Chartered Institute for Archaeologists

Archaeology and Planning Case Studies

Volume 1

Project Report

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All views expressed in this report are those of the authors, of other individual contributors where named, and of the originators of the case studies.

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Introduction and background

Over the last 29 years successive national planning policies have established an effective framework for the assessment of the impact of proposed development on both designated and non-designated heritage assets with archaeological and historic interest, and the mitigation or off-setting of that impact through the modification or re-design of development, through programmes of archaeological investigation, recording, publication and archiving, and sometimes through refusal of planning permission. In recent years, however, changes in the planning system have raised concerns in the heritage sector because of their potential to reduce the protection given to heritage assets affected by proposed development, particularly to undesignated assets with archaeological and historic interest on which this report focuses.

The aim of the *Archaeology and Planning Case Studies Project* is to help sector organisations respond to further proposed changes in the planning system. The collection of accessible archaeology and planning case studies can be drawn on to illustrate the successful implementation of key elements of current national planning policy, as well as the problems that can result if these policies are not followed or if such policies in the future were to be removed.

Project methodology

Case studies have been collected from the heritage sector to illustrate four important aspects of the implementation of planning policy affecting heritage assets:

- Theme A: the use of pre-determination archaeological assessment and evaluation to assess the significance of heritage assets affected by proposed development;
- Theme B: the use of pre-commencement planning conditions to secure programmes of archaeological investigation in advance of development;
- Theme C: evidence for the impact of the premature discharge of planning conditions by local planning authorities;
- Theme D: the importance of access to specialist archaeological advice for local planning authorities, and the impact of recent changes in the planning system.

In addition a number of organisations contributed short papers on the successful implementation of planning policies in four diverse areas of the country: County Durham, Gloucester City, Greater London and Surrey. These papers complement the individual case studies by presenting in more detail how policy implementation and professional practice has evolved within a range of different organisations.

Results

Of the 171 cases submitted to the project 118 matched the themes selected for study. They include a wide range of development types and have a geographical spread that includes all regions of England. Together they represent the most comprehensive available data set illustrating the implementation of Government planning policy in respect of heritage assets with archaeological and historic interest (especially those that are not designated).

Theme A: pre-determination archaeological assessment and evaluation

Evidence for the success of pre-determination evaluation is provided by 43 case studies where new heritage assets with archaeological interest were discovered, some of them of national importance, and in 22 (50%) of these cases there had been no known heritage assets on the development site prior to evaluation. In all of these cases development was able to proceed, often with some modification to preserve important heritage assets, and/or with subsequent programmes of

archaeological investigation. The importance of complying with NPPF policies on pre-determination evaluation is emphasised by a further 22 case studies where there was no pre-determination evaluation and unexpected discoveries of heritage assets with archaeological interest subsequently resulted in significant additional costs or delays to the developer and/or poor outcomes for heritage. In four of these cases the discoveries affected the viability of the development.

Theme B: pre-commencement planning conditions and Theme C: discharge of conditions
A total of 77 (65%) case studies illustrate the successful use of pre-commencement conditions to secure archaeological investigation and post-excavation analysis of heritage assets on development sites. Six case studies provide evidence of the problems that can arise if pre-commencement planning conditions cannot be used or if the terms of pre-commencement conditions are not complied with. A further five illustrate poor outcomes where conditions were incorrectly discharged before the agreed programme of archaeological investigation and reporting had been completed. There were 11 cases where conditions still in force enabled programmes of work to be completed, sometimes after lengthy delays.

Theme D: the importance of access to specialist archaeological advice and the impact of recent changes in the planning system. The availability of high quality specialist advice to local planning authorities is essential to successful policy implementation. Although local government services and staffing levels were not the subject of detailed study in this project the case studies demonstrate the crucial role that local authority advisers play and the difficulties that can arise when specialist advice is not available to, or not utilised by, the local planning authority.

The case studies collected can also be utilised to explore other themes in current policy implementation and professional practice; some of these are highlighted in the report and three are discussed in brief: the identification of non-designated heritage assets of national importance; cases where the preservation and/or excavation of human remains was a significant issue; cases with evidence of significant additional public benefit through public engagement and dissemination of results of archaeological work.

The quantity, range and significance of new discoveries of heritage assets with archaeological interest demonstrated by the case studies is striking, and it is clear that the effective use of planning policies is delivering significant new knowledge about all periods of human history across the country, while allowing development to proceed.

Recommendations
Nine recommendations are made in the project report covering: the monitoring of the impact of changes to the planning system on the management of heritage assets; the inter-relationship of the designation and planning systems and the implementation of the national importance project; variations in policy implementation across England; professional practice in desk-based assessments and evaluation; confidentiality; national and local advisory roles; local authority services; and future work on case studies.

The project results are presented in two volumes: a report discussing the project methodology and themes emerging from the case studies (volume 1), and the case studies themselves (volume 2).

The *Archaeology and Planning Case Studies Project* has been undertaken by Jan Wills (Project Manager) and Stewart Bryant, on behalf of the Chartered Institute for Archaeologists (CIfA). The project was funded by Historic England.

Abbreviations

ALGAO	Association of Local Government Archaeological Officers
CBA	Council for British Archaeology
CIfA	Chartered Institute for Archaeologists
CPRE	Council for the Protection of Rural England
DBA	Desk-based assessment
DCLG	Department of Communities and Local Government (from January 2018 onwards the Ministry of Housing, Communities and Local Government)
DCMS	Department for Digital, Culture, Media and Sport
DoE	Department of the Environment
EIA	Environmental Impact Assessment
FAME	Federation of Archaeological Managers and Employers
HER	Historic Environment Record
LPA	Local Planning Authority
MHCLG	Ministry of Housing, Communities and Local Government
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
PPG16	Planning Policy Guidance 16: Archaeology and Planning
PPS5	Planning Policy Statement 5: Planning for the Historic Environment
WSI	Written Scheme of Investigation

1. Introduction and background to the project

1.1 Introduction

Over the last 29 years successive national planning policies (Planning Policy Guidance 16, 1990; Planning Policy Statement 5, 2010; and the National Planning Policy Frameworks of 2012, 2018 and 2019) have established an effective framework for the assessment of the impact of proposed development on both designated and non-designated heritage assets with archaeological and historic interest, and the mitigation or off-setting of that impact through a spectrum of responses including refusal or modification of the development, and programmes of archaeological investigation, recording, publication and archiving.

This largely successful framework has transformed understanding of our past; has created the current structure of the archaeological profession; and its principles of pre-determination assessment and developer funding have received acceptance within government and the developer community. The celebration of the 25th anniversary of the introduction of Planning Policy Guidance 16 (PPG16) in 2015 drew attention to the public benefit delivered by this system in terms of our increased understanding of the extent and richness of the surviving evidence of our past, as well as a reduction in the risks to developers through a clear process for the identification, assessment and recording of archaeological evidence in advance of development. Melanie Leech, then Chief Executive of the British Property Federation, confirmed that: '*This approach* (i.e. the post-PPG 16 planning system) *has served the development industry well since 1990. Today, developers comfortably take archaeology in their stride. It is now very unusual for archaeological remains to cause a fundamental problem for a well-planned new development scheme*' (Foreword to *'Building the Future, Transforming our Past'*, Historic England 2015).

In recent years, however, proposed changes to key elements of national planning policy and process have generated concerns that this successful system will be undermined, leading to a reduction in the protection it provides to non-designated heritage assets in particular. These concerns have been compounded by a parallel reduction in the capacity of local authority archaeological staff whose advice on local planning policy, land allocations for development, and individual development proposals is essential to the successful operation of the current system.

Although the concerns have been frequently expressed by national sector organisations in responses to consultations on proposed changes, such organisations have also found it difficult to provide good examples when needed of the successful operation of the current system, as well as evidence that shows what could go wrong if key provisions of the system were to be removed. As a consequence the *Archaeology and Planning Case Studies* project was designed to collect such evidence from the public, commercial and voluntary elements of the sector, and to make it widely available.

The project has been undertaken by the Chartered Institute for Archaeologists, funded by Historic England. The Council for British Archaeology (CBA), the Association of Local Government Archaeological Officers (ALGAO), and the Federation of Archaeological Managers and Employers (FAME) are project partners and have assisted with the dissemination of the case studies survey to their members.

1.2 **Aims and objectives**

The aim of the project was to help sector organisations argue for or respond to proposed changes in the planning system by providing an evidence base of case studies that demonstrates how heritage assets with archaeological and historic interest (particularly non-designated assets) are managed within the planning system, illustrating both successful outcomes and ways in which loss of protection could result (and in some cases has already resulted) from the loss of current key mechanisms within the system.

The objectives were to gather information from local authority historic environment services, archaeological contractors and the voluntary sector, and present the information to Historic England, project partners and other audiences in a form in which it could be drawn on to inform responses to, and to influence, proposed changes to the planning system.

The case studies that the project has compiled have enabled the aims and objectives of the project to be met, but have also resulted in the collection of a range of information relevant to wider issues in the archaeology and planning process including variations in the implementation of policy.

1.3 Planning background

Since 1990 and the introduction of PPG16 the planning system has been the main mechanism for the protection of the non-designated archaeological resource from the adverse impacts of development. Since only a small proportion of the known resource is designated and protected through scheduling under the Ancient Monuments and Archaeological Areas Act 1979 or other statutory processes, and since there is extensive, demonstrated potential for previously unidentified heritage assets of archaeological interest to be identified through targeted evaluation, the planning system is a particularly important mechanism for protection.

Over the last 5-10 years there have been numerous changes to the planning system in England through legislation, and through revisions of national planning policy and guidance, with objectives that include simplifying and streamlining the planning process, providing greater certainty for developers at the earliest possible stage in the process, and improving the delivery of new housing. The general direction of travel has been towards less regulation, and a reduction in the scope of development that requires planning permission, although it can be argued that many of the changes have also increased complexity in the system.

Changes that have been of particular concern to the heritage sector (either now implemented or in prospect) include new routes to obtaining planning permission through the introduction of Permission in Principle, a general extension in the scope of Permitted Development rights, restrictions on the use of pre-commencement conditions, and the deemed discharge of planning conditions, and can be briefly summarised as follows:

The ***Housing and Planning Act 2016,***
(http://www.legislation.gov.uk/ukpga/2016/22/pdfs/ukpga_20160022_en.pdf),
introduced Permission in Principle for housing-led development, granting automatic planning permission for sites contained in a 'qualifying document' such as a development plan or a register,

or on application to the Local Planning Authority, subject to a subsequent technical details application (see Fig 1 below). Together the two stages constitute full planning permission. The first qualifying document has been the Brownfield Land Register which planning authorities responsible for determining applications for housing development are required to compile. Sites entered on Part 2 of the registers have Permission in Principle. A government intention to extend Permission in Principle to sites allocated for development in Local Plans and Neighbourhood Plans has not yet been implemented.

Potential problems with these new provisions are that Permission in Principle could be given without adequate assessment and evaluation, thus ceding the principle of development before the significance of heritage assets present has been determined. Government has noted that: *'In the exceptional circumstances where archaeological remains are discovered at technical details stage and would mean that the development cannot take place in accordance with the permission in principle, then a refusal on the basis of an inability to protect the heritage asset would be justified' (*The Housing and Planning Bill, Policy Fact Sheet: Permission in Principle, DCLG 2015*)*. Concerns however remain over how assessment and/or evaluation would be enabled at an early strategic stage in the planning process, before a developer may be involved or a planning application made, or whether refusal of planning permission in order to protect heritage assets would often outweigh the need for a permission to meet housing targets.

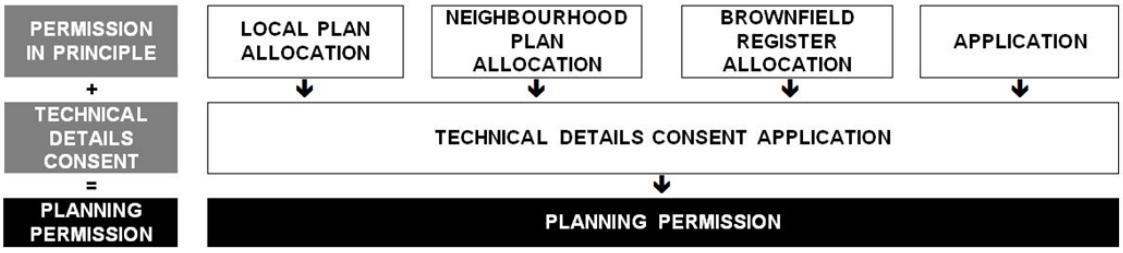

Figure 1: Permission in Principle: how it works (courtesy of Victoria Thomson, Historic England)

The ***Neighbourhood Planning Act 2017***,
(http://www.legislation.gov.uk/ukpga/2017/20/contents/enacted),
introduced restrictions on the use of pre-commencement planning conditions that came into effect in October 2018. This provision requires a Local Planning Authority to seek the written agreement of the applicant before granting planning permission subject to such conditions to ensure that *'…the local planning authority is satisfied that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission'* (NPPG 2019, paragraph 007*).*

If the applicant does not agree to the proposed pre-commencement condition, the LPA could amend it, remove it, or make it a post-commencement condition. If none of these options would make the development acceptable, planning permission can be refused: '*Furthermore, the need to agree pre-commencement conditions with applicants will not prevent local planning authorities seeking to impose conditions that are necessary. In the unlikely event that an applicant refuses to agree to a pre-commencement condition that is necessary (e.g. to ensure the protection of areas or features of*

natural or heritage importance) then the local planning authority can refuse permission' (Government response to the consultation on pre-commencement conditions Regulations, MHCLG 2018).

The Government's objective has been to reduce perceived burdens on developers by reducing the scope of works that have to be completed before the commencement of development. However, given the frequency with which pre-commencement planning conditions are used to secure programmes of archaeological investigation concerns remain about the probability of planning permission being refused where a developer objects to a condition and the development is seen to be an important contribution to local housing targets.

Increases in the scope of Permitted Development rights, i.e. 'developments' which do not require planning permission, have emerged through various changes to legislation and regulation, from 2008 onwards, including an (initially temporary) substantial increase in the size of domestic extensions (to a maximum of 8m in length), and the conversion of commercial buildings and agricultural buildings to residential. A recent consultation proposed further substantial additions to Permitted Development rights by, for example, making the temporary increase in the size of domestic extensions permanent, building upwards to extend the size of existing buildings, and enabling the demolition of existing commercial buildings for the construction of new housing (*Planning reform – supporting the high street and increasing the delivery of new homes*, MHCLG 2018). Some of these proposals, including making permanent the increase in the permitted size of domestic extensions, came into force through *The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019*.

Although there are certain exclusions, and classes of Permitted Development that require prior approval from the Local Planning Authority, there is no provision which would enable the identification, assessment, or mitigation of impact on any non-designated heritage assets affected by the proposed Permitted Development.

Changes in discharge of conditions procedures were introduced by *The Town and Country Planning (Development Management Procedure) (England) Order* 2015. These regulations allow for the deemed discharge of a planning condition if a Local Planning Authority has not responded to a discharge request from a developer after a specified period. As a response to representations made during consultation current exemptions from this process include conditions relating to archaeological investigation.

Given the frequency with which pre-commencement planning conditions are used to secure programmes of archaeological investigation it is of great importance that such conditions are not discharged prematurely. Retention of the current exemption for archaeological conditions is therefore important.

The first articulation of the ***National Planning Policy Framework*** in 2012 contained a generally effective set of planning policies for the protection of the historic environment, and specifically the management of the impact of development on designated and non-designated heritage assets. During recent revisions to the NPPF (in 2018) strong concerns were voiced about changes to the

definition of sustainable development and an associated shift in the balance of policy, and changes to policy text and glossary content in respect of heritage assets with archaeological interest and HERs (e.g. https://www.archaeologists.net/sites/default/files/CIfA%20FAME%20CBA%20response%20to%20NPPF%20consultation.pdf).

Other prospective areas of concern are the potential legislative and policy changes arising from ***the impact of Brexit***, for example, in the area of Environmental Impact Assessment.

2. Project methodology

2.1 Themes and scenarios selected for study (see also Appendix 1)

Recent changes to the planning system have been outlined briefly above. The main focus of this project has been on archaeology and planning cases which illustrate the operation of the system in the areas relevant to these recent, or anticipated, changes. Three aspects of development management were examined (Themes A-C), together with two other issues (Theme D). Under each theme a number of scenarios was set out, each of which illustrated a situation for which case study examples would be sought.

2.1.1 Theme A: Pre-determination assessment and evaluation

Theme A considered desk-based assessment and on-site evaluation undertaken in accordance with NPPF policy on ascertaining the significance of heritage assets present on the site of proposed development:

> *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'* (NPPF 2019, paragraph 189).

For Theme A six scenarios were set out. The first four represented types of possible outcomes from the results of assessment/evaluation undertaken before a decision on the principle of development was taken by the LPA:

> **Scenario 1**. Pre-determination assessment/evaluation identified significant archaeology on the development site (i.e. the results created significant new knowledge), especially where none was previously known in the HER
>
> **Scenario 2**. Pre-determination assessment/evaluation results led to refusal of planning permission on archaeological grounds
>
> **Scenario 3.** Pre-determination results led to the designation of heritage asset(s) on the development site
>
> **Scenario 4.** Pre-determination assessment/evaluation results led to a change in the extent or design of development

The other two scenarios sought to explore what happens when such assessment/evaluation has not been undertaken at the appropriate stage in the planning process:

Scenario 5. The absence of pre-determination assessment/evaluation on all or part of the development site (e.g. because of difficulties with access, refusal to evaluate) led to the unexpected discovery of archaeology during development that caused problems, such as delays to the development programme and/or the need for additional resources

Scenario 6. Post-determination archaeological evaluation (in the absence of any work pre-determination) revealed archaeology of national importance and/or archaeology of a scale and complexity that the resources required for mitigation affected the viability of the development

2.1.2 Theme B: Pre-commencement planning conditions

Pre-commencement planning conditions (sometimes referred to as 'negative' or 'Grampian' conditions) are the mechanism most commonly used to secure compliance with NPPF policy on archaeological investigation to be undertaken on heritage assets to be adversely affected by development, although planning obligations may sometimes be used to secure the same outcomes:

> *'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'* (NPPF 2019, paragraph 195).

