dealt with, depends on the circumstances of the case and the particular nature of the remains in question. If remains are encountered during routine works within a functioning consecrated burial ground, they will normally fall within ecclesiastical law and their disturbance will require at least a church faculty.

If remains are found within a disused burial ground, the terms of the 1981 Disused Burial Grounds (Amendment) Act are likely to apply, allowing controlled disturbance to the remains under certain kinds of development only, and subject to possible conditions/further permissions. Human remains encountered outside known burial grounds will in almost all cases be subject to the Burial Act of 1857. If this is the case, the department of justice must be informed, who may provide a licence for the remains to be disinterred, again subject to conditions.

It needs to be emphasised that the issue of human remains is a complex and potentially contentious matter, for which detailed advice will need to be sought at an early stage. A recent Church of England/English Heritage document (“Guidance for Best Practice for Treatment of Human Remains Excavated from Christian Burial Grounds in England”) gives the fundamentals. It should also be emphasised that human remains of archaeological derivation can represent a significant constraint to development in terms of time and cost, even assuming the proper permissions are in place to disturb them.

IX **An example of a brief for an archaeological project**

Briefs are routinely prepared by advisory archaeologists to guide the conduct of an archaeological project. In most cases, the aim is to provide scoping guidance for the preparation of a project design by an archaeological contractor acting on behalf of the developer. The brief routinely provides an archaeological and development background, explaining why the work is necessary, and describing what is known. It will then outline the scope of the intended work, and stipulate the stages through which the work should proceed.

The example brief is posted on the Council’s website at www.herefordshire.gov.uk. This is not included wholly within this document because of its length, but also because the scope and content of such briefs is regularly updated. The example brief will be changed, therefore, at the start of each calendar year. It should be emphasised that the example is provided as guidance only, and should not be regarded as an invariable format.

The main reason why briefs vary is according to the nature of the archaeological project concerned. It is necessary to appreciate the difference between the timing scale and nature of different archaeological projects. Especially important is the distinction made between projects such as desk-based assessments and archaeological field evaluations undertaken as preliminary information gathering exercises in preparation for the submission of a planning application, and ‘programme of works’ briefs prepared to assist with the discharge of conditions arising from any permissions granted. The first are not designed to address the identified archaeological implications of development, helping only to frame the questions.

Upon receipt of a written brief from the advisory archaeologists at Herefordshire Council, it is incumbent upon developers or their agents to secure the services of appropriately qualified archaeologists to prepare a project design that specifies how its provisions are to be met.

X **Archaeological consultants and contractors**

Roles. Archaeological consultants are in essence simply independent advisers who are commissioned to provide advice on archaeological matters in the development process. They may work either alone or as part of teams, often on an inter-disciplinary basis. Typically, they would be employed to advise on the most cost-effective means of complying with the requirements of local authority or other public sector advisory archaeologists, and to guide and monitor the work of contractors on behalf of their client. Consultants may nonetheless also provide specific products such as desk-based assessments, and may be working as part of teams or companies that can also provide contractual services. Archaeological contractors carry out archaeological projects of all types and scales, including archaeological investigations. In consultation with consultants, or independently, it is contractors who will prepare project designs to explain how the terms of a brief provided by an advisory archaeologist will be implemented. Contractors are responsible for ensuring that the contracts they agree with developers provide them with sufficient scope and resources to conduct archaeological projects undertaken in the context of development to meet in their entirety the terms set out in the brief. Contractors will often sub-contract to specialists in artefact studies and scientific analysis to provide supporting information to help to clarify the findings of their investigatory and recording work.

Commissions. A developer seeking to commission an archaeological project in Herefordshire is strongly recommended to follow one of two routes. The first is to consult the current Yearbook of the Institute of Field Archaeologists, where all Members are listed, and details are given of Registered Archaeological Organisations. The second route is to contact the county archaeological service regarding its own registration scheme. At present (2008) nine archaeological contractors who have signed up to following the procedures set out in the Guidance for Archaeological Projects in Herefordshire (2002) are registered. The organisations listed have a proven capacity to organise and deliver a range of projects of different sizes and complexity. Some are based locally, while others cover a region or regions including Herefordshire.

