

---

## PLANNING APPLICATIONS AND ARCHAEOLOGICAL INVESTIGATIONS (Min 174/2000)

### 1 SUMMARY

- 1.1 This report outlines the arrangements that are followed when dealing with planning applications for development on sites where there is a need for an archaeological investigation, and considers the need for amendments to the policies in the Rochford District Local Plan.

### 2 INTRODUCTION

- 2.1 Rayleigh and Rochford are towns of considerable historic importance within Essex. Applications for development within the town centres are carefully examined to assess the need for archaeological investigations. In addition, there are eight other designated Conservation Areas, several Ancient Monuments and other sites that have some archaeological importance.
- 2.2 This report outlines the arrangements in place for assessing the archaeological implications of planning applications and the mechanisms that can be used to ensure that adequate investigations are carried out if development is considered to be acceptable. The principles are embodied in several policies included in Chapter 7 of the Local Plan.

### 3 GOVERNMENT GUIDANCE

- 3.1 The key principles that local planning authorities must take into account when considering the archaeological implications of planning applications are set out in Planning Policy Guidance Note No.16 – Archaeology and Planning (PPG16).
- 3.2 In the first instance, all development proposals are forwarded to Essex County Council and officers in the Planning Division assess them against the information held in the Essex Heritage Conservation Record. The size and potential impact of the scheme is also an important consideration and will influence the County Planner's recommendation to the district.
- 3.3 PPG16 advises several different courses of action as follows:
- **Archaeological Field Evaluation.** This would normally be undertaken in advance of a planning decision in order to assess the significance and, by implication, the impact of the proposed scheme on the surviving archaeological resource. Members will recall the

---

investigations that took place at Mill Hall during the deliberations on the development options for the site.

If the remains are deemed to be of national importance, the district will normally be advised by the County Planner to refuse the application. However, in practice, this rarely happens and concerns can usually be resolved through re-design. The County will issue a brief outlining the level of investigation, with all costs for the investigation being met by the developer.

- **Negative Condition.** A negative condition would be recommended where the evidence is of insufficient importance to warrant in-situ preservation, but where the loss would be such as to justify recording. The condition may range from the requirement for an open-area investigation to an intensive-watching brief undertaken during the digging of the foundations. As above, a brief would be prepared by the County and all costs for the works would be expected to be met by the developer.
- **Small-scale Proposals.** In cases where the proposal is relatively small-scale and unlikely to effect complex archaeological deposits, a condition may be recommended whereby an archaeologist from County undertakes the necessary recording at no cost to the developer. This type of condition is rarely recommended in historic towns because of the possible staff/resource implications, but may be used in villages where little archaeological work may have been undertaken.

- 3.4 The PPG makes it very clear that developers should not expect to obtain planning permission for archaeologically damaging development merely because they arrange for the recording of sites whose physical preservation *in situ* is both desirable and feasible.
- 3.5 Further, on the issue of funding, the guidance makes it clear that the developer should fund any work, though in cases where the developer is a non-profit making community body, an application for financial assistance can be made to English Heritage. In the case of small-scale proposals, the County Council will seek to cover the costs, though it is likely that this will only be in cases where there is some certainty that deposits will not be found.

#### 4 LOCAL PLAN POLICIES

- 4.1 The Rochford District Local Plan recognises the importance of archaeological sites within the district and includes several policies that seek to provide a local framework for the PPG16 guidance. The relevant policies are detailed in Appendix One to this report.

- 
- 4.2 Members will see that the policies deal in some detail with the arrangements for considering development proposals that may impact upon sites with archaeological remains.

## **5 DISCUSSION**

- 5.1 In cases where relatively small-scale developments are proposed, there may be an opportunity for a developer to receive free assistance from the County's archaeologists. However, such instances are few and it will usually be the case that a developer will need to include the costs of investigation within their development budget. It is always advisable for developers proposing schemes within the historic town centres to seek early advice and Local Plan Policy UC12 makes this point in respect of proposals that may affect a scheduled ancient monument or any of the sites listed in the Sites and Monuments record.
- 5.2 Where development is proposed in either of the historic towns, Rayleigh or Rochford, more detailed investigations will very often be required. As well as the historic status of the towns, the County Archaeologist will also take into account the location of the proposal. Where for example, it is close to the mediaeval street frontage, at the very minimum, a professional archaeologist will usually be required to be present during all groundwork's in order to record any remains that are exposed.
- 5.3 In other cases throughout the district, for example, in one of the Conservation Areas, all that may be required is a watching brief. In some instances, as mentioned above, the County Planner may offer the services of an archaeologist, but in most such cases, the developer will need to appoint an archaeologist to visit the site and observe the excavation work for the development.
- 5.4 The guidance from Government is very clear in the requirement that archaeological works should be paid for by the developer. Therefore, developers will need to take account of such requirements in preparing their schedule of costs. In cases, where development is proposed within the historic cores of both Rayleigh and Rochford, developers will be advised of the need to consider this issue. In other instances, early warning is more difficult. That having been said, there is no doubt that the protection and/or investigation of the archaeological history of the district is of importance and cannot be subsumed by the priorities of a development scheme.
- 5.5 There is no doubt that the costs of undertaking an archaeological investigation can be an issue for an applicant or small developer. If the proposed development is within the historic core, it is considered to be reasonable, given the PPG guidance, for the costs to be borne by the developer. However, it is crucial that the advice provided on

---

the need for investigation is carefully considered and that developers are not put to any unnecessary expense.