As the name indicates this type of planning condition requires specific actions or works to be undertaken before the commencement of development; in the case of heritage assets this will include a Written Scheme of Investigation (WSI), agreed between the LPA and the developer, that sets out the arrangements for investigation and recording on site, and the post-site work through to deposition of the project archive. Other measures for the protection of heritage assets may also be covered. Emerging from planning case law in 1984 (Grampian Regional Council v City of Aberdeen District Council (1984) 47 P&CR 633) pre-commencement planning conditions appeared first in government's planning Circular 1/85, and a model condition was included in PPG16 (paragraph 30, 1990). Most LPAs now use pre-commencement planning condition(s) derived from (a very similar) model condition 55 in planning circular 11/95 (Circular 11/95 - The Use of Conditions in Planning Permissions, Annexe A, 1995), but there are significant local variations in scope and wording. Current advice on the wording of conditions is provided by Historic England (*Managing Significance in Decision-taking in the Historic Environment, Historic Environment Good Practice Advice in Planning: 2*, Historic England 2015).

The use of pre-commencement archaeological planning conditions is very common and is one of the most important provisions of the current planning system in the management of heritage assets affected by development. Theme B explored the use of pre-commencement planning conditions under three scenarios: examples of the use of such conditions, the failure to use an appropriate condition, and the commencement of development before appropriate arrangements for archaeological investigation had been made:

Scenario 7. Pre-commencement archaeological conditions were attached to a planning permission and were necessary in order to enable the development to be permitted

Scenario 8. Pre-commencement conditions could not be attached to a planning permission resulting in the loss of archaeological information (no condition or watching brief/access only condition was provided instead)

Scenario 9. The commencement of development (with or without a pre-commencement condition) before the completion of archaeological mitigation fieldwork caused problems e.g. Health and Safety; conservation of archaeology; additional resources required, including for agreeing and implementing complex method statements

2.1.3 Theme C: The premature discharge of planning conditions

The term 'discharge of a planning condition' refers to the formal process whereby, in response to an application by the developer, the LPA deems that the requirements of the condition have been complied with. The condition is therefore 'discharged' by the LPA, which receives a fee from the developer.

All government policy and guidance encourages the prompt discharge of conditions (e.g. National Planning Policy Guidance 2019, paragraph 034). Because the discharge of conditions is a formal process with financial implications, it is – as is the case with the determination of planning applications – often a performance issue for LPAs and planning case officers. LPAs are therefore usually keen to discharge conditions as soon as possible. In the case of pre-commencement conditions affecting heritage assets, if this is done 'prematurely' i.e. before the requirements of the condition have been met (and the archaeological advisor to the LPA is satisfied of this), it can cause significant problems. Discharge of conditions takes place, however, in some authorities after the agreement of the WSI rather than at or towards the end of the complete programme of archaeological work set out in the WSI.

Theme C used two scenarios to look at problems caused by the premature discharge of planning conditions, and at the opposite situation where a planning condition has been important in ensuring that the full agreed programme of archaeological mitigation has been completed, through negotiation or formal enforcement:

Scenario 10. A planning condition has been discharged before investigation has been completed in accordance with the WSI, or the post-excavation stage agreed and resourced, and this caused difficulties with securing post-excavation, publication, archiving

Scenario 11. The presence of a 'live' and undischarged planning condition after completion of a development was considered to be important and beneficial in helping to secure adequate resources for post-excavation

2.1.4 Theme D: Other issues - the importance of specialist archaeological advice, and the impact of recent changes in the planning system

In addition two other scenarios were explored:

> **Scenario 12.** The absence of specialist archaeological curatorial advice (adviser not in post; advice not given because of capacity or other issues) led to the determination of an application without appropriate consideration of the archaeological implications

Local authority archaeologists provide information (from the local Historic Environment Record for which they are also responsible), and advice on local planning policy, the allocation of land for development in Local Plans and other strategic documents, and on individual development proposals. In the case of planning applications they will provide initial advice on the implications of development; advise on further information that an applicant may need to provide (though desk-based assessment and/or field evaluation); monitor the conduct of evaluations and give further advice in advance of decision making; advise on mitigation of impact through proposals for archaeological investigation and approve WSIs; and monitor and further advise as the work specified in the WSI is implemented (see also https://www.algao.org.uk/localgov/; *Standard and Guidance for archaeological advice by historic environment services*, CIfA 2014). Advisers are typically located in upper tier authorities in two tier local government areas, in unitary or district councils, in national parks, or in externalised trusts or other organisations providing specialist planning advice to the LPA. The number of such staff in England has declined by 35% since 2006 (*The tenth report on local authority staff resources*, Historic England 2018), and some LPAs have been or still are without access to specialist advice. In addition to the absence of staff in post, curatorial advice may not be given for other reasons, such as lack of capacity to advise given staff reductions, or failure by the LPA to seek specialist advice on an application. This issue was explored through Scenario 12.

> **Scenario 13.** Recent changes in the planning system (e.g. extension of Permitted Development rights, use of Permission in Principle) prevented or compromised the use of pre-determination evaluation or the attachment of archaeological conditions to a permission

Recent changes to the planning system have been discussed at 1.3 above. Although most of these changes were very recent at the time of the survey respondents were nevertheless asked through Scenario 13 to identify whether they had examples of the impact of these changes.

The full list of planning scenarios, and the glossary of terms used in the survey, can be found in Appendix 1. Before finalising the proposed themes and planning scenarios to be used in the survey the draft list was presented to an introductory seminar held in London in June 2018 which discussed the scope of the project in the context of the changing planning system. Feedback from the seminar participants was then used to finalise the scenarios.

2.2 Stage 1 survey

The initial collection of case studies was undertaken by means of a short survey which invited participants to submit brief details of archaeology and planning cases that met any of the 13

scenarios. The survey was made available through the CIfA website, and sent to project partners for dissemination through their mailing lists and other networks. The initial response to the survey was poor; in order to increase participation the survey deadline was substantially extended and direct approaches were made by the project team to individual local authorities, and archaeological consultants/contractors. A second seminar held in York in September 2018 sought to engage those who had not been able to attend the London event and therefore to broaden participation.

At the end of Stage 1 171 responses had been received, mainly from local government archaeological advisers, with a smaller number from archaeological consultants and contractors. A few of these were quite detailed summaries of cases but the majority were very brief, often consisting only of the site name and the scenario which it addressed. In addition 11 replies were received from the public via CBA. Most of the latter group made comments on specific development proposals and/or the planning system but they did not produce material that met the aims and objectives of the project.

2.3 Stage 2 survey (see also Appendices 2 and 3)

The original project plan had been to select 25 – 30 cases from the Stage 1 responses for detailed follow up. In practice the content of the Stage 1 responses was so variable, and in most cases so brief, that selection was not possible at this stage. It was therefore decided to follow up all of the cases which appeared to be relevant to any of the scenarios and therefore potentially to contribute to the aims and objectives of the project.

Using a pro-forma setting out the required information all survey respondents were contacted and asked to compile the information requested. The pro-forma, with explanatory notes, can be found at Appendix 2. 146 cases were followed up in Stage 2, the content of the remainder of the Stage 1 responses being outside the scope of the project.

In addition to the individual case studies four organisations that follow specific local policies or procedures, for example, in the implementation of NPPF policy on assessing the significance of heritage assets present on a development site, were asked to write a short note about the policy, its operation, and what outcomes it has delivered. The results from Durham County Council, Gloucester City Council, the Greater London Archaeological Advisory Service, and Surrey County Council are discussed below and the full texts can be found at Appendix 3.

The Stage 2 returns once again provided a wide variety and quality of response. Some contributors to the Stage 1 survey did not respond to the request for additional information, while other cases proved to be unsuitable for inclusion in the project and were therefore eliminated at this stage. The project team subsequently undertook research to enhance the information provided, using Local Planning Authority websites for planning histories, and the websites of individual archaeological organisations or the Archaeology Data Service for archaeological reports i.e. desk-based assessments, evaluation reports, post-excavation assessments, and excavation reports.

2.4 Stage 3 Project outputs

At the beginning of Stage 3 all contributors were contacted again, sent the edited pro-formas for their cases, and asked to check the content and to authorise the use of the case studies in the final outputs from the project. A number of cases were deemed to be confidential and are therefore not described in this report or in the final list of case studies; these cases have however contributed to the general conclusions reached.

The outputs from the project comprise a two volume report; this volume discusses the results of the project while volume 2 contains the full case studies.

3 Project results

3.1 The case studies: introduction

106 completed case studies are presented in volume 2 of this report; 12 further cases that remain confidential have contributed to the discussion and the conclusions reached. The total of 118 cases is derived mainly from local authorities (over 90%), the remainder being from archaeological consultants or contractors. Almost all of the case studies date from the last 15 years, with a few older and often long-running examples.

Geographical distribution

The geographical distribution of the organisations and individuals supplying case studies is reasonably broad. All regions are represented (see Table 1 below), and for six the case studies are in double figures. The high figures from the north of England (North West, Yorkshire and Humber and North East) are particularly useful in view of the differing development contexts between the north and south of the country.

Region	No. of case studies
North East (Durham, Hartlepool, Stockton-on-Tees)	5
North West (Bolton, Cheshire, Cumbria, Knowsley, Liverpool, Manchester, Trafford, St Helens, Salford, Wigan)	24
Yorkshire and Humber (Barnsley, Doncaster, East Riding of Yorkshire, North Lincolnshire, Rotherham, Sheffield)	19
East Midlands (Nottinghamshire)	6
West Midlands (Birmingham, Shropshire, Warwickshire)	6
East of England (Cambridgeshire, Colchester, Hertfordshire, Peterborough, Suffolk)	14
South East (East Sussex, Surrey, New Forest, Hampshire)	20
South West (Gloucestershire, Gloucester, Devon, Wiltshire, Dorset)	16
London	8
Total	**118**

Table 1: Number of case studies by region

The development locations

The majority of case studies (69 of the 118) can be loosely defined as being from non-urban locations. 38 of these are greenfield residential developments ranging from a single household up to 1000 new dwellings. Many are on – or close to – the edge of existing settlements and a significant number are within or on the edge of existing villages.

The non-urban case studies also include a range of other major developments: six road schemes, four minerals developments, three solar farms, two large-scale mining and waste removal cases, a

flood alleviation scheme, a very large port development with renewable energy infrastructure, a leisure development, a fire station, light industrial development, a hospice, and the creation of a new wildlife habitat.

There are 49 case studies from urban areas, of which 35 are from major cities (Table 2), and 14 are from other urban/sub-urban areas and small historic towns. They represent a broad range of geographical locations and types of historic environment. In terms of categories of development, 23 are residential developments, 14 of which are for between 50 and 1500 dwellings - mostly apartments. There are also eight large commercial and industrial developments, three leisure developments, two infrastructure schemes, a hospital, a fire station and ten mixed residential and commercial developments. The case studies from the nine cities provide an informative sample of activity over the past 15 years in the management of the urban historic environment, in research outcomes, and in curatorial practice.

City	No. of case studies
Carlisle	1
Manchester	13
Liverpool	1
Gloucester	4
Sheffield	4
Birmingham	1
Chester	2
Colchester	1
London	8
Total	**35**

Table 2: Case studies from cities

3.2 The case studies: discussion by scenario

3.2.1 Introduction

The numbers of case studies matching each of the scenarios are summarised in Table 3 below. Thirty two of the case studies illustrate a single scenario, 69 two scenarios, 16 illustrate three scenarios, and there was one case study matching four scenarios.

In the following discussion of the scenarios and the case studies which illustrate them brief mention is made of the relevant case studies by number and location under each scenario, summaries in shaded text provide more details of individual cases, a full list of case studies matching each scenario is given in Tables 4 – 16 (Appendix 4), and the complete individual case studies are available in volume 2 of this report.

Scenarios	Number of case studies
A. Pre-determination assessment and evaluation	
1. Pre-determination assessment/evaluation identified significant archaeology on the development site (ie the results created significant new knowledge), especially where none was previously known in the HER	43
2. Pre-determination assessment/evaluation results led to refusal of planning permission on archaeological grounds	3
3. Pre-determination results led to the designation of heritage asset(s) on the development site	11
4. Pre-determination assessment/evaluation results led to a change in the extent or design of development	27
5. The absence of pre-determination assessment/evaluation on all or part of the development site (e.g. because of difficulties with access, refusal to evaluate) led to the unexpected discovery of archaeology during development that caused problems, such as delays to the development programme and/or the need for additional resources.	18
6. Post-determination archaeological evaluation (in the absence of any work pre-determination) revealed archaeology of national importance and/or archaeology of a scale and complexity that the resources required for mitigation affected the viability of the development	4
B. Pre-commencement planning conditions	
7. Pre-commencement archaeological conditions were attached to a planning permission and were necessary in order to enable the development to be permitted	77
8. Pre-commencement conditions could not be attached to a planning permission resulting in the loss of archaeological information (no condition or watching brief/access only condition was provided instead)	2
9. The commencement of development (with or without a pre-commencement condition) before the completion of archaeological mitigation fieldwork caused problems e.g. Health and Safety; conservation of archaeology; additional resources required, including for agreeing and implementing complex method statements	6
C. The premature discharge of planning conditions	
10. A planning condition has been discharged before investigation has been completed in accordance with the WSI, or the post-excavation stage agreed and resourced, and this caused difficulties with securing post-excavation, publication, archiving	5
11. The presence of a 'live' and undischarged planning condition after completion of a development was considered to be important and beneficial in helping to secure adequate resources for post-excavation	12
D. Other issues: the importance of specialist archaeological advice, and the impact of recent change in the planning system	
12. The absence of specialist archaeological curatorial advice (adviser not in post; advice not given because of capacity or other issues) led to the determination of an application without appropriate consideration of the archaeological implications	9
13. Recent changes in the planning system (eg extension of Permitted Development rights, use of Permission in Principle) prevented or compromised the use of pre-determination evaluation or the attachment of archaeological conditions to a permission	1

Table 3: Number of case studies matching each planning scenario

3.2.2 Theme A: Pre-determination assessment and evaluation (Tables 4 – 9)

The policy background

The survey defined this theme and group of scenarios as desk-based assessment and evaluation undertaken at any time before the determination of a planning application i.e. before the in principle decision to allow development had been taken. The objective of such work is to enable the significance of heritage assets affected by development to be assessed, in accordance with NPPF policy 189 (see 2.1.1. above), allowing informed decision-making by the LPA, but also providing certainty for the developer about the viability of development on the site, and the potential cost and programme implications of any archaeological investigations that might be necessary. This could therefore include assessment/evaluation commissioned by a developer as a result of a pre-application enquiry to an LPA when an adviser might then ask that such work should be carried out, in connection with an EIA, or after a planning application had been made and similar advice given. On occasion a developer might also commission work (especially desk-based assessments) before any approach to a planning authority had been made.

The first four scenarios considered the outcomes of cases where pre-determination assessment/evaluation had been carried out, and the other two what might result if this process were not undertaken. Inevitably there is an overlap in cases between the six scenarios in Theme A.

The current commonly followed process of initial archaeological desk-based assessment (sometimes also called 'Heritage Assessments', 'Heritage Statements' or similar) followed by a staged process of on-site evaluation including, most commonly, geophysical survey and evaluation test pitting or trenching, was first set out in detail in PPG16 (paragraphs 19-22, DoE 1990) where the emphasis was on gathering information at an early stage in the formulation of a development proposal to '*help define the character and extent of the archaeological remains that exist in the area of a proposed development … also provide information useful for identifying potential options for minimising or avoiding damage…*' so that '*… an informed and reasonable planning decision can be taken*'. However the principles had already been incorporated into the requirements of Environmental Assessment in 1988, as 'a *description of the likely significant effects, direct and indirect, on the environment of the development, explained by reference to its possible impact on…* (*inter alia*) *…the cultural heritage'* (The Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, Schedule 3, DoE 1988, http://www.legislation.gov.uk/uksi/1988/1199/schedule/3/made). Planning authorities were formally empowered to direct applicants to supply further information to enable an application to be determined by these and further regulations issued in the same year (Regulation 4, Town and Country Planning (Applications) Regulations 1988 https://www.legislation.gov.uk/uksi/1988/1812/regulation/4/made).

Similar requirements regarding assessment and evaluation were carried through into Planning Policy Statement 5 (PPS5) which replaced PPG16 in 2010, and into the first and subsequent iterations of the NPPF from 2012 onwards, although with changed concepts and progressively less detail in terms of process. The (then) Institute of Field Archaeologists Standards and Guidance were widely used as the source of more detailed advice on assessment and evaluation processes and were mentioned in the PPS5 *Historic Environment Practice Guide* (DCLG, DCMS, English Heritage 2010). The (successor)

Chartered Institute for Archaeologists Standards and Guidance were more explicitly cited in Good Practice Advice issued by Historic England to support implementation of the NPPF (*Managing Significance in Decision-taking in the Historic Environment, Historic Environment Good Practice Advice in Planning: 2*, Historic England 2015).

Implementation of these planning policies that enable the potential impact of proposed development on heritage assets to be assessed as an aid to decision taking has radically changed understanding of the extent and range of archaeological evidence in English landscapes and settlements, and represents one of the most important and powerful mechanisms for the protection and management of the (especially non-designated) heritage available since being introduced in the late 1980s and incorporated into PPG16 in 1990. Of additional importance is the recognition that evaluation should consider the potential or probability of heritage assets being present on a development site, not just the further characterisation of known assets, as recognised in the NPPF 2019 in policies on HERs which should be used to '*predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future' (paragraph 187),* and in the policy on assessing significance: '*Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'* (paragraph 189).