XI **Archaeological Importance**

How is the importance of any given set of archaeological remains determined? Formally, the relative importance of any archaeological remains can be assessed using the statutory criteria for scheduling set out in paragraph 5.3 of the main document, above. The standard planning formula is to assess each case on its individual merits, but in Herefordshire as elsewhere, there are certain principles that are followed, and adapted according to circumstance. The primary consideration is the historical information potential of the remains in question: what insights into past lives and the unfolding of historical sequence can they yield to properly organised and conducted archaeological investigation?

In the case of giving advice to preserve certain remains in situ, rarity, fragility, and future amenity and investigatory potential are without question to the forefront of the advisor's concerns. In the case of advice as to whether to investigate or record remains in a detailed or in a more summary way, questions

of the rarity of the kind of site or limits to the knowledge of the period concerned will come into play.

For example, there are many more sites known and investigated in the county from the period 100AD to 400AD than from the period from 400AD to 700AD. What this influences is the degree of immediate certainty as to what to advise. In the case of remains thought likely to date from the later period, almost regardless of their extent or condition (unless very substantially compromised by later activity), the advice would be that they are of great significance and should be as fully investigated as practicable. In the case of the remains from 100AD to 400AD, there may need to be additional criteria relating to the character rather than the date of the remains to justify more detailed investigation being advised. In every case, the locus of this advice (beyond statements of importance provided to the development control case officer) is primarily the brief. *For this reason, developers and their agents are strongly advised to study the brief carefully, or at least to have their archaeological consultant or contractor explain its thrust to them.*

XII **Buildings and archaeology**

In the historic environment sector, there has grown up a substantive and some would say unhelpful distinction between historic buildings conservation on the one hand and archaeology on the other. This has often meant that archaeology is seen as being concerned only with below-ground remains and standing ruins. In practice, historic buildings, whether listed or not, embody their history in their fabric. As such they all have some potential for the elucidation of that history through archaeological investigation and recording of that fabric. As is often evident even to the casual observer where the walls of our parish churches are un-rendered, for instance, it is possible in some of our oldest buildings to chart the history of the structure through the changes it has endured, century by century, in the traces of blocked doorways and other openings, the 'shadow' of removed structures, the added fabric arising from the raising of the wall-plate and so on.

As a result, it is often the case that when it is judged acceptable on other grounds to 'delete' or otherwise negatively affect that historic fabric, it is advised that a condition is attached to the planning permission seeking the appropriate investigation and recording of the affected fabric. Often it is necessary, to put such recording in context, to seek to acquire also, and at least in summary terms, an analysis of the overall structural history of the building which the affected fabric forms part of. It is furthermore the case, as clearly indicated in PPG15, paragraph 2.15, that often the building itself and the ground upon which it stands, is a seamless entity, and the archaeology of each is integral. As such, one of the standard planning conditions for archaeology refers to the need for archaeological survey and recording of a building and its below-ground archaeology.

XIII **Scientific monitoring of preservation in situ options**

Where remains are to be preserved in situ, it is important that some means of assessing their ongoing condition is arranged. This is especially important where

the remains are particularly fragile, or where they are waterlogged and there is a danger of desiccation. Should the monitoring result in measurable deterioration of the remains preserved in situ, in many cases there will be the possibility of remedial action by simple means; in other cases this may be more difficult to achieve. As ever, the particular circumstances in each case will influence both how the monitoring is installed and effected, and what remedial action can be implemented. For instance, the monitoring of groundwater and the impact of changes in this is rarely a localised matter, and the hydrology of the environs of an affected site will need to be both carefully monitored. English Heritage can provide advice, based upon a growing national body of information (see part XVIII, below).

XIV **The 'Heritage dividend'**

Put simply, this is the added value to development of using the heritage dimension of the developable assets as a positive resource rather than an unwelcome constraint. There is a spectrum of scenarios where this can apply, from development actually based around or strongly featuring a structure or complex that in its own right is a major heritage asset, down to the use of a discovery at a development site to assist in 'branding' it or to demonstrate to clients or customers through relevant publicity that the developer or sponsor concerned is environmentally responsible.

In Hereford city, there are examples of new buildings that have not only achieved a significant degree of sensitivity to their setting, but have complemented the historic fabric of buildings that have been adapted, and have also contributed architecturally accomplished contributions to the urban fabric in their own right. Impressed by this process, English Heritage staff have even coined a term for it: the 'Hereford effect', as a means of encouraging best practice elsewhere.

