

Archaeology and Planning in Colchester

A guide for planning applicants

1.0 Introduction

- 1.1 This document provides guidance to planning applicants and their agents about archaeology and relevant planning considerations. It sets out the methods and approaches which Colchester Borough Council (BC) identifies as essential for achieving the required level of archaeological assessment and protection in any new development.

2.0 Archaeological Preservation Policies

- 2.1 Designated heritage assets are nationally important listed buildings, scheduled monuments, registered parks and gardens, battlefields and protected wreck sites which enjoy statutory protection. There are 35 scheduled archaeological sites or monuments (Scheduled Monuments) within Colchester Borough. 'Scheduling' is shorthand for the process through which nationally important sites and monuments are given legal protection by being placed on a list, or 'schedule'. Historic England takes the lead in identifying sites in England which should be placed on the schedule by the Secretary of State for Culture, Media and Sport.
- 2.2 Any proposed work that affects a Scheduled Monument (whether below or above ground) will require Scheduled Monument (SM) Consent, in addition to planning permission. An application for SM Consent must be made to the Secretary of State. If granted, the SM Consent will include conditions to ensure preservation and recording of the monument within its setting, methods of practical procedure and requirements for archaeological supervision of the approved works.
- 2.3 Applicants are recommended to contact Historic England at an early stage if changes are planned that might affect a Scheduled Monument (see Section 6, below, for contact details). They will help to develop the application in a way that avoids damage to the remains and which is, therefore, more likely to be successful. They can also advise on how to prepare an application for SM Consent.
- 2.4 Colchester BC's current Local Plan 2001-2021 has adopted policies that complement national provisions for safeguarding scheduled monuments and other archaeological sites of national significance. Only in the most exceptional circumstances will planning consent be given for a development that materially affects archaeological sites of national importance.
- 2.5 Development on archaeological sites that are not of regional and/or local importance will normally be permitted, but only when Colchester BC is completely satisfied that the archaeological interest will be adequately protected. This means that the site must remain largely undisturbed (*in situ*) or, in agreed circumstances, that a satisfactory archaeological record will be made before development takes place.

- 2.6 Planning conditions relating to archaeological investigation will be used to ensure that either appropriate protection or archaeological recording is undertaken (or a combination of the two). In some case, Section 106 agreements will be sought to cover agreed reasonable costs associated with the archaeological record or excavation archive.

3.0 Archaeological Procedure

- 3.1 Applicants are recommended to consult Colchester BC's Archaeological Advisor at an early stage in the preparation of a planning application. The Archaeological Advisor will be able to advise whether or not there are likely to be any archaeological implications associated with the application - where there is a possibility that archaeological remains could be disturbed by the proposed development.
- 3.2 An archaeological evaluation will be sometimes required by Colchester BC to establish the archaeological potential of a development site, in accordance with the *National Planning Policy Framework* (Paragraphs 128 and 129). This may be required on sites where there is known archaeology and / or on sites where there are suspected archaeological deposits and where no previous investigation has been undertaken. An evaluation will enable the development site to be assessed for archaeological remains, both in terms of their extent and significance.
- 3.3 An evaluation will normally consist of one or more of the following surveys, with the results of each survey informing the next stage of evaluation:
- Desk-based assessment
 - Geophysical survey
 - Fieldwalking and metal-detecting survey
 - Palaeoenvironmental assessment in floodplains, where there is potential for waterlogged and peat deposits
 - Trial-trenching.
- 3.4 The need for, and type of, archaeological evaluation will depend on the size and complexity of the development, combined with other information such as: the type and extent of current and previous land use, soils and geology, and also any existing archaeological and/or historical information relating to the site. In general, only those areas directly affected by new construction, extraction or landscaping, will need to be evaluated.
- 3.5 Evaluation is normally a relatively rapid and cost-effective method of assessing archaeological remains, although occasionally there are exceptions. Large-scale evaluations, for major developments, can be costly and time-consuming in their own right.
- 3.6 If an evaluation is required, applicants are advised to undertake this work at the earliest opportunity to ensure that the potential archaeological implications, and resources to deal with them, are quantified at an early stage, as part of good risk management. This will be especially important if further archaeological works are required, following the evaluation, in advance of development. Failure to undertake an evaluation, required at the pre-determination stage, will result in refusal of planning consent by the Colchester BC.

- 3.7 Where significant archaeological remains are found to exist, there will be a presumption in favour of their preservation in place (*in situ*), in accordance with national and local planning policies. Colchester BC will consult Historic England if archaeological remains are defined by the evaluation that are potentially of national importance, and which might merit 'scheduling'.
- 3.8 Development on archaeological sites that are of regional and/or local importance will normally be permitted, but only when Colchester BC is completely satisfied that the archaeological interest will be adequately protected. This means that the site must remain largely undisturbed (*in situ*) or, in agreed circumstances, that a satisfactory archaeological record will be made before development takes place, whereby the developer is required to make a full record of the archaeological deposits affected prior to development in accordance with the *National Planning Policy Framework* (Paragraph 141). In these cases, planning permission will include an archaeological condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Decisions on the need for any further archaeological investigation will be made by the Archaeological Advisor on the basis of the results of the evaluation.