The case studies

86 submitted planning cases illustrate the implementation of this policy, the effectiveness of the use of pre-determination assessment and evaluation in identifying heritage assets on proposed development sites, and some of the problems that result from the failure of this process. Undertaken early in the planning process, and to an agreed and appropriate level of detail, evaluation ensures that the LPA can make informed decisions about development proposals, taking into account the impact on heritage assets present. In a minority of cases this may lead to the refusal of planning permission, the protection of the site through designation or, more commonly, to the modification of the development proposals to minimise impact. In the majority of cases where heritage assets are identified it allows appropriate schemes of investigation to be devised, agreed by the LPA, and costed and programmed by the developer, thus avoiding the problems discussed in Scenarios 5 and 6 below.

Although the choice of appropriate sampling levels (i.e. the proportion of the development site to be examined through survey, test pitting, or trenching) in field evaluations is essential if this work is to be effective in assessing heritage assets present and their significance this issue was outside the scope of this study (see Recommendations, 4.2 below).

Scenario 1: **Pre-determination assessment/evaluation identified significant archaeology on the development site (i.e. the results created significant new knowledge), especially where none was previously known in the HER**

Scenario 1 focused on the archaeological outcomes from assessment and evaluation i.e. cases where significant heritage assets were identified, especially where little or nothing was previously known.

How the implications of these discoveries were dealt with in the planning and designation systems is followed in Scenarios 2 - 4 below.

The 43 cases of archaeological evaluation (Table 4) discussed here include cases where evaluation was triggered by:

- The presence of known heritage assets on the development site. Evidence may be recorded in the HER and/or in other sources, or identified during initial appraisal by a LPA adviser, or in the course of desk-based assessment, and where the full extent and significance needed to be tested by evaluation e.g. Case 50 Gloucester Castle, where evidence of the unexpectedly good survival of the 12th century medieval castle keep was found; Cases 66 and 157 from Suffolk, where archaeological finds had been recorded from the development sites; Case 170, Deptford Dockyard, London, where the full extent and survival of nationally important archaeological remains needed to be tested by evaluation; Case 173 from Bishop's Cleeve, Gloucestershire, where cropmarks, possibly ring ditches, were recorded in the HER.

- The potential for heritage assets to be present on the development site. For example, as suggested by the location of a development site within the historic centre of a settlement (e.g. Case 177 from Hampshire); its proximity to known heritage assets (e.g. Case 18 from Cambridgeshire); falling within a generalised area of archaeological interest (which may have been identified in a Local Plan, e.g. Case 167 from Bishop Auckland, County Durham, summarised below); the topography, geology and soils of the site when compared against similar locations elsewhere where heritage assets were present (e.g Case 14 from Devon).

- The size of the development. Where specific local policies are in place regarding evaluation criteria they often include reference to the size of the prospective development, development over a certain size triggering a request for further information in the form of assessment/evaluation even if there are no known heritage assets within the site. Amongst those organisations that submitted information on the issue to this project the size threshold varies from over 0.4ha in the case of Surrey, to over 1ha in Durham and over 5ha in Shropshire (these policies are presented in more detail in Appendix 3 below). The adoption of such policies is a recognition of the increasing probability that heritage assets will be present as the size of the development increases, and that in some areas the low level of information available does not necessarily equate to an absence of heritage assets. Such sites therefore have archaeological interest in NPPF terms even in the absence of immediate evidence for heritage assets. Areas where there has been a great deal of development since the introduction of PPG16 may now have a level of HER information which supports assessment of the probability of heritage assets being present in 'blank' areas. However, in areas of comparatively little development (and where therefore there is little information) or areas where the geology, soils and land use do not favour the survival of earthworks, the production of cropmarks, or the surface collection of artefacts, this is more difficult. Some local authorities use periodic case reviews to test and refine the effectiveness of these policies (as well as other evaluation criteria).

Amongst the 43 cases submitted the range and significance of heritage assets identified by evaluation was impressive, emphasising the importance of identifying the implications of development at an early stage. 22 cases were instances where there were no known heritage assets on the development site prior to the assessment/evaluation process, and particularly good examples include two (Cases 9, 10) from Shropshire where the local policy of requiring the evaluation of development sites over 5ha on two 'blank' sites each produced evidence of a Roman enclosure; Case 46 from Pamington, Gloucestershire (see summary below); Rydon Farm in Devon where evaluation found a Bronze Age enclosure (Case 65); Hartlepool (Case 152) where an Anglo-Saxon cemetery of national importance was identified; Case 168 in Darlington, County Durham, where a Roman settlement was identified; Case 175 at Ashford, Surrey, which identified Bronze Age land boundaries and an Iron Age settlement. In the case from Thame in Oxfordshire (Case 12) a single pottery vessel had previously been recovered from the development site, but the evaluation on land in a not particularly favourable topographical location for settlement provided evidence of a sequence of 'over 5000 years of human occupation' from the Mesolithic to Anglo-Saxon (see summary below).

In several of these cases the initial desk-based assessments illustrate well the problem of assessing potential in areas where there is little existing knowledge, by reporting on the lack of information in the HER and concluding that the development site therefore had low potential for the presence of heritage assets, without examining the possible reasons for the lack of information and therefore the reliability of any such assessment of potential. In some of the cases where evaluation tested apparently 'blank' areas (i.e. sites with no recorded heritage assets) the heritage assets identified were subsequently assessed as being of national importance and in some cases scheduled. Further work on the results or 'success rates' of the evaluation of 'blank' areas, and its implications for evaluation policy would be useful. Similarly geophysical survey, while an extremely important evaluation technique, cannot be taken as a simple guide to the extent of archaeological remains present and further analysis of the outcomes of geophysical survey matched against those from subsequent evaluation trenching would be useful.

Case Study 12: Land north of Oxford Road, Thame, Oxfordshire

The development site is on a ridge but largely on north-facing land sloping down to the River Thame, and so might not, a priori, be considered to have the highest potential for early activity. A single late Iron Age pottery jar had been recovered from the development site in the 1960s, and traces of ridge and furrow were present.

A desk-based assessment and a field evaluation carried out before the determination of the planning application identified activity in the Mesolithic, Neolithic, Bronze Age, Iron Age and Roman periods. Planning permission was given for the development with a pre-commencement planning condition to secure a programme of archaeological investigation.

By far the most significant result was the discovery of a large part of a triple-ditched early Neolithic (c. 3800 BC) causewayed enclosure monument. A number of early Neolithic pit clusters, a hengiform monument and a probable barrow ring-ditch were also recorded. The monument complex is of national importance.

Later activity was represented by an early Iron Age (700 – 400 BC) D-shaped enclosure, some c. 150 pits (some of them probably grain storage pits), and a number of roundhouses and four-post granary structures. In the Roman period (AD 43 – 410) a dramatic change was evident on the site, with the development of a highly structured and integrated land management system of ditched features. It included droveways that led from the available watercourses up onto the ridge, associated with a sequence of integrated settlement and stock enclosures. In the early – middle Saxon period (410 – 850 AD) at least 11 (and possibly 13) sunken-featured buildings (SFBs) as well as a possible 'hall' structure (undated) were constructed at the site, all bar one SFB lying on the highest ground. In the late Saxon – early medieval period (9th – 12th centuries AD) a substantial ditched enclosure was constructed, but no associated settlement features were identified.

Case Study 46: Land south of the A46, Pamington, Ashchurch, Gloucestershire

No archaeological information was recorded for this large proposed development site on the HER before environmental screening resulted in desk-based assessment which suggested that a Roman road might be present (or located nearby) and that the site was of moderate archaeological potential.

Geophysical survey in late 2014, however, produced spectacular results that suggested extremely dense archaeological features indicative of an Iron Age and/or Roman settlement present in the north-western part of the site.

The density of archaeology was such that the developer decided, on the basis of the geophysical survey results, that the area of greatest archaeological interest was to be left undisturbed as public open space in the planning application for the development. Trial trenching was only undertaken on its edges, to determine its outer extent, and also over the rest of the area that was proposed for housing development. The peripheral features of the settlement that were sampled, including field boundaries, a well, and a corn-drier, produced early Roman pottery of first to second century date.

A pre-commencement planning condition was attached to the planning permission for development. Archaeological investigation in advance of construction confirmed that the correct area had been excluded from development.

Scenario 2: Pre-determination assessment/evaluation results led to refusal of planning permission on archaeological grounds

No cases were submitted in which the results of evaluation led to the refusal of planning permission because of the significance of the heritage assets present. Where heritage assets have been identified by evaluation and assessed as of national importance or otherwise meriting preservation *in situ,* they have been excluded from the area to be developed, or the development has been modified in other ways such as the type or depth of foundations (see Scenarios 3 and 4 below).

However, in three cases (Table 5) planning permission was refused because the developer had not carried out an evaluation as requested by the LPA. Case 167 in Bishop Auckland, County Durham,

provides a good example of a clear Local Plan policy attached to identified Areas of Archaeological Interest which states that an archaeological assessment/evaluation would be required in advance of development. The required evaluation was not carried out by the developer and the application was refused because of the lack of information on the archaeological significance of the site, the refusal reason citing the absence of an archaeological evaluation, contrary to the Local Plan Policy. In the two cases in Barton-on-Humber, North Lincolnshire (Cases 26 and 27), the refusals of planning permission because of the lack of evaluation were upheld at appeal; in the latter case an evaluation was commissioned after two refusals of permission, eventually enabling an appropriate mitigation scheme to be agreed and the development to go ahead.

Case Study 167: East Deanery, South Church, Bishop Auckland, County Durham

A development of three new dwellings was proposed adjacent to the site of a college of priests documented from 13th century, and the East Deanery, a Grade I listed building. A watching brief during development to the east had recorded a medieval wall.

The area was identified as an Area of Archaeological Interest in the Local Plan; Policy BE 17 stated that an archaeological assessment/evaluation would be needed in advance of proposed development. The required evaluation was not carried out by the developer.

The application was refused because of the lack of information on the archaeological significance of the site, and the refusal reason cites the absence of an archaeological evaluation, contrary to the Local Plan Policy.

Scenario 3: Pre-determination results led to the designation of heritage asset(s) on the development site

Evaluation may identify archaeological remains of such significance that they meet the criteria for designation as scheduled monuments (in accordance with the Ancient Monuments and Archaeological Areas Act 1979, and to which NPPF paragraphs 194-6 are relevant), a discretionary process that may not be always used if the heritage assets identified can be managed appropriately through the planning system. As a consequence other cases reported here also involve the management of heritage assets of national importance, though not scheduled, to which the same NPPF polices apply (NPPF 2019, footnote 63).

Eleven diverse cases which resulted in designation were reported to the project (Table 6). Case 45 from Winchcombe, Gloucestershire, provides a good and straightforward example (summarised below) in a rural location of heritage assets of national importance identified as a result of assessment/evaluation undertaken very early in the planning process (at pre-application enquiry stage). The evaluation provided sufficient evidence for an assessment of significance that resulted in the scheduling of the core area of this stratified sequence of Iron Age settlement and Roman buildings, possibly a villa, with an usually good level of preservation.

In Colchester the Roman Circus (the only one known from Britain), was first identified during evaluation in advance of a large area of new residential development and subsequently scheduled (Case 110).

A group of diverse cases from London illustrates complex urban situations where sites of the highest importance have been identified and managed successfully. The outcomes include part-excavation in some cases, part-preservation through scheduling with subsequent public display and interpretation, while enabling development to go ahead (usually in a modified form). These include The Curtain and The Theatre, two Elizabethan playhouses used by William Shakespeare's companies in the 16th century (Cases 55 and 56, see below), and the Deptford Royal dockyard in use from the early 16th century (Case 170).

Scenario 3 cases also illustrate the importance of assessing significance following evaluation, allowing consideration of the full range of management options available for the heritage assets through liaison, where appropriate, between local authority advisers and Historic England.

Few cases involving historic buildings have been submitted to the project but Case 39 in Laughton, East Sussex, is a good example of the use of pre-determination building assessment to investigate a timber framed structure proposed for demolition. A Building Preservation Order was followed by a decision to list the building. It was then repaired and incorporated into the development.

Case Study 45: Greet Road, Winchcombe, Gloucestershire

A pre-application enquiry in advance of proposed residential development on a greenfield site adjacent to an area of Roman settlement led to geophysical survey and evaluation trenching.

An unusually well preserved stratified sequence of Iron Age and Roman settlement was identified and was of sufficient importance for the site to be recommended for designation by the local authority archaeological advisers.

Part of the site was subsequently scheduled and excluded from the area of the proposed development. Key to the assessment of significance was the presence on the site of not only two phases of Roman activity (possibly a villa, with well-preserved structural remains) but also earlier, Iron Age, activity. This stratified sequence, including Iron Age settlement sealed by Roman terracing and buildings, is extremely unusual in a rural context in Gloucestershire, where the majority of such sites have been adversely affected by subsequent cultivation; where Iron Age - Roman sequences exist they are more usually truncated with no remaining vertical stratigraphy.

Case Study 55: 4-6 New Inn Broadway, Shoreditch, Hackney
Case Study 56: Curtain Road/Hewett Street, Shoreditch, Hackney

Proposed development on two sites in Shoreditch that were considered to be the possible

locations of Elizabethan playhouses associated with William Shakespeare's acting company in the 16th century led to pre-determination archaeological evaluation that identified structural remains of two theatres.

At New Inn, Broadway, evidence of The Theatre that hosted William Shakespeare's company during the 1590s was identified. At Curtain Road structural remains of The Curtain theatre was found, including the rectangular stage. At both sites the remains of these nationally important structures were preserved for display within redesigned developments. The Theatre has been scheduled, and The Curtain is currently being assessed for designation.

Scenario 4: Pre-determination assessment/evaluation results led to a change in the extent or design of development

There were 27 cases (Table 7) that illustrated ways in which development proposals could be modified subsequent to an evaluation that identified significant heritage assets, in order to avoid or reduce the adverse impact on these assets, while enabling the development to go ahead in a modified form. These were sometimes assets of national importance and specifically identified as such by the LPA's adviser, citing the NPPF 2019 footnote 63 (or its predecessor policy in NPPF 2012 paragraph 139). In other cases it was not clear that there had been an explicit assessment of significance against policy and criteria but the archaeological evidence appeared to bring important new knowledge about a period(s) and/or an area. On occasions developers took the initiative, deciding to exclude areas of land from development, having seen that the heritage assets present were complex and likely to be expensive to excavate. In some cases this might threaten the viability of the development.

Some of the most straightforward cases in this group were large housing or mixed-use developments where the scale of the development gave the flexibility to exclude heritage assets altogether or to use the sites of the heritage assets as open green space within the development. Examples include: Case 33 in Rotherham where a medieval moated site assessed as being of national importance was excluded from the development area; Case 44 in Stockton-on-Tees where an Iron Age settlement was excluded; Case 46 at Pamington in Gloucestershire where the developer took the initiative to exclude an area of Iron Age/Roman settlement from a large housing site and preserve it as open space (summarised above); Case 62, a Roman enclosure in Crediton, Devon, recommended for exclusion from the development (although the application was later refused on other grounds).

In urban and other built areas with deeper stratigraphy the careful design of foundation and other groundworks allowed developments to proceed over the buried archaeological deposits with minimal damage, or piled foundations were used to restrict the amount of disturbance. Not all of these were large developments: the proposed construction of a single house at Burgh by Sands near Carlisle was shown by evaluation to be on the site of features associated with Hadrian's Wall and of national importance but enabled to proceed by the restricted depth of foundations and services (Case 20). Urban sites (sometimes involving retained standing buildings which might themselves be designated) presented some of the greatest challenges to development design such as Case 47 in Chester, over part of the Roman fort and town, and which required careful foundation design to

minimise impact (see below); Gloucester prison, Case 50, where the medieval castle keep survives at shallow depth within a former prison complex; the nearby Barbican car park site in Gloucester, Case 51, where complex urban deposits of Roman and medieval date were protected through the use of a piling design to minimise impact during redevelopment for student accommodation (summarised below).

Three solar farms reached different solutions, in two cases excluding a group of Bronze Age burial sites, probably of national importance, and the area of a Bronze Age enclosure from development (Cases 40 in Sussex and 65 in Devon), while, in the third, using a non-intrusive design over the area of most significant heritage assets (Case 22, Scunthorpe, North Lincolnshire).

In all cases the earlier that the extent and significance of the heritage assets present was established the greater was the likelihood of achieving a satisfactory outcome.

Case Study 47: The Odeon, Hunter Street, Chester

Proposed redevelopment over the site of Chester's Roman fort and later walled town necessitated assessment and evaluation of the extent of the archaeological remains on the site, followed by the development of a foundation design that would minimise damage to significant deposits and enable the development to go ahead.

The pre-determination evaluation, close liaison with the structural engineers at an early stage, and preparation of a detailed foundation design as part of the planning application submission were all vital to the successful completion of the fieldwork and subsequent post-excavation project.

Case Study 51: Barbican Car Park, Ladybellegate Street, Gloucester

The proposed development site within the historic core of Gloucester includes part of the Roman fort, part of the Roman town of Glevum, and evidence for Anglo-Saxon occupation and the 11th century Norman castle at Gloucester. Two areas of the site form part of the scheduled monument of Glevum Roman colonia.

Prior to the determination of this planning application a desk-based assessment, followed by a trial trench evaluation supported by a watching brief on geotechnical investigations, were carried out and a deposit model produced.

The evaluation indicated that much of the site contained well preserved and deeply stratified urban archaeological remains of national importance, including evidence of the rampart and probable wall of the Roman defences, several Roman buildings (probably town houses), and Anglo-Saxon and medieval deposits including ditch deposits that may be part of the 11th century castle.