XV **The Historic Imprint and the Design of New Build**

A further example of the 'heritage dividend' is the positive use made of an understanding of the inherited pattern or the presence of archaeological remains to enhance the newly developed built environment. Again, this can be achieved in a variety of ways depending upon circumstance. An example draws upon the example of the Friary Goods Station in Plymouth noted in paragraph 12.7, above. Here, the front elevations of two apartment blocks were sited broadly on the line of the Civil War city wall (here entirely removed by the building of the railway station in the 19th century) leading south from the conserved remains of the 'Resolution Fort' bastion. The enterprising architect picked up on a suggestion made in passing that the treatment of the ground floor facings that it had already been decided would contrast with the upper floors were 'adjusted' to echo (rather than to resemble) the outer face-work of the historic wall.

While this was in essence an opportunistic response, the use of the historic imprint can also be designed in from the outset. A simple example is where the historic pattern of field boundaries in a new development area can influence the pattern of residential areas and permeability. The challenge for substantial new development areas, such as may arise in a number of localities including Herefordshire as a result of the government's 'Growth Point' initiative, will be to

integrate preservation areas with management of the local historical environment and provision of new social facilities actually within the overall design.

XVI **Conservation Agenda**

Of relevance to the guidance provided here, but not limited in its application only to development projects, is the conservation agenda created to supplement the county archaeology strategy out to consultation in 2008. The conservation agenda document identifies the principal factors bearing upon the continuing survival and reciprocally the nature and rate of erosion of the archaeological resource in the county. For instance, it notes the nature and impact of the various agricultural operations which are damaging or destroying archaeological sites beneath arable fields.

The conservation agenda then sets out as simply and briefly as possible the priorities for conserving the archaeological heritage of the county, and what mechanisms are available to assist this. This set of priorities will have an influence upon advice provided in development control but of course will not be determinative: each case is assessed on its own merits.

XVII **Research agenda**

A parallel document, the research agenda for the county, reviews what is known about the archaeology of the different time periods represented in the archaeological record in Herefordshire. It then assesses the extent and significance of the known archaeological resource for each period, both in local terms and within a national context. For instance, with Shropshire it has the highest density of Medieval earthwork castles in England, and their survival until recent years has mostly been very good: a high proportion of them are scheduled monuments. However, given this pre-eminence it is remarkable how little is known about their variability and in detail about their sequence of occupation. The research agenda identifies such gaps in knowledge and specifies questions that particularly need to be addressed, with again some prioritisation.

XVIII **Sources of further information**

To gain an overview about public archaeology in Britain, the most useful volume is *Archaeological Resource Management in the UK*, edited by John Hunter and Ian Ralston, (second edition, 2006), Sutton Publishing Ltd, Gloucestershire. Most of the guidance and other documents mentioned in the foregoing can be located at one or other of four websites: those of English Heritage, Historic Environment Local Management (HELM), Communities and Local government, and the Department for Culture, Media and Sport.

English Heritage has itself published specialist guidance on a number of topics relevant to the various sections of this supplementary planning document. For instance, the most recent guidance note produced was *Piling and Archaeology: An English Heritage Guidance Note, 2007*. Another of immediate likely interest is *Commissioned Archaeology Programme Guidance on PPG16 Assistance Cases* (2004) that points out the circumstances in which (most importantly in reference to the kind of unexpected discovery noted in section 12 of the guidance

document) English Heritage funding can be applied for to support certain additional costs incurred in the course of PPG 16 related development related archaeology projects. Other more specialist guidance has been produced by English Heritage staff on such aspects as archaeometallurgy, environmental archaeology, human bones and their treatment, waterlogged archaeological leather, and, more generally, archaeological science in PPG16 interventions.

The Institute for Archaeologists, in addition to its Yearbook, is also a publisher of guidance materials.

Appendix 2: Glossary of Terms Used

Advisory archaeologist

Sometimes referred to as a 'curatorial' archaeologist, this is any suitably qualified archaeologist acting in an advisory capacity for the local planning authority. In Herefordshire it will primarily mean either the County Archaeologist or the Archaeological Advisor. The advisory archaeologist will conduct initial discussions with prospective developers, give advice to development control case officers, prepare and issue briefs, monitor archaeological contractors, and liaise with archaeological consultants and developers' agents.