- 3.9 In cases where an archaeological condition has been attached to the consent, the condition wording will normally state:

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording*
- b. The programme for post investigation assessment*
- c. Provision to be made for analysis of the site investigation and recording*
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
- e. Provision to be made for archive deposition of the analysis and records of the site investigation*
- f. Nomination of a competent person or persons/organisation to undertake the works*

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 3.10 An archaeological excavation will be required if substantial harm or loss will be caused to archaeological remains by the development. In other cases, where the impact of the development is low on any underlying archaeological remains, archaeological recording and monitoring may be requested during the ground works of the building contractor. No further archaeological investigation will be required if no archaeological remains are defined by the evaluation, unless there are exceptional circumstances, such as a known burials recorded on the site.

Small projects will normally only require monitoring and recording during the ground works rather than evaluation in advance unless there are exceptional circumstances, such as known burials recorded on the site.

- 3.11 Planning consent will include archaeological conditions, while voluntary agreements will be sought, under a Section 106 agreement, on the various details of the archaeological project prior to determination of the planning application.

4.0 Management of Archaeological Projects

- 4.1 A brief for each stage of archaeological investigation will be required. This document will be prepared by the Archaeological Advisor, on request of the applicant.
- 4.2 A trained archaeologist must be commissioned by the planning applicant to undertake each stage of archaeological investigation. There are a number of archaeological contractors that regularly undertake this type of work in Colchester.
- 4.3 The archaeological contractor will prepare a written scheme of investigation (WSI) for the archaeological work, based on the brief. Prior to any work commencing on site, the applicant, or their archaeologist, will need to submit a copy of their WSI to the Archaeological Advisor for scrutiny, before seeking approval from the planning officer.
- 4.4 The WSI should be approved before costs are agreed and failure to do so may result in additional costs, should the scheme defined in the WSI be inadequate. Failure to obtain approval of the WSI could lead to rejection of the WSI and cause delays to project.
- 4.5 Applicants may put archaeological projects out to competitive tender, in which case the competence and suitability of the preferred archaeological contractor will need to be assessed by the Archaeological Advisor. Colchester BC aims to advise and to assist developers in achieving the various archaeological objectives with all reasonable economy.
- 4.7 Please contact the Archaeological Advisor if you require any information or advice about suitable archaeological contractors to provide quotations for the work. The Chartered Institute for Archaeologists also maintains a list of registered archaeological contractors. Colchester BC does not give advice on the costs of archaeological projects.
- 4.8 The planning applicant is required to pay for the cost of the archaeological investigation, undertaken by an archaeological contractor. There is currently no charge for the brief prepared by the Archaeological Advisor.
- 4.9 Each stage of an archaeological project will be quality-checked by the Archaeological Advisor, from inception to completion, including fieldwork and reporting, to ensure it fulfils the requirements of the WSI.

5.0 Archaeology and Planning - in 10 steps or less



6.0 Who should I contact for information?

If you have any queries about archaeological investigation, please contact:

Simon Wood, Archaeological Advisor, Colchester Borough Council, Rowan House
33 Sheepen Road, Colchester CO3 3WG
tel: 01206 508920
Email: Simon.Wood@colchester.gov.uk

You can find out more about designated heritage assets from Historic England. The National Heritage List for England (NHLE) is the official and up-to-date database of all nationally designated heritage assets and contains a map and description of all designated assets. It can be viewed at: <https://www.historicengland.org.uk/listing/the-list/>

Information on Scheduled Monuments, and the different consents required for carrying out works, can be obtained from Historic England (formerly English Heritage) at <https://www.historicengland.org.uk/advice/hpg/>

Jess Tipper, Inspector of Ancient Monuments, Historic England, 24 Brooklands Avenue, Cambridge CB2 2BU
tel: 01223 582720
Email: Jess.Tipper@HistoricEngland.org.uk

A copy of *Guidelines on the Preparation and Transfer of Archaeological Archives to Colchester Museums* can be obtained from Stephen Yates, Documentation Officer, Colchester and Ipswich Museums, Museum Resource Centre, 14 Ryegate Road, Colchester CO1 1YG
tel: 01206 282471
Email: stephen.yates@colchester.gov.uk

The Chartered Institute for Archaeologists can be contacted at <http://www.archaeologists.net/> or 0118 378 6446

The current Local Plan 2001-2021 is available at <http://www.colchester.gov.uk/ldf>

Further information about Historic England, Heritage Protection and designation can be found on the Historic Environment Local Management (HELM) website: <http://www.helm.org.uk/managing-and-protecting/heritage-protection/English Heritage>

The *National Planning Policy Framework* is available from the following website: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>