This information enabled the developer, during the determination period, to redesign their scheme largely to avoid archaeological impacts (in accordance with Historic England piling and preservation in situ guidance). The result was that the overall cost of archaeological

mitigation was reduced and the scheme was able to achieve very high levels of preservation in situ (the impact of piling within the building footprint is often less than 1%).

Scenarios 5 and 6

Scenario 5: The absence of pre-determination assessment/evaluation on all or part of the development site (e.g. because of difficulties with access, refusal to evaluate) led to the unexpected discovery of archaeology during development that caused problems, such as delays to the development programme and/or the need for additional resources

Scenario 6: Post-determination archaeological evaluation (in the absence of any work pre-determination) revealed archaeology of national importance and/or archaeology of a scale and complexity that the resources required for mitigation affected the viability of the development

Scenarios 5 and 6 (Tables 8 and 9) are discussed here together since there is considerable overlap in the cases submitted in these two groups: an absence of pre-determination assessment and/or evaluation was often followed by post-determination evaluation as the first step in a staged process of post-determination investigation.

The problems that would result from the absence of archaeological evaluation at the appropriate stage in the planning process may be inferred from the cases discussed above under Scenarios 1 - 4, where productive evaluations led to designation, redesign and/or substantial programmes of archaeological investigation. Scenario 5, however, produced 18 examples and Scenario 6 four examples of cases in which no or limited evaluation was carried out before planning permission was given for the development. The work may have been entirely absent, limited to a desk-based assessment, a partial geophysical survey, and/or a trench evaluation with a very low percentage sample size. Known heritage assets may have been targeted but other 'blank areas' not surveyed or sampled.

The reasons for the lack of adequate evaluation at the right time are many and often multiple but the most common can be summarised as follows:

- A reluctance on major schemes such as roads, and other infrastructure, to embrace the need for comprehensive assessment and evaluation at the earliest possible stage (as opposed to piecemeal, late and often post-determination evaluation) when an overall strategic approach to preservation *in situ,* to the mitigation of impact through design, and to choices about the selection of sites for investigation based on significance, could be formulated. Evaluation as a first stage of a post-determination package of works, especially when undertaken once a scheme of this nature is underway, is particularly problematical (Cases 41; 69, summarised below; 160; 176).
- A lack of evaluation of on development sites (often on small sites) when the potential of the site is uncertain. The reluctance may be on the part of the adviser, or the LPA itself, leading to a default position where an archaeological condition is attached to a permission (sometimes with evaluation as a first stage of works, or a strip map and sample approach)

without an understanding of the significance of heritage assets that might be present, or the risks to the development. In Cases 21 in Cambridgeshire, and 59 in Godalming, Surrey, (summarised below), an evaluation was recommended but planning permission given with a condition attached. In Case 114 (see below) in Walton, Peterborough, post-determination evaluation identified an Iron Age settlement and Roman buildings; the adjacent undeveloped area of this site has now been scheduled.

- Developers may also object to undertaking evaluation, and the LPA may therefore decide to determine without adequate information. In the example of Case 100 in East Sussex post-determination evaluation identified heritage assets that subsequently rendered the development unviable. (*cf* Scenario 2 above, where refusals to undertake evaluation led to refusals of planning permission).
- An assessment either at initial appraisal stage, or in a desk-based assessment, that a site is of low potential, when actually there is simply a low level of information readily available, and therefore no evaluation is undertaken as a consequence (e.g. Case 41 in Eastbourne, East Sussex, where the area of a new road was thought to lie in an area of low archaeological potential).
- Factors that can make pre-determination work physically difficult to achieve e.g. the presence of standing buildings or the operational needs of existing businesses (Cases 49 and 113 in Gloucester city; Case 148 in Sheffield), restricting all or part of the evaluation until after a permission has been given and the buildings demolished or the site vacated.
- An assumption that existing or previous buildings, earlier redevelopment, or other land uses (e.g. allotments or other deep cultivation), will have destroyed archaeological remains on the site without testing this through investigation (Case 58 in Brentford, Case 114 in Peterborough, Case 156 in Westminster, and Case 166 in Birmingham).
- A lack of curatorial advice – see Scenario 12 below.
- In one case the allocation of a site for development in a Local Plan led to reluctance on the part of the LPA to accept the need for pre-determination evaluation (Case 118, Pevensey, East Sussex). Very limited investigation was therefore undertaken pre-determination; post-determination work identified a multi-period landscape including Bronze Age cremations, late Iron Age/early Roman settlement, and an Anglo-Saxon cemetery.
- Developments which are the subjects of planning inquiries (as a result of a refusal of planning permission by the LPA, or non-determination, resulting in an appeal) where no evaluation has been undertaken before the inquiry takes place. Permission may then be given at appeal with an archaeological condition attached; this may be a pre-commencement condition enabling a programme of archaeological investigation to take place, but the use of 'access conditions' which simply allow access for an archaeologist to the development site (but do not secure funding for any investigation) are also reported still to occur (Quinton Carroll 2019, pers. comm.). No cases of this kind were submitted to the project and it is not known how commonly this occurs.

Case Study 59: Priory Orchard, Godalming, Surrey

A proposed development of 14 houses was in an area considered to be of high archaeological potential, where human remains had previously been found. Pre-determination archaeological

evaluation was recommended but planning permission was instead given with a pre-commencement condition attached, requiring a programme of archaeological investigation.

The subsequent evaluation and excavations revealed a previously unknown late Saxon–early Medieval cemetery within the footprint of the development. This was at too late a stage for the development to be redesigned. Delays and costs to the programme were therefore incurred.

Radiocarbon dating and artefactual evidence, as well as burial practices associated with the late Saxon period, indicated that the cemetery was in use from the 9th to the early 13th century (c.850-1200). 301 in situ inhumations were recorded. The site was assessed as being of national importance due to its date and restricted period of use.

The cemetery was part-excavated and part-preserved in situ. The fact that the scheme design did not take account of the buried archaeological remains meant that the archaeological mitigation works were not part of the construction programme, leading to delay and to three separate phases of archaeological excavation.

Case Study 69: Willerby and Derringham Flood Alleviation Scheme, West Willerby, East Riding of Yorkshire

The archaeological adviser to the LPA had highlighted the general archaeological potential of the area, both in terms of known sites and also the potential for previously undiscovered archaeological remains to be present, recommending evaluation prior to the determination of the application.

A pre-commencement planning condition was attached to the planning permission to secure a programme of archaeological investigation, analysis, publication, and archiving, commencing with evaluation. Concentrations of prehistoric, Roman, early medieval and later medieval archaeological remains were soon identified during evaluation across the scheme area. Detailed excavation commenced and resources were increased to cope.

From an archaeological perspective, the outcome was acceptable: commitments to complete the archaeological work were honoured. However, the lack of an appropriate scheme of evaluation in advance of the start of the development groundworks resulted in a stressful situation as the project required more staff, costs escalated and the programme edged nearer to the deadline.

Moreover, there was an imperative to excavate remains as they were revealed, and it was not possible to view a site as a whole and consider a more strategic, research-led approach that might have been possible had there been more time, and which may well have been more cost-effective for the client.

In summary, a full desk-based assessment at an early stage in the scheme development, followed by more extensive on-site evaluation in advance of the commencement of construction, would have allowed a more strategic approach to the archaeological mitigation programme, to the benefit of both the developer and the archaeological outcome.

Case Study 114: Itter Crescent, Walton, Peterborough

A development of 34 houses was not preceded by pre-determination archaeological evaluation Post-determination evaluation identified a substantial Iron Age settlement, followed by two phases of Roman settlement including a villa, and a post-Roman small cemetery of 41 individuals.

In this instance, it was difficult to make the case for archaeological pre-determination evaluation to the LPA and developer due to the small size of the development and the absence of at least some evidence of archaeological activity on or around the site which could have provided sufficient evidence of potential. However, the unexpected nature of the discovery of the site will be helpful in informing advice on comparable developments in the future, including making the case for pre-determination evaluation.

Case Study 156: Marshall Street Baths, Westminster

A planning application was determined in 2007 with a desk-based assessment. The assessment identified that the development site might include part of a post-medieval burial ground but concluded that, because of previous extensive disturbance to the site, it was unlikely that the proposed development would have a significant impact on archaeological remains. Planning permission was granted with a planning condition requiring a programme of archaeological work.

Post permission evaluation identified stacked post-medieval coffined burials. The subsequent investigation was a watching brief conducted in very difficult circumstances during the excavations for pile caps and other groundworks. 2553 inhumations of 16th to 18th century date were excavated.

Whatever the reason for the absence of assessment/evaluation at the appropriate stage the cases submitted to this project provide many examples of both difficult outcomes for heritage assets (inadequate programmes of investigation and/or analysis and publication), and for developers (in unanticipated costs and delays to the development programme). Many of these cases affected individual heritage assets or multi-period sequences of assets that could make a significant contribution to knowledge and some of which were of national importance.

3.2.3 Theme B: Pre-commencement planning conditions (Tables 10 – 12)

Eighty-six submitted case studies illustrate Theme B.

Scenario 7: Pre-commencement archaeological conditions were attached to a planning permission and were necessary in order to enable the development to be permitted

Scenario 7 explored the very common use of pre-commencement conditions to secure the management of heritage assets affected by development, and without which the development would have been unacceptable e.g. without the deployment of the condition heritage assets would

be destroyed without prior archaeological investigation and recording. In such cases were it not possible to attach such a condition the alternative would have been to refuse the application.

77 case studies (over 65% of the total) illustrate Scenario 7 (Table 10). They include a wide range of development types, planning contexts, geographical situations and archaeological outcomes and are one of the largest samples so far obtained on the operational use of such conditions.

The case studies are reasonably representative of the range of major types of development including commercial, infrastructure, minerals and residential, the latter being the most common. 14 cases (6, 7, 9, 12, 28, 44, 61, 64, 112, 168, 173) are of medium-sized greenfield, residential developments (*c*. 50-500 houses). There are also a number of examples of urban residential developments of this size, smaller residential and single householder developments, as well as two developments of over 500 houses. Cases 23 and 24 are for a major, nationally important infrastructure development in the north of England, while Cases 1 and 31 provide contrasting examples of minerals developments. The cases include examples from the south, west and north of England.

38 of the case studies provide examples of successful projects in terms of process and outcomes, including in respect of the implementation of NPPF policy. For these case studies pre-determination assessment and evaluation had identified significance (Scenario 1), and pre-commencement conditions were then used to secure public benefit by archaeological excavation, publication and archiving; active public engagement and/or popular dissemination delivered further public benefit in many cases (Scenario 7). Notable examples include Cases 6, 7, 12, 23, 24, 31, 168 and 173; Cases 6, 7 and 173 are summarised below.

In 10 of the 38 case studies where pre-determination evaluation (Scenario 1) was undertaken and pre-commencement conditions were used (Scenario 7), the pre-commencement condition was also used to secure changes to the extent or design of the development including preservation of heritage assets *in situ* (see above, Scenario 4). Notable examples include Cases 44, 64 and 152.

There were 22 cases where pre-determination evaluation had not been possible or was restricted (see above, Scenarios 5 and 6), for example, where the nature of the development and heritage assets affected by it (mainly in urban environments) generally reduced the usefulness and practicability of field evaluation. In such circumstances a greater burden is placed on the planning condition (and the WSI) both to assess significance and to secure public value. Examples include Cases 107 and 148; a summary of case 107 is provided below.

In addition, there are cases where – for various reasons – the archaeological implications had not been adequately considered by the developer and/or the LPA before determination of the planning application, and a pre-commencement condition therefore provided the only means of securing any provision for the heritage assets affected. Examples include Cases 21, 118, 131, 134 and 142 (the latter case is summarised below).

Case Study 6: Land north of Hare Street, Buntingford, Hertfordshire
Case Study 7: Land at Ermine Street, Buntingford, Hertfordshire

Two similar, medium-sized greenfield residential developments of between 100 and 200 houses adjacent to a small historic town. Pre-determination evaluation revealed prehistoric and Roman settlement evidence on both sites and pre-commencement conditions were used to secure the excavation of extensive archaeological remains before the developments commenced. Programmes of post-excavation analysis took place both during the developments and after they were completed and full publication of the results will follow.

Case Study 107: Ordsall Chord, River Irwell, Manchester and Salford

A new rail bridge (chord) which had an impact on the Grade I listed structures associated with the first railway station at Manchester. The planning permission, granted at a planning appeal, included pre-commencement conditions. The conditions secured a programme of archaeological recording of the built heritage (including the 3 listed bridges to be removed) and below-ground remains. The condition also secured further public benefit through the consolidation and display one of the bridges (Stephenson's Bridge), and the presentation the heritage of the site with information panels, plaques, and both popular and academic publications.

Case Study 142: Former Welsh Baptist Chapel and Graveyard, Upper Brook Street, Manchester

Conversion of the Grade II Listed Welsh Baptist Chapel to residential use and the construction of an additional detached residential building. The developer proposed to remove the burials affected by the development without recording. A pre-commencement archaeological condition was however placed on the permission to secure recording of the burials. Excavation and full analysis of the burials affected by the development was undertaken in 2015 and a popular publication has been produced.

Case Study 173: Cleevelands, Bishops Cleeve, Gloucestershire

Following desk-based assessment and evaluation trenching on the site of a proposed large housing development that revealed Bronze Age, Iron Age, and Roman features, planning permission was given for development with a pre-commencement planning condition requiring a programme of archaeological investigation.

A long sequence of human activity was recorded during the archaeological excavation, from the Mesolithic to the Roman period. A small group of middle Bronze Age cremations and four large pits of similar date were found, the latter producing unusually well-preserved wooden items, including a bark container, a paddle-shaped object that may have been used for beating plant fibres and a log ladder. The remnants of wattle and timber linings were

present in all but one of the pits, and other finds included an early Bronze Age flint arrowhead, middle Bronze Age pottery, a fragment of a saddle quern and a gold strip. A circular posthole building was of late Bronze Age date.

Later remains included middle Iron Age roundhouses and field boundaries, and the edge of a Roman rural settlement, including field boundaries, a crop-drying oven and a scatter of burials. Abundant pottery and other artefacts (especially of metal) indicated domestic occupation. A small number of burials spanning the Roman phases included a cremation dated by radiocarbon to the 5th to early 6th centuries AD

Scenario 8: pre-commencement conditions could not be attached to a planning permission resulting in the loss of archaeological information (no condition or watching brief/access only condition was provided instead)

Two case studies (Case 30 and a confidential case study; Table 11) provided examples where a pre-commencement condition could not be used and this caused problems. Both cases also illustrated Scenario 9 and are considered below.

Scenario 9: the commencement of development (with or without a pre-commencement condition) before the completion of archaeological mitigation fieldwork caused problems e.g. Health and Safety; conservation of archaeology; additional resources required, including for agreeing and implementing complex method statements

Six case studies matched Scenario 9 (Table 12) where the commencement of a development occurred before the completion of the programme of archaeological investigation and this caused significant problems. Each of the cases is reasonably specific and there are no clear patterns. In Case 30 at Owston Ferry, North Lincolnshire, it had not been possible to undertake pre-determination assessment before the heritage assets were mostly destroyed without record; for Case 120 (summarised below) the developer was in breach of the condition; in Case 156 (Marshall Street Baths, summarised under Scenarios 5/6 above) the pre-determination assessment had underestimated the archaeological potential of the site.

Case Study 120: Former Griff Works, Stannington, Sheffield

Planning permission for demolition, site clearance and erection of 62 dwelling was provided with a pre-commencement archaeology condition. However, the site clearance began before the archaeological investigation had commenced which resulted in the destruction of archaeological remains without record on some parts of the site and very difficult working conditions for the archaeologists on the remainder.

3.2.4 Theme C: the premature discharge of planning conditions (Tables 13 – 14)

Instances of the premature discharge of planning conditions fall into two main categories:

- The discharge of the condition as soon as the archaeological WSI has been agreed, but before the programme of work that it specifies has commenced. The resulting problems can be serious if unexpected archaeological remains are found (not covered by the agreed WSI) and the programme of archaeological work consequently needs to change, and/or options for altering the design of the development need to be considered. It can also result in inadequate resources for excavation and post excavation.

- The discharge of the condition after on-site work has been completed, but before resources for post-excavation have been agreed and provided. In the absence of a planning condition it can then be difficult to take enforcement action to secure these resources if, for example, the developer is unwilling to pay.

There is, however, variation in practice amongst LPAs on this matter, some being willing to discharge pre-commencement conditions early and then rely on the agreed WSI as the legal mechanism to secure compliance. This variation in practice was not explored by the project but could usefully be examined in more detail against the background of evolving policy on the use of pre-commencement conditions.

17 case studies illustrate the two scenarios that comprise Theme C which examines the problems resulting from early discharge of conditions, and the converse – the presence of a 'live' planning condition that allowed enforcement action to secure the completion of an agreed programme of work.

Scenario 10: a planning condition has been discharged before investigation has been completed in accordance with the WSI, or the post-excavation stage agreed and resourced, and this caused difficulties with securing post-excavation, publication, archiving.

Five case studies have provided evidence for Scenario 10 (Table 13). In four cases (Cases 121 and 126 summarised below, 165, 177) the condition was discharged after archaeological excavation had been completed and for all of these the post-excavation analysis and publication is still outstanding. The remaining case (125 summarised below) is an example of the LPA using the provisions of an agreed WSI successfully to secure post-excavation resources.

Case Study 121: Beetham Tower, Manchester

Excavation of extensive remains of the civilian settlement (vicus) of the Roman fort at Manchester took place in advance of the site's redevelopment for a new 47 storey building. The post-excavation assessment was completed early in 2005, but the LPA also discharged the condition in 2005 before resources for full analysis and publication could be secured. As a result, the developer has not funded the work, which is still outstanding.