ALGAO

The Association of Local Government Archaeological Officers, now constituted both as ALGAO-UK and as ALGAO (England). This is the professional association representing archaeologists employed in local government and acting as advisory archaeologists. The principal archaeologist for each local authority is *ex officio* the Member for that authority. The Association has a number of specialist committees – for instance on legislation and planning, urban archaeology, buildings, and so on.

Appraisal of significance

An appraisal made by an advisory archaeologist in preparation for the formulation of advice – usually provided to a development control case officer.

Archaeological consultant

Any suitably qualified archaeologist commissioned to act in the capacity of an adviser to a client engaged in a development project, or drawing up proposals for one such.

Archaeological contractor

Any suitably qualified archaeologist commissioned to conduct archaeological studies or works in support of a development proposal or in fulfilment of a planning condition or obligation.

Archaeological deposits

Inorganic (silt, soil, rock, built structures, objects) or organic (wood, bone, peat) that have been laid down or deliberately formed at or near the site of human activity that attest to the nature of that activity, and that embody or otherwise inform upon the nature of such activity.

Archaeological field evaluation

An exploratory exercise designed to help to gather information about the archaeology of a site or area, to help to gauge the potential impact of a proposed development project on the known or suspected archaeology there. This exercise should be undertaken as early as possible in the development planning process, where field evaluation information has been sought by the advisory archaeologist. This is because the information gathered is necessary to the framing of advice by the advisory archaeologist before a recommendation can be made by the development control case officer as to the implications for the development.

Archaeological projects

Any piece of work conducted by a suitably qualified archaeologist. In reference to archaeology and development, the project concerned could be an archaeological

assessment, and archaeological field evaluation, or a recording action project (see below).

Archaeological remains

A generic term for the product of any human activity that has left tangible physical traces that are susceptible to archaeological investigation. Ordnance Survey maps used to make reference to 'remains of' as opposed to 'site of', to distinguish between *visible* remains and those entirely buried below ground surface, respectively. However, the term 'archaeological remains' is now mostly used for both.

Archaeological resource

The *archaeological resource* is the sum total of remains, and all physical traces that can provide archaeologically significant information, present in the landscape at any one time.

Archaeologically Important Urban Area

An area within which development has the potential to intercept important archaeological deposits relating to the history of that settlement in the Medieval or other periods. Such locations can include present-day market towns, but also a number of other places that in the Medieval period had one or more urban attributes, but today have none.

Area of Archaeological Importance

A statutory area defined under the terms of the 1979 Ancient Monuments and Archaeological Areas Act, and registered as such with the Department of Culture Media and Sport. Owing to the advent of PPG 16 in 1990, only five AAIs were ever registered, for the historic city cores of Canterbury, Chester, Exeter, Hereford and York.

Assessment of impact

An assessment made by an advisory archaeologist of the affect a proposed development may have on archaeological remains known or thought likely to be present at the site in question.

Brief

A document prepared by an advisory archaeologist and sent to a prospective developer (or one in receipt of a planning permission with an attached archaeological condition), setting out the scope of and requirements for an archaeological project or other necessary action.

Completion stages (projects)

These are the stages of an archaeological project following on from the post-excavation assessment. The completion stages of an archaeological project normally involve scientific analyses or other specialist studies, archiving and deposition of archive, and public dissemination of results. The project is not considered to have been completed and the terms of the condition fulfilled until all the completion stages are completed.

Conservation management plan

A plan for the successful future management of the historic environment of an historic asset (building, monument, site or area) produced by a competent professional person (often with the benefit of guidance from a brief) providing a description of the asset setting out also its significance, conservation challenges, and options for action to improve its condition and management.

Conservation statement

An document providing an outline and scoping of management issues for an historic asset, often as a preliminary to producing a full conservation management plan.

Designation

The process of defining, specifying and registering an historic asset as being important.

Design solution

A means through which the needs of development and of archaeology can be reconciled, optimising the development potential of a site while at the same time as maximally safeguarding the archaeological remains in situ, especially where the potential clash of interests has not been foreseen (for instance due to the discovery of remains of unexpected importance).

English Heritage

The government's principal advisor on the historic environment, otherwise more formally termed the Historic Buildings and Monuments Commission (England).

Foundation design

A design which facilitates optimal preservation of archaeological remains in situ.