Case Study 125: 17A South Street, Ditchling, East Sussex

Pre-determination evaluation of a small residential development site in an historic village revealed significant potential for medieval remains. A pre-commencement planning condition was included on the planning permission, but a second condition to secure post-excavation and publication was omitted by the LPA. However, enforcement of the terms of the agreed WSI by the LPA enabled the work to be progressed.

Case Study 126: St John's Church, Redhill, Surrey

A pre-commencement planning condition was placed on the planning permission for a new church hall within a disused Church of England graveyard. Burials affected by the development were excavated and a post-excavation assessment produced. Historic England assessed the burial evidence to be of regional significance. However, it was then discovered that the condition had been discharged by the LPA, and because of this, the developer did not fund the analysis and publication of the burials. This work is still outstanding.

Scenario 11: the presence of a 'live' and undischarged planning condition after completion of a development was considered to be important and beneficial in helping to secure adequate resources for post-excavation

Scenario 11 examined the obverse of Scenario 10, considering cases where archaeological pre-commencement conditions were still undischarged at the time when problems arose and where the presence of the still 'live' condition proved to be helpful in securing full provision for archaeological investigation and post-excavation/publication (Table 14).

Amongst the 12 case studies provided there were eight examples (Cases 108, 131, 132, 133, 134, 135, 137, 140, 156) where the presence of the live condition enabled resources for post-excavation analysis and publication eventually to be secured. In two other cases (29 and 108) with undischarged conditions the issue of such resources is still outstanding. Summaries of three of these cases (134, 137, 140) are provided below, and Case 156 is summarised above under Scenarios 5/6. For five of the eight cases (131, 133, 134, 135, 137) there had been an extended period of between five and 10 years between the end of archaeological excavations on site and the securing of resources for the completion of post-excavation. The delays in these instances (e.g. Cases 134 and 137) were caused either by developers going bankrupt or more generally by the effects of the recession in 2008-09. In Case 105 the developer requested the LPA to discharge the pre-commencement condition before the commencement of the development. In order to facilitate this, (and with the agreement of the LPA, its archaeological advisors and the archaeological contractor) the developer committed to fully fund the excavation and post-excavation/publication/archiving in advance. However, it is clear that in most of the cases, there was a reluctance to fund the necessary costs and the situation was resolved because of the presence of an undischarged planning condition.

Case Study 134: West Bar, Sheffield

Excavation in advance of a large residential development during 2008 revealed the well preserved crucible furnace of an early 18th century steel cementation works which was preserved by redesign of the development. The developer then went out of business and a new developer took over the project. The post-excavation assessment was eventually produced in 2015 and further analysis of the crucible contents was recommended. The new developer was reluctant to fund this work, but the LPA confirmed that this was a requirement of the undischarged part 2 of the planning condition. Funding in advance was then agreed prior to the discharge of the condition.

Case Study 137: Wootton, Esher Park Avenue, Esher, Surrey

Excavation of a sequence of Mesolithic, Iron Age and Anglo-Saxon activity took place in 2011, in advance of a residential development of 13 houses. The developer did not fund the post-excavation and the condition remained undischarged until 2016 when the developer provided a written assurance of funding in exchange for the discharge of the planning condition. The report has been completed and is currently awaiting publication.

Case Study 140: Land west of Barton and north of A40, Wolvercote, Oxford, Oxfordshire

A programme of desk-based assessment and field evaluation, followed by an archaeological excavation, was carried out on this large area of proposed commercial and residential development.

Roman and later field systems including rectilinear enclosures and trackways were recorded, with other notable finds including a middle Bronze Age pit, an early Roman cremation burial, and residual finds of a spearhead and a knife indicating the possibility of an Anglo-Saxon inhumation cemetery in the vicinity.

Following completion of the excavation lengthy negotiations over the post-excavation programme and costs were finally resolved with reference to the planning condition which could not be discharged until an agreement had been reached over the post-excavation, publication and archiving, including funding.

Where cases of non-compliance with planning conditions persist at least one local authority has recently explored the use of the Proceeds of Crime Act 2002 to resolve this situation. No specific cases are included in this project as examples but it appears to be a potential area for further exploration (Anna Stocks 2019, pers. comm.).

3.2.5 Theme D: Other issues (Tables 15 – 16)

Scenario 12: The absence of curatorial advice

Absence of curatorial advice may occur where an LPA has no in house adviser or has no arrangement in place with another local authority or external body to provide such advice. A number of service closures, or the withdrawals of an authority from an arrangement whereby advice is provided by another authority or organisation (typically the case in two tier local authority areas), have happened in recent years e.g. in Northamptonshire, Merseyside and Lancashire, although all three services have been re-instead to some degree (a process underway in Lancashire at the time of writing). Problems can arise in two tier local authority areas where the archaeology service is located at county level but the district councils in that area do not sign up to or co-fund the service, or in areas where there are shared services and one or more partners withdraw from the arrangement. There is currently no mechanism in place to track which LPAs do not have access to specialist advice or, an even more difficult task, to establish what the outcomes for heritage assets are in those areas.

The absence of curatorial input may result in a failure to implement NPPF policies by:

- Not identifying actual or potential implications for heritage assets arising from a proposed development through initial appraisal within (or for) the LPA
- A consequent failure to specify (appropriate) assessment and/or evaluation of the development proposals, to assess the significance of heritage assets affected by a proposed development
- Decision making at the point of determination of the planning application not informed by sufficient information and expertise, and therefore potentially unsound
- Development proceeding in the absence of adequate information, leading to potential damage to heritage assets and risks to the viability of the development should heritage assets be identified during the development, or should known heritage assets be more extensive and significant than predicted.
- Inadequate specification and/or completion of archaeological mitigation/offsetting on site or of the post-development phases of analysis, publication and archiving.

Nine cases were identified by the project (Table 15). Cases in Brentford, London (Case 58, see below), Merseyside (143), Birmingham (166), and several cases supplied in confidence, illustrate problems with an absence of curatorial advice at critical points in the planning process and a consequent lack of provision for adequate evaluation and/or appropriate archaeological mitigation. An LPA may omit to consult an adviser on a particular application where the initiative lies with the authority to consult, rather than the adviser to select applications by regularly screening those applications submitted (e.g. Case 155 in Islington).

Case Study 58: Brentford, London

An initial lack of curatorial advice on a proposed development resulted in a planning permission with an archaeological condition for the conversion of a 19th century church and

associated residential development. A very limited evaluation had led to the conclusion that the cemetery had been cleared in the 19th century.

Curatorial advice on a subsequent application led to a pre-determination evaluation that established that the cemetery extended over much of the development site. Subsequent archaeological investigation revealed about 650 human burials from 1828-61 around the 19th century church, forming a small part of the 2290 recorded in burial registers.

Curatorial advice and monitoring of planning cases is equally important during the post-site phases of analysis, report preparation, publication and deposition of the archive. Where a curator is absent the commissioning of such work may stall completely once the imperative of completing on-site work to enable development to progress has ended. Several examples from Merseyside illustrate this problem (Cases 122 in Liverpool - summarised below, 123 in Knowsley, and 124 in St Helens).

Where informed curatorial advice is not available, or not taken, archaeological assessment, evaluation, or investigation may nevertheless be commissioned by responsible developers but this may not be fit for purpose, for example, the evaluation may be insufficient to provide a reliable guide to the extent and significance of the heritage assets present; the heritage outcomes may consequently be poor and the value for money for developers poor as well.

A number of the problems that followed from the lack of curatorial input came to light because of the discovery of human remains during development (see also 3.3 below), the concern that this generally arouses, the need to report such finds to the police/coroner and the requirement to comply with legislation covering human remains. Emergency archaeological investigation subsequently resulted in many cases but the outcomes were inevitably less satisfactory than those resulting from planned programmes of archaeological work integrated with the development timetable; there was damage to heritage assets, development programmes were disrupted and the results of the archaeological work were not always analysed and published. Discoveries of substantial archaeological remains during development have the potential to cause very serious delays to development programmes and increases in developers' costs, as is exemplified by the discovery of charnel pits and a Civil War fortifications at Islington (Case 155, see below), as well as damage to heritage assets including those of national importance. However, other types of archaeological remains may be discovered and disturbed during development but not recognised as significant; it is probable that such cases are less likely to be drawn to anyone's attention.

Case Study 122: The Old Dock and Chavasse Park, Liverpool (Liverpool 1)

Development in the World Heritage site in an area of medieval and post-medieval docks, port and associated settlement necessitated a programme of archaeological evaluation, excavation, watching briefs and historic building recording. A post-excavation assessment was produced in 2010 but analysis and publication of the results did not progress during the period in which there was no Archaeology Service in Merseyside. Discussions have now resumed between relevant parties.

Case Study 155: King Square Estate, Islington, London

Planning permission was granted for housing estate refurbishment without consultation on the potential impact on heritage assets. During groundworks human remains were discovered. Subsequent archaeological recording identified post-medieval charnel pits cut into the ditch of Mount Mill fort, a Civil War fortification covering what was at the time one of the largest defended areas in Europe.

Extra costs and delays to the development resulted. No resources were available for analysis of the results of the investigation or for a report.

Scenario 13: Recent changes in the planning system (e.g. extension of Permitted Development rights, use of Permission in Principle) prevented or compromised the use of pre-determination evaluation or the attachment of archaeological conditions to a permission

Many of the changes in the planning system outlined at 1.3 above are recent but the survey nevertheless asked respondents to provide any examples they might have of how the changes were influencing their handling of cases of development affecting heritage assets. Only two examples were put forward. This may simply be as a consequence of a delay in some of the changes taking effect or being implemented fully, for example, a recent study by CPRE found that by February 2019 only 10 Councils had land on or proposed for Part 2 of their Brownfield Land Register (i.e. sites that have Permission in Principle; *State of Brownfield: An updated analysis on the potential of brownfield land for housing*, CPRE 2019, 10), while an earlier report by CPRE suggested that many LPAs were reluctant to use Permission in Principle generally as a route to planning permission in view of '*the additional work required and the potential reduction in planning fees*' (quoted in CPRE 2019, 10). Some local authorities seem now to be using this mechanism for some small developments (Quinton Carroll 2019, pers. comm.).

One respondent raised the potential implications of the restrictions on the use of pre-commencement planning conditions, in that some LPAs which this respondent advises considered dispensing with the use of pre-commencement conditions entirely following changes in regulations, although in the event did not proceed with this change of policy following discussion with their advisers.

The second example (Case 147, Eastbourne; Table 16), in a different policy area, relates to the change in Permitted Development (PD) rights for domestic extensions and is an example of proposed development in an area of Roman activity recorded in the local HER. Here, the size of the proposed extension was reduced slightly by the applicant to fall within the PD limits for domestic extensions. It was therefore not possible to secure an assessment of impact or mitigation of that impact through the planning process; the archaeological outcome is unknown. The impact of Permitted Development on heritage assets is currently particularly difficult to track and assess, and could be an area for potential future research.

3.3 The case studies: other issues

3.3.1 Introduction

Although collecting case studies illustrative of the thirteen planning scenarios was the primary aim of this project, the cases submitted also provide information about a range of other issues of interest in the operation of the planning system and the outcomes for heritage assets. Table 17 provides a list of issues identified, the total number of case studies available, and the case study reference numbers.

The first three of these issues are discussed below; the remainder have been simply identified in the table and could be followed up by reference to the relevant individual case studies in volume 2.

Other issues identified in case studies		**(Total no. of cases), case study numbers**
i	Non-designated heritage assets of national importance	(19), See Table 18
ii	The preservation and/or excavation of human remains was a significant issue	(16), See Table 19
iii	Evidence of public benefit through public engagement and dissemination	(14), See Table 20
iv	Cases including an Environmental Impact Assessment and Environmental Statement	(16), 1, 2, 5, 8, 11, 14, 19, 23, 24, 35, 107, 108, 109, 122, 124
v	Cases affected by the impact of the financial crash or other financial problems	(5), 108, 131, 133, 134, 135
vi	Archaeological remains of the industrial period (*c*. 1715-1900) present	(12), 37, 104, 105, 106, 107, 108, 109, 120, 122 124, 134, 148
vii	Collaborative innovation	(2), 5, 112
viii	Use of non-standard planning conditions	(2), 40, 109
ix	Standing buildings prevented or hindered evaluation	(4), 27, 49, 113, 167
x	Historic building formed part of the case study	(15), 30, 39, 47, 50, 57, 58, 100, 104, 107, 108, 109, 113, 123, 131, 150, 170
xi	Unexpected scale and/or degree of preservation of archaeological remains	(6), 5, 29, 49, 50, 101, 113,
xii	Area of Archaeological Importance	(2), 47, 135

Table 17: Other issues identified in case studies

3.3.2 Non-designated heritage assets of national Importance (Table 18)

Government policy on scheduled monuments (*Scheduled Monuments and nationally important but non-scheduled monuments,* DCMS 2013) acknowledges the discretionary nature of scheduling and that *'The fact that a monument is not designated as a Scheduled Monument does not necessarily imply that it is not of national importance',* and sets out reasons why sites of national importance may not be scheduled, including where they are protected through the planning system (*ibid*, paragraphs 9-11 and Annexe 2). Current planning policy reflects this situation, stating that '*Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets* (NPPF 2019, footnote 63).

Non-designated heritage assets that are of national importance may be identified during the development management process and planning cases then processed in accordance with this national planning policy.

Cases where national importance has been identified

There are 19 case studies where non-designated heritage assets with archaeological and historic interest considered to be of national importance were identified but were not designated through scheduling. Case studies where national importance was identified and designation followed are considered above under Scenario 3.

All the case studies occurred on development sites that had been subject to pre-determination archaeological evaluation and/or excavation controlled by a pre-commencement condition.

The range of circumstances in which evidence for national importance was identified and how it was subsequently dealt with are quite varied. Because of this, the case studies have been broken down into three categories based on a combination of the stage in the process at which national importance was first identified and the outcome:

Nationally important heritage assets were identified by the Local Authority adviser, considered to be of national importance by Historic England, but were not designated

Three cases fall within this category (Cases 29, 33, 37). In Case Study 29, a medieval moat was rediscovered post-determination of a planning application and was assessed as being of national importance, but the planning system was deemed to provide sufficient protection. In Case Study 33 (see below), a medieval moat threated by development was assessed at the pre-determination stage as being of national importance and of schedulable quality. The developer agreed to exclude the site from the proposal but eventually withdrew the application for non-archaeological reasons. Case Study 37 concerns a complex heritage asset (a cotton mill) including nationally important remains, threatened by development, and in this instance all parties agreed that archaeological excavation of the site was the best option to maximise public benefit (summarised below).

Case Study 33: Land off Barnsley Road, Wath upon Dearne, Rotherham

A pre-determination evaluation of a moated site demonstrated excellent below-ground preservation of the moat and the structures on the island. The moat was subsequently assessed by English Heritage as being of schedulable quality. The planning authority agreed with the recommendation of their archaeological advisors that the application should be refused, as it was contrary to local policies on nationally important heritage assets. The applicant then agreed to remove the moat from the development proposal, but eventually decided to withdraw the whole application for residential development because the development area was by then deemed to be contrary to national policy on the development of areas with a risk of flooding

Nationally important remains were identified by pre-determination evaluation and were preserved *in situ*

There are six cases where nationally important heritage assets were identified and the bulk of the heritage assets were preserved *in situ* (Case Studies 20, 40, 47, 51, 60, 135 (the latter not yet implemented)). Case Studies 40 and 60 are rural developments where national importance was identified pre-determination and the heritage assets are preserved under permanent grassland. Case Studies 47, 51 (summarised under Scenario 4 above) and 135 are developments affecting deeply stratified urban deposits in major historic cities while Case Study 20 is a small development near to an existing scheduled monument.

Nationally important heritage assets were identified post-determination, during excavation or post-excavation analysis

There are eight cases where heritage assets deemed to be of national importance were discovered post-determination, during excavation or at post-excavation (Case Studies 12, 31, 59, 102, 113, 122, 131, 157). In Case Study 59, it was possible to preserve some of the heritage assets *in situ* (see summary above, Scenarios 5/6). The recognition of national importance in Cases 31 and 131 occurred during post-excavation.

3.3.3 The preservation and/or excavation of human remains was a significant issue (Table 19)

Problems that were caused by the discovery of human remains is a significant issue identified by the case studies, 15 examples being recorded. The time and resources required to excavate and subsequently analyse human remains can be considerable, and there are often ethical and moral issues to deal with. The excavation of all human remains is covered by specific legislation comprising the Burial Act 1857 (section 25), and the Disused Burial Grounds Act 1884 (amended in 1981). Under these Acts, all human remains which are buried and then uncovered or disturbed are protected, and a licence from the Ministry of Justice must always be obtained before excavation takes place. The only exception is where the remains are in ground consecrated by the Church of England.

13 of the 15 cases studies involving human remains fall into Theme A (pre-determination evaluation), principally Scenario 1, Scenario 5, and Scenario 6. The case studies can therefore be categorised by virtue of the presence or absence of pre-determination evaluation. The other two cases are 142 (see above Scenario 7) and 166.

Pre-determination assessment or evaluation successfully identified the significance of human remains on the development site

Five cases (28, 34, 35, 42, 169) provide clear examples where pre-determination assessment or evaluation successfully revealed the significance of human remains. In Case Study 34, a prospective development was not proceeded with following the identification by an archaeological assessment of a substantial cemetery of an estimated 30,000 burials on the development site. In Case Study 42 part of the development site (an Anglo-Saxon cemetery) was scheduled, and in Case 28 a pre-determination evaluation unexpectedly revealed a cemetery.

Case Study 35: Manchester Metrolink Second City Crossing, Manchester

A detailed desk-based assessment and archaeological evaluation trenching in advance of a transport infrastructure proposal in 2013 identified intact burial vaults under St Peters Church in St Peters Square, Manchester. Negotiations between archaeologists (including the archaeological planning adviser to Manchester City Council) and Transport for Greater Manchester (TfGM) established that it would be possible and cost effective to protect the burial chambers in situ by putting concrete rafts over the vaults to support the weight of the new Metrolink platforms and rails.

Further along the route on Cross Street, the archaeologists' research and test trenching showed that a former part of the Cross Street Chapel graveyard had survived under a 19th century widening scheme for Cross Street, whereas the rest of the graveyard had been removed in the 1970s. The site was the main centre of Unitarianism in Manchester from the late 17th century onwards and a chapel still exists there. The successful archaeological strategy included the excavation of some of the burials, some of which were re-buried at Southern Cemetery, and the preservation of others in situ through careful planning.

Limited pre-determination assessment or evaluation - or its absence - resulted in the failure to identify the presence of human remains, or underestimated their number or significance.

There are eleven cases (49, 58, 59, 101, 113, 126, 142, 149, 155, 156, 166) where problems were caused either by the absence of archaeological assessment or evaluation or (where evaluation was undertaken) by its failure to identify the significance of the human remains present.

In five cases (58, 142, 149, 156, 166) a pre-determination desk-based assessment or heritage statement failed to identify or seriously underestimated the significance of human remains on a development site (Case Study 156 is summarised above under Scenarios 5/6). In the example of Case 166, a desk-based assessment produced with the planning application concluded that there was low potential for archaeological remains to be present because of previous disturbance to the site, and

no further provision was made for investigation. Human remains were then discovered during development. Action by the developer and the Local Authority resulted in some archaeological recording but only a small proportion of the remains present was probably recovered.

In two examples (Case Studies 49 – see below - and 113) the presence of standing buildings meant that pre-determination evaluation could not be completed and in both cases human remains were in due course discovered beneath the buildings.

In two further cases (59 and 101) pre-determination evaluation was not undertaken and large and important cemeteries were discovered by post-determination evaluation. In the former case the time and resources required to excavate the cemetery affected the viability of a large housing development.

Case Study 49: Gloscat Media Studies site, Gloucester

A pre-determination evaluation of a proposed large mixed-use development could not be completed because of the presence of standing buildings. The limited evaluation that took place indicated fairly poor archaeological survival, and it was assumed that extensive truncation of the site had taken place during previous development. Planning permission was granted and a pre-commencement planning condition attached. The agreed WSI stipulated further evaluation after site clearance, followed by the mitigation of the impact of the development by archaeological excavation.

Following the granting of planning permission and site clearance it soon became apparent that archaeological preservation was, in fact, very good. The site was shown to contain multi-phase archaeological deposits including an extensive inhumation cemetery of at least 152 burials. It was not possible to redesign the scheme to preserve these remains in situ and so mitigation by excavation was required. Archaeological investigation was completed but with significant delay to the development programme on site, and additional costs for both the excavation and the post-excavation that arose because of the better than anticipated preservation and the hand excavation of many inhumations.

In the example of Case Study 155 (summarised at Scenario 12 above) the Local Authority and developer granted planning permission for a large residential development and community centre without consulting on the archaeological implications of the development. Human remains were subsequently discovered during the development, and this resulted in significant additional costs and delays, with no resources for post-excavation.

3.3.4 Evidence of public benefit through public engagement and dissemination (Table 20)

Evidence of public engagement during the development-led archaeological investigations discussed in this project was not specifically requested during the initial survey. However, where this emerged during data collection, it was summarised in the individual case studies pro-formas (see *Other outcomes/outputs e.g. other public benefit such as public engagement, research and new/changed*

work practices), and significant evidence was identified in 14 case studies. Eight of these are from a single contributor within the Greater Manchester conurbation. There was evidence that such benefits had sometimes been achieved through legal agreements. There appeared to be considerable variation in the scope of such engagement requested or offered during the archaeological projects reported on here (see below 4.2 Recommendations). Three examples are summarised below.

Case Study 28: North Street, Winterton, North Lincolnshire

Pre-application evaluation by geophysical survey and trial trenching in 2015 in response to a proposal for residential development revealed the extent of features associated with the known site of a Roman building, including a Roman inhumation cemetery of regional significance. In addition, an extant Royal Observer Corps underground monitoring post was assessed.

Excavation of the cemetery in 2018 has received regional and national publicity including through the BBC website and an article in Current Archaeology.

The Section 106 legal agreement for the development will provide for information boards about the heritage assets and funds towards the refurbishment of the Royal Observer Corps post which will be passed to a local community group to manage as a local heritage asset.

Case Study 37: Arkwright's Sudehill Mill, Miller Street, Manchester

Redevelopment of a nationally important cotton mill, built in 1783. In 2014, the regeneration company funded detailed historical research and comparative analysis; the archaeological remains were fully opened up, with sample excavation.

Analysis of the depth of the surviving archaeological deposits against the proposed development foundation levels confirmed that nearly all of the archaeological deposits would be removed by the development. Only a portion of the surviving monument (the engine house) was of national importance. It was agreed that the public benefit arising from the development outweighed that of preserving the remains in situ. Full planning permission was therefore granted for the development in 2014 with a pre-commencement archaeological condition.

Substantial public benefit was provided by the full excavation and detailed analysis of the mill, thus enhancing knowledge and understanding of the site; the production of a popular booklet; a dedicated website including educational materials; a state of the art digital presentation of the archaeology and history of the mill, together with specially designed references and interactive interpretation within the public realm; a new street was named 'Thread Street' to commemorate the site. An academic monograph is currently in preparation.

Case Study 104: Land at Pottery Lane, Bradford, Manchester

Proposals for a new rail operating centre on the site of Ashbury's 19th rail carriage works and foundry led to a pre-application desk-based assessment which confirmed the site's archaeological potential. It was one of Manchester's largest foundries with about 1000 employees, and several of its rail carriages still survive on heritage railways around the world.

Planning permission for development included a pre-commencement archaeological condition. The specified works included excavation, an academic article, a popular publication, and the requirement to engage with volunteers from the Manchester Region Industrial Archaeology Society who were able to take part in the excavation and lend their considerable expertise on identifying the functions of industrial features. The popular booklet won the national industrial archaeology publication award.

4 Conclusions and recommendations

4.1 Conclusions

The 118 case studies gathered by the *Archaeology and Planning Case Studies* project constitute a resource of information about the operation of the planning system and the implementation of national and local planning polices in the management of heritage assets, in particular heritage assets with archaeological and historic interest that are not designated.

The project focused on four themes covering two main aspects of planning policy and process that are of critical importance in the management of heritage assets with archaeological and historic interest that are affected by development, the use of specialist archaeological advice, and recent change in the planning system:

- **Theme A Pre-determination assessment and evaluation**: assessing significance through pre-determination archaeological assessment and evaluation
- **Theme B Pre-commencement planning conditions:** their use in managing the impact of development on heritage assets while (in most cases) both enabling development to proceed and delivering substantial public benefit
- **Theme C The premature discharge of planning conditions:** problems that may result from discharging conditions too early, and the effective use of conditions to ensure the completion of agreed programmes of archaeological investigation, thus delivering public benefit
- **Theme D Other current issues**: the use of specialist archaeological advice in local planning authorities, and the impact of recent changes in the planning system

Case studies matching **Theme A** illustrate the successful implementation of NPPF policy on assessing significance. The 43 case studies have produced evidence for the effective use of pre-determination assessment and evaluation to assess significance in advance of proposed development. None of these developments was refused planning permission on archaeological grounds. In all of these cases, previously unknown heritage assets with archaeological interest were discovered, and in 50% (22) of the cases there had been no known heritage assets on the development site prior to evaluation. For 37 of the 43 cases the planning application was approved with an archaeological pre-commencement planning condition (the remaining seven cases are either not yet determined or the applications were withdrawn). In 13 of the 43 cases, there was some redesign of the development to preserve the heritage assets. In four of the 43 cases the heritage assets were designated (scheduled or listed), and in eight cases assets of national importance were discovered, but redesigned development was also able to proceed.

The use of pre-commencement archaeological conditions **(Theme B)** is by far the most common means of securing the delivery of public benefit through an increase in knowledge and the engagement of the public in new discoveries as a consequence of development. 77 case studies (65% of the total) illustrate the use of pre-commencement conditions which were necessary to secure archaeological investigation and post-excavation analysis of heritage assets on development sites, and without which the development would have been unacceptable.

Although national and local planning policies and legislation do therefore provide the mechanisms to enable successful outcomes where development affecting heritage assets is proposed the case studies also provide a evidence for a range of problems caused by the absence of pre-determination evaluation or evaluation that was inadequate in scope, the lack of appropriate pre-commencement archaeological conditions, and the premature discharge of archaeological planning conditions before the agreed programme of archaeological work had been completed.

The importance of complying with NPPF policies on assessing the significance of heritage assets present on a proposed development site is emphasised by the 22 case studies where there was no pre-determination evaluation and unexpected discoveries of heritage assets with archaeological interest subsequently resulted in significant additional costs or delays to the developer. In four of these cases the discoveries affected the viability of the development. Three other cases illustrate the refusal of planning permission in the absence of the results of pre-determination evaluation since there was insufficient information about the significance of heritage assets present to enable the Local Planning Authority to determine the application.

Against a background of the generally successful use of pre-commencement conditions six case studies provide evidence of the problems that can arise if pre-commencement planning conditions cannot be used or if the terms of pre-commencement conditions are not complied with, and a further five illustrate poor outcomes where conditions were incorrectly discharged before the agreed programme of archaeological investigation and reporting had been completed (**Theme C**).

In addition to the importance of planning policy and legislation the availability of high quality specialist advice to local planning authorities is essential to success (**Theme D**). So too is the availability of relevant expertise in archaeological services provided to developers through consultancy advice and the delivery of archaeological investigation in advance of development. Some of the most successful projects (in terms of public benefit through new knowledge and public engagement, and the achievement of sustainable development) have resulted where both are in place. Although local government services and staffing levels were not the subject of detailed study in this project the case studies demonstrate the crucial role that local authority advisers play and the difficulties that can arise when specialist advice is not available to, or not utilised by, the Local Planning Authority, undermining the potential to achieve sustainable development. It is also apparent that the detrimental effects of an absence of specialist archaeological advice can have a long-lasting impact on outcomes for heritage assets, beyond the immediate period when the service was unavailable.

While the project attempted to investigate the impact of recent changes in the planning system on the management of heritage assets affected by development (**Theme D**) it was apparent that most were too recent and partial in implementation to have significantly affected development management practice and outcomes; further work on this theme is recommended below. The case studies do however demonstrate, for example, the importance of having adequate information to inform decision-making and this will be relevant to many recent and emerging planning reforms.

The quantity, range and significance of new discoveries of heritage assets with archaeological interest demonstrated by the case studies is striking, and it is clear that the effective use of planning

policies is delivering significant new knowledge about all periods of human history across the country, while allowing development to proceed. New discoveries from the north of England are especially impressive as development-led archaeology over the past 15 years is beginning to transform understanding of the past, especially for the later prehistoric and Roman periods (*c.* 1500BC - AD 400).

Information about current professional practice is also provided by the case studies; not all of this could be explored within the scope of the project and this has given rise to some recommendations in 4.2 below

4.2 Recommendations

The following recommendations are based on the information provided by the case studies:

1. *The impact of changes to the planning system*: The impact of recent changes to the planning system (e.g. the introduction of Permission in Principle, the extension of Permitted Development rights, 1.3 above) should be actively monitored in order to assess their impact on the management of heritage assets. It will be important to establish the consequences (including their severity and frequency) if, for example, permissions are granted before establishing the significance of assets and the impact of development on them, or pre-commencement conditions cannot be used.

2. *Designation, national importance and the planning system*: The interface between the management of heritage assets through scheduling and through the planning process should be explored, including the use of NPPF policies (2019, footnote 63) covering non-scheduled heritage assets of equivalent significance to designated assets. This could be implemented in the context of the taking forward of the National Importance project by Historic England in consultation with Local Authorities and other partners in the sector. The early identification of nationally important assets, by a robust and transparent process, could be helpful in the context of the preparation of Local Plans and in development management; the exemption of this class of assets from some types of permitted development could reduce risk both to the assets and to development.

3. *Implementation of planning policy*: Opportunities should be sought for more discussion of the varied approaches to the implementation of planning policy in different local authority areas to assist in developing professional practice, and to promote the wider adoption of good practice innovations in one local authority area in others. Specific issues that might benefit from exploration include: the timing of the discharge of planning conditions, requirements for opportunities for public engagement, geographical differences in practice linked to differences in the scope and value of development, approaches to enforcement.

4. *Desk-based assessments*: The scope and content of desk-based assessments viewed by the project varies enormously. Further discussion and training in the context of recent examples of assessments, together with consideration of the efficacy of the current CIfA Standard and

Guidance, should be undertaken. Better planning and heritage outcomes could be achieved by better, proportionate, assessment.

5. *Evaluation:* Appropriate scope, techniques, and sampling levels are essential in effective archaeological evaluation. There is however very little recent research on evaluation outcomes. The data now exist to support research on all of these factors, and it is recommended that this research should be undertaken and good practice advice produced. It is important that planning authorities and others are confident that the recommendation to evaluate, and the techniques and sample sizes, are appropriate: an absence of, or inadequate, evaluation can be high risk and lead to poor outcomes.

6. *Confidentiality*: It was apparent during the course of this project that issues of confidentiality, or sensitivity, often prevent discussion of problem areas, cases, and current practice in archaeology and planning. These range from the impact of the closure of an archaeology service or the withdrawal of an LPA from a service, to the reasons for poor outcomes on a specific case. Ways to share and learn from such situations (on a confidential basis if necessary) are needed.

7. *National and local advisory roles*: Local authority archaeological advisers provide most of the specialist advice on the management of heritage assets with archaeological and historic interest through the planning system, including many assets of national importance. Better recognition of the importance of this role, and how it relates to the role of Historic England, would support local services and help to ensure that national planning policy is implemented. Recognition could be improved through the articulation of the role in relevant national advice and guidance, and through improved clarity on the respective roles of Historic England and local authority advisers in development management advice.

8. *Local authority services*: Although the absence of specialist advice to LPAs can have a very negative effect on outcomes in planning cases (both for heritage assets and for development) there is currently no means of tracking which authorities do not have access to specialist archaeological advice. It is recommended that this tracking should be undertaken, (perhaps linked to the annual Local Authority staffing survey (e.g. *The tenth report on Local Authority Staff Resources*, Historic England 2018), and ways to document the impact explored. Where the absence of appropriate advice leads to a failure to implement national planning policy and a consequent loss of protection of heritage assets this should be raised with government by national sector organisations.

9. *Case studies in the future*: The case studies assembled here provide a point-in-time body of evidence about the operation of the planning system. Consideration should be given to maintaining a collection of planning and archaeology case studies in the longer term. This could take the form of compiling a small number of new case studies annually in the same format as those produced by this project, or undertaking a (smaller) sampling exercise in 3-5 years' time. This would be particularly useful in identifying the impacts of changing policy and practice and therefore in implementing Recommendation 1 above.

Appendix 1 Stage 1 survey content: themes and planning scenarios, and glossary provided with the survey

Theme A	**Pre-determination assessment and evaluation**
Scenario 1	Pre-determination assessment/evaluation identified significant archaeology on the development site (i.e. the results created significant new knowledge), especially where none was previously known in the HER
Scenario 2	Pre-determination assessment/evaluation results led to refusal of planning permission on archaeological grounds
Scenario 3	Pre-determination results led to the designation of heritage asset(s) on the development site
Scenario 4	Pre-determination assessment/evaluation results led to a change in the extent or design of development
Scenario 5	The absence of pre-determination assessment/evaluation on all or part of the development site (e.g. because of difficulties with access, refusal to evaluate) led to the unexpected discovery of archaeology during development that caused problems, such as delays to the development programme and/or the need for additional resources
Scenario 6	Post-determination archaeological evaluation (in the absence of any work pre-determination) revealed archaeology of national importance and/or archaeology of a scale and complexity that the resources required for mitigation affected the viability of the development

Theme B	**Pre-commencement planning conditions**
Scenario 7	Pre-commencement archaeological conditions were attached to a planning permission and were necessary in order to enable the development to be permitted
Scenario 8	Pre-commencement conditions could not be attached to a planning permission resulting in the loss of archaeological information (no condition or watching brief/access only condition was provided instead)
Scenario 9	The commencement of development (with or without a pre-commencement condition) before the completion of archaeological mitigation fieldwork caused problems e.g. Health and Safety; conservation of archaeology; additional resources required, including for agreeing and implementing complex method statements

Theme C	**The premature discharge of planning conditions**
Scenario 10	A planning condition has been discharged before investigation has been completed in accordance with the WSI, or the post-excavation stage agreed and resourced, and this caused difficulties with securing post-excavation, publication, archiving
Scenario 11	The presence of a 'live' and undischarged planning condition after completion of a development was considered to be important and beneficial in helping to secure adequate resources for post-excavation

Theme D	**Other issues: the importance of specialist archaeological advice, and the impact of recent change in the planning system**
Scenario 12	The absence of specialist archaeological curatorial advice (adviser not in post; advice not given because of capacity or other issues) led to the determination of an application without appropriate consideration of the archaeological implications
Scenario 13	Recent changes in the planning system (e.g. extension of Permitted Development rights, use of Permission in Principle) prevented or compromised the use of pre-determination evaluation or the attachment of archaeological conditions to a permission

Glossary and definitions as used above

Archaeology: used in this survey to cover heritage assets with archaeological interest and/or historic interest, as defined in the National Planning Policy Framework.

Pre-determination assessment and evaluation: The term covers all assessment and evaluation undertaken in advance of the determination of a planning application for development. This may be pre-application or pre-determination. It excludes cases where only a desk-based assessment has been undertaken but includes all other forms of assessment/evaluation such as geophysical survey, test-pits and trenching.