Herefordshire Archaeology

Herefordshire Council's county archaeological service, that serves an advisory role for the historic environment, maintains the county SMR/Historic Environment Record, and investigates and promotes the archaeology and historic landscape of the county.

Heritage Protection Reform

The process culminating in the new Heritage Protection Act, aiming to deliver a simpler more streamlined and locally accountable heritage protection system, based around unified historic assets (replacing listed buildings, scheduled monuments, registered parks and gardens, and so on, with one category 'historic asset'), and such mechanisms as Historic Asset Consent and Heritage Partnership Agreements.

Heritage Statement

A statement prepared to accompany a planning application in order for it to be registered as valid. Such statements may require an assessment of the site's archaeological potential, and the likely impact of development on any remains present (see 'Planning Application Requirements' Herefordshire Council – January 2008). Section 7 of this document suggests the elements of what this may comprise and the guidance that can be sought.

In situ

'In place', and undisturbed by development.

Mitigation

Limitation of (negative) impact (of development).

Monument

A recognisable group of remains in one place, but not necessarily belonging to one episode of activity.

Post-excavation assessment

A formal assessment of what has been recovered and recorded in an archaeological fieldwork project.

***Preservation of Archaeological Remains
In Situ (PARIS)***

The process of ensuring that specified remains are protected in a defined way from the impact of development, including the future impact after the development is in place.

Project archive

The sum of all materials (for instance, artefactual, sampled, digital and documentary) deriving from an archaeological project.

Project design

A document that sets out clearly how a project is defined and is to be fulfilled.

Recording action project

A project that takes place in fulfilment of an archaeological condition attached to a development. The condition will have specified that such a project takes place before development itself takes place, and the terms of the conduct of such a project will have been set out by an advisory archaeologist in a written brief.

Reversibility

The ability to return a building, site or monument to its pre-development condition.

Scheduled (Ancient) Monument

A monument listed as being of national importance according to a series of published criteria.

Suitably qualified archaeologist

An archaeologist who is sufficiently well trained and experienced that they are able to direct and to successfully execute an archaeological project. They should be competent to the level of expertise and responsibility reflected for instance in the relevant grade of membership of the Institute of Field Archaeologists.

Updated project design

A document that is prepared in revision of an initial project design, after a post-excavation assessment has been carried out. The updated project design will specify the timetable for the fulfilment of the completion stages of the project concerned.

Appendix 3: Standard Archaeological Conditions and their Interpretation

There are five standard planning conditions for archaeology in current use in Herefordshire.

E01 Site investigation – archaeology

“No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service”.

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of the Herefordshire Unitary Development Plan.

E02 Archaeological survey and recording

“No development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording [to include recording of the standing historic fabric and any below ground deposits affected by the works]. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority and shall be in accordance with a brief prepared by the County Archaeology Service”.

Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building/site during or prior to development and to comply with Policy ARCH6 of the Herefordshire Unitary Development Plan. The brief will inform the scope of the recording action.

E03 Site observation – archaeology

“The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him/her to observe the excavations and record items of interest and finds. A minimum of five days written notice of the commencement date of any works forming part of the development shall be given in writing to the County Archaeology Service”.

Reason: To allow the potential archaeological interest of the site to be investigated and recorded and to comply with the requirements of Policy ARCH6 of the Herefordshire Unitary Development Plan.

E04 Submission of foundation design

“No work shall take place on site until a detailed design and methods statement for the foundation design and all new ground-works has been submitted to, and approved in writing by, the local planning authority. The development hereby approved shall only take place in accordance with the detailed scheme pursuant to this condition”.

Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a

sympathetic foundation design in order to comply with the requirements of Policy ARCH2 of the Herefordshire Unitary Development Plan.

[Note: This condition will only apply in the circumstances listed in Policy ARCH2]

E05 Protective fencing

No development shall take place until fencing has been erected, in a manner to be agreed in writing with the local planning authority, around [insert name of monument] and no works shall take place within the area inside that fencing without the prior written consent of the local planning authority.

Reason: In order to protect [name of monument] during development and to comply with the requirements of Policy ARCH6 of the Herefordshire Unitary Development Plan.

Appendix 4: Contact information

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HEREFORD
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English Heritage

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B1 1TG

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Association of Local Government Archaeological Officers (ALGAO)

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Email – admin@algao.org.uk