Post-determination evaluation: assessment/evaluation that took place after planning permission was granted.

Pre-commencement archaeological planning conditions: conditions which state that development should not commence until the implementation of a programme of archaeological work in accordance with an approved Written Scheme of Investigation has been secured e.g. model condition 55, Circular 11/95 or variants of this.

Discharge of planning conditions: A formal notice by the Local Planning Authority that the requirements of a condition have been complied with.

Refusal of permission: refusal of planning permission where archaeological issues were the, or one of the, grounds for refusal.

Appendix 2 Stage 2 survey case studies pro-forma

(Pro-forma boxes in grey were used during the project but are not represented in the final outputs)

Case study no.	The project unique case study number
Planning scenario(s)	The planning scenarios to which the case is relevant
Name of author	Omitted
Job Title	Omitted
Organisation supplying the case study	Omitted
Email address	Omitted
Heritage assets affected	Heritage assets (designated, non-designated) affected by the development
Themes/issues represented	Data collected on other issues reflected in the case studies, to contribute to report section 3.3. Omitted in final text.
Site name/address	Name by which the site is known for planning purposes
Type of application & broad category	E.g. Major, minor, residential, commercial, mixed use, minerals
Date(s)	Broad date range of the case, including planning application and archaeological work
Local Planning Authority	The local planning authority responsible for determining the planning application
Planning reference(s)	The planning application reference(s)
Development proposal	The planning application title – or extract, summary
Archaeological information known about the site before the planning application was made, or before the development commenced, as appropriate	Knowledge of the application site before the case started e.g. designated and non-designated heritage assets, on the site or adjacent, information from the HER, other relevant factors
Archaeological/planning processes	Brief case history to include - planning applications - DBA - evaluation - archaeological investigation setting out the issues/successes/problems that resulted
Outcomes: archaeological	Dependant on scenario, but a summary of the main archaeological outcomes from the case
Other outcomes/outputs e.g. other public benefit such as public engagement, new/changed work practices	Any other outcomes/outputs
References and links/bibliography	Relevant reports and/or links to information
Confidential?	Is this case confidential or does it contain sensitive information?
Comments, issues	Any other comments/information

Appendix 3 Planning policy implementation – some examples

Introduction

Four organisations representing a very diverse range of Local Authorities (**Durham County Council, Gloucester City Council, the Greater London Archaeological Advisory Service, and Surrey County Council**) by invitation submitted information on general approaches to implementing NPPF policy locally, and their contributions are included below.

Durham County Council: guidance on archaeological assessment and evaluation

Nick Boldrini Historic Environment Record Officer, Durham County Council

Durham County Council Archaeology Section (DCCAS) have issued 'best practice' guidance on archaeological evaluation. This specifies that evaluation will be recommended prior to the determination of a planning application that exceeds 1ha in size, on land that has not previously been developed, i.e. a greenfield site.

This approach has been adopted because fieldwork and research over the last fifteen years have demonstrated that the geospatial density of archaeological sites in the county is far higher than previously thought, and thus the possibility that development will affect unknown archaeological sites has increased. The guidance was first developed in response to this changing understanding of the archaeological landscape. However, it gained traction when development sites that had been subject to post-determination evaluation were discovered to contain significant archaeological sites – such as the Roman farmstead at Faverdale, Darlington.

The threshold of 1ha is a guide only, but was set since development on this scale or above had the potential to lead to the complete loss of a site unrecorded. On areas smaller than this it was thought that, even if part of a site was destroyed unrecorded, then it was unlikely that the complete site would be lost. However, as it is a guide, rather than a strict policy, this does also not preclude evaluation on smaller sites (to try and prevent piecemeal loss of sites) or flexibility for varying requirements if other factors warrant it.

The type of evaluation required will be 100% (or as near as practicable) geophysical survey (usually magnetometry) of the site. The results of this would then be confirmed by trial trenching. We always ask for trial trenching as it is clear from experience, and other guidance (eg https://historicengland.org.uk/images-books/publications/eac-guidelines-for-use-of-geophysics-in-archaeology/) that geophysical survey does not detect all archaeological features. The trenching targets suspected anomalies, but also samples notionally blank areas to ensure they are in fact blank. Sample percentages have also been increased in recent years, again, in the light of experience but also due to better integration of the results of research on sampling strategies.

As a result of the adoption of this guidance, there have been a number of cases where previously unknown and significant sites have been discovered, in many cases in areas where HER information was sparse. Recent examples include:

- a previously unknown Roman settlement site at Hurworth-on-Tees, near Darlington, discovered and excavated prior to residential development (Case Study 168)
- an early medieval farmstead discovered at Hulam Farm in advance of a bio gas plant development
- the discovery and excavation of a late Neolithic/early Bronze Age funerary site near Low Conniscliffe, Darlington, prior to residential development
- a prehistoric burnt mound site at Great Lumley, Chester-le-Street, which was fully excavated and is the only one of its kind not in an upland area.

The DCCAS guidance has on occasion been queried but the NPPF specifically recognises the need to assess the potential that heritage assets may be present on a development site:

> '*Where a site on which development is proposed includes, or* ***has the potential to include****, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*. ' (NPPF 2019, paragraph 189)

We feel that the results (as discussed above) demonstrate the effectiveness of the use of the guidance to assist policy implementation.

References and links

The Durham County Council guidance can be viewed at:
https://www.durham.gov.uk/media/24457/Archaeology-guidance-for-developers/pdf/ArchaeologyGuidanceForDevelopers.pdf?m=636735645326770000.

The application of pre-determination evaluation in the historic core of Gloucester: benefits for both heritage and development

Andrew Armstrong, City Archaeologist, Gloucester City Council

The historic core of the City of Gloucester has undergone an unprecedented level of regeneration over the last six years. Development is either ongoing, has been granted planning permission, or is currently being considered, for perhaps 20 to 25% of the historic core. This is the biggest programme of regeneration within the City since the 1970s.

The consistent implementation of NPPF policy on the assessment of heritage assets affected by proposed development (NPPF 2019, paragraph 189) has been instrumental in improving our understanding of heritage assets within a given site, helping to protect those assets and reducing the likely mitigation requirements once consent is granted. Conversely, where pre-determination assessment and evaluation has not been undertaken (usually due to site access restrictions) there is rarely enough information to make an informed assessment of the likely impact of the scheme on archaeological remains. Likewise, this lack of information constitutes a real developmental risk – as the discovery of previously unidentified archaeological remains at a late stage can increase cost and cause programme delays once consent is granted.

A good example of the potential risks resulting from no, or only partial, evaluation in advance of development is the former Media Studies site (Case Study 49), part of the Gloucester Greyfriars development on Brunswick Road on the southeastern edge of the Roman town (*Glevum*). This site was subject to only partial pre-determination evaluation due to existing uses and site constraints (mainly standing buildings). That investigation found some archaeological remains of limited significance and very little evidence of human remains. Following the granting of planning permission and the clearance of the site further investigation showed an intact Roman cemetery containing some hundreds of burials. To date approximately two hundred inhumations have been excavated prior to the development going ahead. This obviously represents an additional cost and programme delay which wasn't understood before the development commenced.

More recently it has been possible to undertake more thorough, pre-determination evaluation on a number of city centre sites. A development on Ladybellegate Street (Case Study 51) in the area of the Roman and medieval town, where complex urban archaeological deposits were anticipated, was subject to full evaluation prior to determination. On understanding the depth, character and condition of the archaeological remains the developer was able to redesign their scheme substantially, significantly reducing the impact on archaeological remains, and leading to an acceptable scheme with greatly reduced mitigation.

A further good example of the benefits of pre-determination evaluation would be the site of the former Gloucester Prison (Case Study 50), again in the city centre. The site was known to have been the location of one of the two successive medieval castles in Gloucester but the extent of survival of any archaeological remains was poorly understood. Despite considerable post-medieval and modern development on the site, archaeological evaluation identified that the keep of the castle survived as a buried ruin at only 0.6m below ground level. Elsewhere survival was shown to be fairly poor. This

investigation greatly improved our understanding of Gloucester Castle (which was demolished in the late 18th century), a hugely significant part of the city's heritage about which we now know so much more. As a result of this it has been possible to redesign the scheme to preserve these nationally important remains *in situ*, to display part of the surviving castle within the development, and to integrate a programme of interpretation into the landscaping scheme.

London's Archaeological Priority Areas and Risk Model: identifying archaeological interest in a complex urban area with a very high level of development

Sandy Kidd, Principal Archaeology Advisor, Greater London Archaeological Advisory Service, Historic England

Historic England's Greater London Archaeological Advisory Service (GLAAS) maintains the capital's Historic Environment Record (GLHER) and provides advice to 31 borough councils. Greater London receives over 70,000 planning applications each year, many of them of modest scale in intensively developed areas. Using local knowledge to scan lists of planning applications to select sites for appraisal by archaeological advisers would be inefficient, require the knowledge of a London taxi driver and lead to inconsistency between advisers. Since the 1980s London boroughs (except the City of London) have instead relied upon Archaeological Priority Areas (APA) or equivalents shown on maps in their local plans to trigger consultations with GLAAS.

Around 2010 it was recognised that the APA system was becoming outdated, lacked an explicit evidence base and risked being held no longer sound and fit for purpose. Work began on reviewing and refreshing several boroughs but by 2013 it was apparent that to create a truly consistent modernised system we needed to learn from and apply established principles from designation regimes within the context of the NPPF. This meant writing guidance on the selection, definition, description of significance and classification of APAs. The resulting guidelines were published in 2016 with the support of the Mayor of London and after consultation with borough councils, archaeological practices and interest groups.

The purpose of APAs is now expressed as being to provide a consistent framework for documenting archaeological interest for planning purposes. The London APA system provides a sound evidence base and practical tool for strategic planning which is being embedded in the GLA's next iteration of the London Plan. Importantly, the introduction of a 'tiered' system now distinguishes those areas which are most significant from others which, although still of interest, are not quite so sensitive:

- Tier 1 is a defined area which is known, or strongly suspected, to contain a heritage asset of national significance, or is otherwise of very high archaeological sensitivity. Thus Tier 1 covers heritage assets to which policies for designated heritage assets would apply.
- Tier 2 is a local area within which the GLHER holds specific evidence indicating the presence or likely presence of heritage assets of archaeological interest.
- Tier 3 is a landscape scale zone within which the GLHER holds evidence indicating the potential for heritage assets of archaeological interest. Tier 3 APAs are typically defined by geological, topographical or land use considerations.
- Tier 4 (outside APAs) is any location that does not, on present evidence, merit inclusion within an Archaeological Priority Area. Tier 4 areas are not necessarily devoid of archaeological potential unless they can be shown to have been heavily disturbed in modern times

New information may lead to areas moving between the four tiers.

Having established the tiered system the next step was to apply it to improving real world decision-making. Boiled down to the basics the initial assessment of the archaeological risk posed by a development proposal depends on the sensitivity of its location and scale of its impact. This is ultimately a matter of professional judgment on a case by case basis and planning archaeologists are all familiar with matrices used in Environmental Impact Assessments which attempt to codify such assessments. What we believe is unique about the London Archaeological Risk Model is that it uses the APA tiers and the scale of development to create a general model of risk expressed as a simple matrix that can be applied across the capital to guide consistently the selection of individual sites for intervention (or not).

The risk model is based on evidence from a sample of almost 900 planning cases from five boroughs looked at over a 6 month period. We identified which had triggered interventions and then the case officers used professional judgment to rate the actual impact on a four point scale:

- 4 = significant impact on an asset of national importance
- 3 = significant impact on an asset of regional importance or minor impact on asset of national importance
- 2 = significant impact on an asset of local importance or minor impact on asset of regional importance
- 1 = no or negligible impact or not progressed beyond DBA (i.e. a negative outcome)

The scale of development was similarly rated on a four point scale, for simplicity based on the area of the planning application outline recorded on our GIS. This enabled us to segment the outcome assessment data objectively in a 4 x 4 matrix of APA tier (sensitivity of location) against scale of development and thereby to compare the *perceived risk* of the archaeological adviser in choosing to intervene against the *actual threat* judged by the outcomes of interventions.

Whilst not entirely unexpected the results were nonetheless eye-opening. Fully half of interventions produced outcomes of negligible significance and there was considerable variation between boroughs, suggesting areas for improvement in decision making. Interventions on very minor developments produced positive results in tier 1 areas but were essentially negative in less sensitive locations, allowing us to change our consultation criteria to avoid wasting resources. The highest impacts were, hardly surprisingly, found on larger development sites (over 2 hectares) and in the most sensitive locations (tier 1). Between these extremes we identified a medium risk category where roughly 1 in 10 cases had a more than 'local' impact but because it is a numerically larger group the overall impact was comparable with that of the high risk group. Finally a low risk grouping comprised sites which very rarely had more than a 'local' impact but included a single case of a major unexpected discovery – an ice well which was scheduled and preserved *in situ* (Case Study 172). This discovery illustrates the limitations of predictive modelling based on prior knowledge – low risk is not the same as no risk and we must remain vigilant for what are sometimes described in risk management as 'Black Swan' events.

The London Archaeological Priority Area system is now informing routine decision-making in GLAAS providing a mechanism to improve consistency across the team, to better target interventions and to providing statements of significance to underpin our advice. As a CIfA Registered Organisation we find it invaluable for demonstrating compliance with CIfA's standard for archaeological advice.

Archaeological risk model	Outside APA	Archaeological Priority Area		
Scale of development	Tier 4	Tier 3	Tier 2	Tier 1
4 Large Major Site area 2 hectares or more	Medium* Low	High	High	High
3 Major Site area 0.5 to 2 hectares	Low	Medium	Medium	High
2 Minor Site area less than 0.5 hectares New basements	Negligible	Low	Medium	High
1 Very minor Householder developments** and equivalent minor works	Negligible	Negligible	Negligible	Medium

* Very large majors with a site area of 10 hectares or more

** Other than new or extended basements

High risk means developments likely to cause harm to heritage assets of archaeological interest and fairly likely to cause significant harm.

Moderate risk means developments fairly likely to cause harm to heritage assets of archaeological interest and sometimes causing significant harm. Because they are more common, moderate risk cases cumulatively pose an overall threat broadly equivalent to the high risk category.

Low risk means developments less likely to cause harm to heritage assets of archaeological interest and only rarely cause significant harm. But low risk is not the same as negligible risk: some sites in this category will have potential for new discoveries.

Negligible risk means developments only rarely causing harm to heritage assets of archaeological interest and hardly ever causing significant harm.

Evaluation policy at Surrey County Council

Tony Howe, Heritage Conservation Team Manager, Surrey County Council

Surrey County Council has implemented a policy of desk-based assessment, and evaluation where appropriate, of any development sites over the size of 0.4ha (1 acre). This has resulted in the discovery of a number of significant sites that we would have had no knowledge of otherwise, and the policy is revolutionising our understanding of historic, and in particular prehistoric, settlement in the county.

Surrey's 12 planning authorities all have a local plan policy that states that any site over the size of 0.4ha should be subject to archaeological assessment and evaluation if appropriate, prior to development (e.g. Elmbridge Borough Council Local Plan: Development Management Plan 2015, 48; Surrey Heath Borough Council Core Strategy and Development Management Polices Development Plan Document 2012, 66; see below). The policy has been in place for a considerable period – the 0.4ha threshold stems from its original form of being over an acre in size – and was initially set out in the Surrey Structure Plan in the early-mid 1990s. During the now superceded structure plan period it was applied across the whole county, and its success has resulted in its adoption by all of the current 12 local planning authorities in Surrey.

In the past this policy was often implemented through the use of conditions, resulting in post-determination assessment and evaluation but the current NPPF planning policies support pre-application and pre-determination assessment and evaluation, and this is now the preferred practice.

The theory behind the policy is simple: the Surrey landscape has been almost entirely altered, affected or settled by human activity. Developments of a significant size and character will probably affect hitherto undocumented archaeological remains, and the simple targeting of planning-led investigations in areas of known archaeological potential (e.g. 'priority areas') would fail to identify such sites. Ultimately, this approach randomly selects sites for investigation and gives us the ability to expand our knowledge and understanding of some of the less well-understood periods of human activity where occupation was less centralised, challenging long-held assumptions about past societies and occupation trends. It should also ensure that previously unknown archaeological sites are identified and assessed prior to decisions regarding development, in accordance with NPPF policies. We've not yet examined the statistical efficacy of the policy overall, but we believe that about 30% of the over 0.4ha sites that are assessed/evaluated reveal archaeological remains of some sort. Not all of the over 0.4ha sites are investigated since the policy is applied flexibly: where a development is small or limited in scale but sited on a large area (e.g. a stable in one corner of a field) the requirement is waived or relaxed, as it's more related to the impact of development than rigidly set to the size of the site. This means, too, that there isn't a 70% 'miss rate', as many of the other over 0.4ha sites will be ones where planning permission is refused, ones where the application is withdrawn prior to any investigation taking place, or previously-developed sites known to be archaeologically sterile where no recommendations for work are made.

The policy allows us to examine 'blank' areas where we know little or nothing at present and have little or nothing on the HER, and has been particularly useful (for example) in discovering Bronze Age field systems in the northwest of the county, and revealing extensive Iron Age occupation sites in the west and south where none was expected. We are able to challenge long-held assumptions, such as that prehistoric and Roman occupation was limited to certain favourable geological areas only, for example, through the discovery of sites in the apparently inhospitable clay Weald. Similarly this approach provides important data about nucleation of activity where sites are investigated but produce very little, such as a fairly recent investigation of a large very promising site adjacent to Farnham Park that was found to be peculiarly barren. A great many recently discovered sites have resulted from the implementation of this policy.

As an example (and excluding enormous housing projects or infrastructure works where archaeological assessment might have been requested anyway), in 2010, notable discoveries included multi-period agricultural activity at Leatherhead, a late Iron Age/early Roman cremation cemetery at Addlestone, small-scale late Iron Age – Roman settlement activity at Farnham, and Neolithic features at Witley. 2015 revealed a Roman agricultural enclosure system at Guildford, and evidence for multi-period activity from the Mesolithic onwards at Ewell.

References and links

Elmbridge Borough Council Local Plan:
https://www.elmbridge.gov.uk/planning/local-plan/

Surrey Heath Borough Council Local
Plan: https://www.surreyheath.gov.uk/sites/default/files/documents/residents/planning/planning-policy/CSFinalAdoptedCSDMPSmallFileSize.pdf

Appendix 4 Tables 4 – 16, 18 - 20

Scenario 1	
Case number	**Case name**
1	Cut Acre Open Cast, Salford Road, Hulton, Greater Manchester
2	Port Salford, Barton Road, Salford
5	Bexhill Hastings Link Road, East Sussex
6	Land north of Hare Street, Buntingford, Hertfordshire
7	Ermine Street, Buntingford, Hertfordshire
8	Quedgeley Trading Estate East, Haresfield, Gloucestershire
9	Land south and east of Lubstree Park, Humber Lane, Preston Upon The Weald Moors, Telford, Shropshire
10	Land south of junction, A41/Pave Lane, Newport, Shropshire
11	*Confidential*
12	Land north of Oxford Road, Thame, Oxfordshire
14	West Buckland Junction, A361 North Devon Link Road, Devon
15	Land at Burwood Lane, Torrington, Devon
18	Wimpole Hall, Arrington, Royston, Cambridgeshire
19	Wellcome Genome Campus, Hinxton, Cambridgeshire
20	Land adjacent to The Pack, Burgh by Sands, Carlisle
22	Conesby Farm, Scunthorpe, North Lincolnshire
23	Able Port, East Halton, North Lincolnshire
24	Able Marine Energy Park, North and South Lillingham, North Lincolnshire
25	Seaforth, Barton-on-Humber, North Lincolnshire
31	Messingham Quarry, North Lincolnshire
32	Red Lion, High Street, Broughton, North Lincolnshire
37	Arkwright's Sudehill Mill, Miller Street, Manchester
44	Morley Car Farm, Yarm, Stockton-on-Tees
45	Greet Road, Winchcombe, Gloucestershire
46	Land south of A46, Pamington, Ashchurch, Gloucestershire
50	Gloucester prison, Gloucester, Gloucestershire
53	*Confidential*
57	Nazareth House, Isleworth
60	*Confidential*
64	Land north of Crediton Road, Crediton Road, Okehampton, Devon
65	Rydon Farm, Two Mile Oak, Devon
66	Land At Eye Airfield, Castleton Way, Eye, Suffolk
104	Land at Pottery Lane, Bradford, Manchester
110	Colchester Garrison, Colchester
150	87, Trippet Lance, Sheffield
152	Millbank Close, Hart, Hartlepool
157	Land north west of Bury St Edmunds, Suffolk
163	Park Farm, Leigh Road, Wimborne Minster, Dorset
168	Land north of Hurworth-on-Tees, County Durham
169	Bishop Middleham quarry extension, nr Sedgefield, County Durham
170	Convoys Wharf, Deptford Dockyard and part of Sayes Court Estate, London Borough of Lewisham

173	Cleevelands, Bishops Cleeve, Gloucestershire
175	Land opposite Ford Close, Kingston Road, Ashford, Surrey

Table 4: Case studies illustrating Scenario 1

Scenario 2	
Case number	**Case name**
26	St Mary's Works, Barton-on-Humber, North Lincolnshire
27	White Swan, Barton-on-Humber, North Lincolnshire
167	East Deanery, South Church, Bishop Auckland, County Durham

Table 5: Case studies illustrating Scenario 2

Scenario 3	
Case number	**Case name**
39	Chelwood, Pound Lane, Laughton, East Sussex
41	A22 New Route, Eastbourne, East Sussex
42	Priors Hill, Pirton, Hertfordshire
45	Greet Road, Winchcombe, Gloucestershire
54	*Confidential*
55	4-6 New Inn, Broadway, Shoreditch, Hackney
56	Land bounded by Curtain Road/Hewett Street/Great Eastern Street/Fairchild Place/Plough Yard/Hearn Street, Shoreditch, Hackney
57	Nazareth House, Isleworth, London
110	Colchester Garrison, Colchester
170	Convoys Wharf, Deptford Dockyard and part of Sayes Court Estate, London Borough of Lewisham
172	Portland Place, London

Table 6: Case studies illustrating Scenario 3

Scenario 4	
Case number	**Case name**
20	Land adjacent to The Pack, Burgh by Sands, Carlisle, Cumbria
22	Conesby Farm, Scunthorpe, North Lincolnshire
25	Seaforth Barton-on-Humber, North Lincolnshire
28	North Street, Winterton, North Lincolnshire
33	Land off Barnsley Road, Wath upon Dearne, Rotherham
34	King Street Chapel, Manchester
35	Manchester Metrolink Second City Crossing, Manchester
36	Trafford Old Hall, Chester Road, Trafford, Manchester
40	St Francis Farm, Potmans Lane, Bexhill, East Sussex
42	Priors Hill, Pirton, Hertfordshire
43	Wombwell, Barnsley, South Yorkshire
44	Morley Car Farm, Yarm, Stockton-on-Tees
46	Land south of A46, Pamington, Ashchurch, Gloucestershire
47	The Odeon, Hunter Street, Chester
50	Gloucester prison, Gloucester, Gloucestershire
51	Barbican carpark, Ladybellegate Street, Gloucester
53	*Confidential*
55	4-6 New Inn, Broadway, Shoreditch, Hackney, London
56	Land bounded by Curtain Road/Hewett Street/Great Eastern Street/Fairchild Place/Plough Yard/Hearn Street, Shoreditch, Hackney, London
57	Nazareth House, Isleworth, London
60	*Confidential*
61	Land At Penns Mount, Vicarage Hill, Kingsteignton, Devon
62	Chapel Downs Farm, North of Queen Elizabeth Drive, Crediton, Devon
64	Land north of Crediton Road, Crediton Road, Okehampton, Devon
65	Rydon Farm, Two Mile Oak, Devon
66	Land at Eye Airfield, Castleton Way, Eye, Suffolk
152	Millbank Close, Hart, Hartlepool, County Durham

Table 7: Case studies illustrating Scenario 4

Scenario 5	
Case number	**Case name**
41	A22 New Route, Eastbourne, East Sussex
49	Gloscat, Media Studies site, Gloucester, Gloucestershire
52	*Confidential*
58	St Georges Church, High Street, Brentford, London
59	Priory Orchard, Godalming, Surrey
69	Willerby and Derringham Flood Alleviation Scheme (WaDFAS) East Riding of Yorkshire
72	*Confidential*
113	167 Barnwood Road, Gloucester, Gloucestershire
114	Itter Cresent, Walton, Peterborough
118	The Wells, Rattle Road, Pevensey, East Sussex
143	Mill Street, Prescot, Knowsley, Merseyside
148	Footprint Tools, Hollis Croft, Sheffield
149	North Ridge Community School, Doncaster
155	King Square Estate, Islington, London
156	Marshall Street Baths, Westminster, London
160	Carlisle Northern Development Route (A689), Cumbria
164	*Confidential*
176	Land north of Lepe Country Park, Lepe, Fawley, Hampshire

Table 8: Case studies illustrating Scenario 5

Scenario 6	
Case number	**Case name**
100	Park View, The Street, Sedlescombe, East Sussex
101	Land north of Fentons Farm, Whelnetham, Suffolk
102	Guildford fire station, Guildford, Surrey
103	Churchill's Farm, High Street, Hemyock, Cullompton, Devon

Table 9: Case studies illustrating Scenario 6

Scenario 7	
Case number	**Case name**
1	Cut Acre Open Cast, Salford Road, Hulton, Greater Manchester
2	Port Salford, Barton Road, Salford
5	Bexhill Hastings Link Road, East Sussex
6	Land north of Hare Street, Buntingford, Hertfordshire
7	Ermine Street, Buntingford, Hertfordshire
8	Quedgeley Trading Estate East, Haresfield, Gloucestershire
9	Land south and east of Lubstree Park, Humber Lane, Preston Upon The Weald Moors, Telford, Shropshire
10	Land south of junction, A41/Pave Lane, Newport, Shropshire
11	*Confidential*
12	Land north of Oxford Road, Thame, Oxfordshire
18	Wimpole Hall, Arrington, Royston, Cambridgeshire
20	Land adjacent to The Pack, Burgh by Sands, Carlisle, Cumbria
21	Farriers Way, Warboys, Cambridgeshire
22	Conesby Farm, Scunthorpe, North Lincolnshire
23	Able Port, East Halton, North Lincolnshire
24	Able Marine Energy Park, North and South Lillingham, North Lincolnshire
28	North Street, Winterton, North Lincolnshire
31	Messingham Quarry, North Lincolnshire
32	Red Lion, High Street, Broughton, North Lincolnshire
37	Arkwright's Sudehill Mill, Miller Street, Manchester
42	Priors Hill, Pirton, Hertfordshire
44	Morley Car Farm, Yarm, Stockton-on-Tees
45	Greet Road, Winchcombe, Gloucestershire
46	Land south of A46, Pamington, Ashchurch, Gloucestershire
47	The Odeon, Hunter Street, Chester
49	Gloscat, Media Studies site, Gloucester, Gloucestershire
50	Gloucester prison, Gloucester, Gloucestershire
51	Barbican carpark, Ladybellegate Street, Gloucester, Gloucestershire
53	*Confidential*
54	*Confidential*
55	4-6 New Inn, Broadway, Shoreditch, Hackney, London
56	Land bounded by Curtain Road/Hewett Street/Great Eastern Street/Fairchild Place/Plough Yard/Hearn Street, Shoreditch, Hackney, London
57	Nazareth House, Isleworth, London
59	Priory Orchard, Godalming, Surrey
61	Land at Penns Mount, Vicarage Hill, Kingsteignton, Devon
64	Land north of Crediton Road, Crediton Road, Okehampton, Devon
66	Land at Eye Airfield, Castleton Way, Eye, Suffolk
69	Willerby and Derringham Flood Alleviation Scheme (WaDFAS), East Riding of Yorkshire
100	Park View, The Street, Sedlescombe, East Sussex
101	Land north of Fentons Farm, Whelnetham, Suffolk
102	Guildford fire station, Guildford, Surrey
103	Churchill's Farm, High Street, Hemyock, Cullompton, Devon
104	Land at Pottery Lane, Bradford, Manchester
106	*Confidential*

107	Ordsall Chord, River Irwell, Manchester
108	Carillion development site, Greengate, Salford
109	Salford Central Regeneration
110	Colchester Garrison, Colchester
112	Land at Congleton Road, Sandbach, Cheshire
113	167 Barnwood Road, Gloucester, Gloucestershire
114	Itter Cresent, Walton, Peterborough
122	The Old Dock (Liverpool 1), Liverpool
123	3 Finch Lane, Halewood, Knowsley, Merseyside
124	A58 Blackbrook Diversion, St Helens, Merseyside
126	St John's Church, Redhill, Surrey
133	Former Brookers Yard, Hitchin, Hertfordshire
134	137, West Bar, Sheffield
135	Land at Forest Street, Chester
136	*Confidential*
137	Wootton, Esher Park Avenue, Esher, Surrey
140	Land west of Barton north of A40 and south of Bayswater Brook, Northern By-Pass Road, Wolvercote, Oxford, Oxfordshire
142	Former Welsh Chapel, Upper Brook Street, Manchester
148	Footprint Tools, Hollis Croft, Sheffield
149	North Ridge Community School, Doncaster
150	87, Trippet Lance, Sheffield
152	Millbank Close, Hart, Hartlepool, County Durham
157	Land North West of Bury St Edmunds, Suffolk
160	Carlisle Northern Development Route (A689), Cumbria
163	Park Farm, Leigh Road, Wimborne Minster, Dorset
164	*Confidential*
168	Land north of Hurworth-on-Tees, County Durham
169	Bishop Middleham quarry extension, nr Sedgefield, County Durham
173	Cleevelands, Bishops Cleeve, Gloucestershire
174	*Confidential*
175	Land opposite Ford Close, Kingston Road, Ashford, Surrey
176	Land north of Lepe Country Park, Lepe, Fawley, Hampshire
177	59-61 West Street, Havant, Hampshire

Table 10: Case studies illustrating Scenario 7

Scenario 8	
Case number	**Case name**
30	13 Church Street, Owston Ferry, North Lincolnshire
116	*Confidential*

Table 11: Case studies illustrating Scenario 8

Scenario 9	
Case number	**Case name**
5	Bexhill Hastings Link Road, East Sussex
30	13 Church Street, Owston Ferry, North Lincolnshire
116	*Confidential*
118	The Wells, Rattle Road, Pevensey, East Sussex
120	Former Griff Works, Stannington, Sheffield
156	Marshall Street Baths, Westminster, London

Table 12: Case studies illustrating Scenario 9

Scenario 10	
Case number	**Case name**
121	Beetham Tower, Manchester
125	South Street, Ditchling, East Sussex
126	St John's Church, Redhill, Surrey
165	Land between High Street and Long Lane, Willingham, Cambridgeshire
177	59-61 West Street, Havant, Hampshire

Table 13: Case studies illustrating Scenario 10

Scenario 11	
Case number	**Case name**
29	North Conesby Moat, Scunthorpe, North Lincolnshire
105	Greengate Embankment West, Salford
108	Carillion development site, Greengate, Salford
131	Adelphi Street, Salford
132	Meridian Public House, Western Road, Lewes, East Sussex
133	Former Brookers Yard, Hitchin, Hertfordshire
134	137, West Bar, Sheffield
135	Land at Forest Street, Chester
136	*Confidential*
137	Wootton, Esher Park Avenue, Esher, Surrey
140	Land west of Barton north of A40 and south of Bayswater Brook, Northern By-Pass Road, Wolvercote, Oxford, Oxfordshire
156	Marshall Street Baths, Westminster, London

Table 14: Case studies illustrating Scenario 11

Scenario 12	
Case number	**Case name**
58	St Georges Church, High Street, Brentford
122	The Old Dock (Liverpool 1), Liverpool
123	3 Finch Lane, Halewood, Knowsley, Merseyside
124	A58 Blackbrook Diversion, St Helens, Merseyside
143	Mill Street, Prescot, Knowsley, Merseyside
145	*Confidential*
155	King Square Estate, Islington, London
166	Birmingham Children's Hospital, Birmingham
174	*Confidential*

Table 15: Case studies illustrating Scenario 12

Scenario 13	
Case number	**Case name**
147	32 Baldwin Avenue, Eastbourne, East Sussex

Table 16: Case studies illustrating Scenario 13

Non-designated heritage assets of national importance	
Case number	**Case name**
5	Bexhill Hastings Link Road, East Sussex
12	Land north of Oxford Road, Thame, Oxfordshire
20	Land adjacent to The Pack, Burgh by Sands, Carlisle, Cumbria
29	North Conesby Moat, Scunthorpe, North Lincolnshire
31	Messingham Quarry, North Lincolnshire
33	Land off Barnsley Road, Wath upon Dearne, Rotherham
37	Arkwright's Sudehill Mill, Miller Street, Manchester
40	St Francis Farm, Potmans Lane, Bexhill, East Sussex
47	The Odeon, Hunter Street, Chester
51	Barbican carpark, Ladybellegate Street, Gloucester, Gloucestershire
59	Priory Orchard, Godalming, Surrey
60	*Confidential*
102	Guildford fire station, Guildford, Surrey
113	167 Barnwood Road, Gloucester, Gloucestershire
122	The Old Dock (Liverpool 1), Liverpool
131	Adelphi Street, Salford
135	Land at Forest Street, Chester
157	Land north-west of Bury St Edmunds, Suffolk
170	Convoys Wharf, Deptford Dockyard and part of Sayes Court Estate, London Borough of Lewisham

Table 18: Cases studies including non-designated heritage assets of national importance

Preservation and/or excavation of human remains	
Case number	**Case name**
28	North Street, Winterton, North Lincolnshire
34	King Street Chapel, Manchester
35	Manchester Metrolink Second City Crossing, Manchester
42	Prior's Hill, Pirton, Hertfordshire
49	Gloscat Media Studies site, Gloucester, Gloucestershire
58	St Georges Church, High Street, Brentford, London
59	Priory Orchard, Godalming, Surrey
101	Land north of Fenton's Farm, Whelnetham, Suffolk
113	167 Barnwood Road, Gloucester, Gloucestershire
126	St John's Church, Redhill, Surrey
142	Former Welsh Chapel, Upper Brook Street, Manchester
149	North Ridge Community School, Doncaster
155	King Square Estate, Islington, London
156	Marshall Street Baths, Westminster, London
166	Birmingham Children's Hospital, Birmingham
169	Bishop Middleham quarry, nr Sedgefield, County Durham

Table 19: Case studies in which the preservation and/or excavation of human remains was a significant issue

Evidence of public benefit through public engagement and dissemination	
Case number	**Case name**
2	Port Salford, Barton Road, Salford
18	Wimpole Hall, Arrington, Royston, Cambridgeshire
28	North Street, Winterton, North Lincolnshire
37	Arkwright's Sudehill Mill, Miller Street, Manchester
104	Land at Pottery Lane, Bradford, Manchester
105	Greengate Embankment West, Salford
107	Ordsall Chord, River Irwell, Manchester
109	Salford Central Regeneration
110	Colchester Garrison, Colchester
114	Itter Cresent, Walton, Peterborough
131	Adelphi Street, Salford
142	Former Welsh Chapel, Upper Brook Street, Manchester
143	Mill Street, Prescot, Knowsley, Merseyside
157	Land north-west of Bury St Edmunds, Suffolk

Table 20: Case studies with evidence of public benefit through public engagement and dissemination