- 5.6 The current policies included in the Local Plan still seem to adequately reflect the PPG guidance. At this stage, it is considered that the policies should go forward in their current form and be incorporated into the Replacement Local Plan. However, it would be helpful to seek early comments from the County Planner, and it is suggested that an informal consultation is undertaken followed by an update report to this Sub-Committee.

## **6 RECOMMENDATION**

It is proposed that the Sub-Committee **RECOMMENDS:**

That no alteration be suggested to the current Rochford District Local Plan Policies UC12-15 at this stage as part of the overall Local Plan review process, but that the County Planner be asked for his views on the need for amendments or additions, and that this information be reported to a future meeting of the Sub-Committee.

Shaun Scrutton

Head of Corporate Policy & Initiatives

---

For further information please contact Shaun Scrutton on:-

Tel:- 01702 318100  
E-Mail:- shaun.scrutton@rochford.gov.uk

---

Appendix One

**POLICY UC12**

DEVELOPERS PROPOSING DEVELOPMENT LIKELY TO AFFECT ANY OF THE SCHEDULED ANCIENT MONUMENTS OR RECORDED ARCHAEOLOGICAL SITES SHOWN ON THE SITES AND MONUMENTS RECORD WILL BE EXPECTED TO DISCUSS THEIR PROPOSALS AT AN EARLY STAGE IN ADVANCE OF THE SUBMISSION OF A PLANNING APPLICATION.

**POLICY UC13**

THE LOCAL PLANNING AUTHORITY WILL TAKE ALL OPPORTUNITIES OFFERED BY THE EXISTING LEGISLATION CONTAINED IN THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL ACT 1979 TO ENSURE THAT WORKS LIKELY TO CAUSE DAMAGE TO OR LOSS OF AN ANCIENT MONUMENT ARE PREVENTED FROM TAKING PLACE. IN CONSIDERING PLANNING APPLICATIONS FOR DEVELOPMENT ADJACENT TO AN ANCIENT MONUMENT THE LOCAL PLANNING AUTHORITY WILL NORMALLY REFUSE PERMISSION FOR ANY DEVELOPMENT LIKELY TO CAUSE DIRECT DAMAGE TO THE MONUMENT OR DAMAGE TO THE VISUAL AMENITY OF THE SURROUNDING AREA. IN CASES WHERE PLANNING PERMISSION IS GRANTED THE LOCAL PLANNING AUTHORITY WILL IMPOSE CONDITIONS OR SEEK THE COMPLETION OF A LEGAL AGREEMENT REQUIRING LANDSCAPING AND PLANTING OR OTHER MATTERS WHICH WILL ENHANCE THE APPEARANCE AND/OR SETTING OF THE ANCIENT MONUMENT. ADEQUATE TIME AND FACILITIES FOR THE RECORDING OF THE SITE WILL ALSO BE REQUIRED.

**POLICY UC14**

WHERE THERE IS EVIDENCE TO INDICATE THAT A PROPOSED DEVELOPMENT WOULD AFFECT AN IMPORTANT ARCHAEOLOGICAL SITE, DEVELOPERS WILL BE REQUIRED TO ARRANGE FOR AN ARCHAEOLOGICAL FIELD ASSESSMENT TO BE CARRIED OUT BEFORE THE PLANNING APPLICATION IS DETERMINED.

IN CASES WHERE IT IS CLEAR THAT AN ARCHAEOLOGICAL SITE, WHETHER SCHEDULED OR NOT, WILL BE AFFECTED BY A PROPOSED DEVELOPMENT, THE APPLICATION WILL NORMALLY BE REFUSED UNLESS IT CAN BE SHOWN THAT ADEQUATE ARRANGEMENTS CAN BE MADE FOR THE PRESERVATION OF THE REMAINS IN SITU.

IN OTHER CASES, WHERE PRESERVATION IN SITU IS NOT WARRANTED AND IT IS PROPOSED, SUBJECT TO OTHER PLANNING CONSIDERATIONS, TO GRANT PLANNING PERMISSION FOR DEVELOPMENT, THE CONSENT WILL NOT BE ISSUED UNTIL SATISFACTORY PROVISION, PREFERABLY BY MEANS OF A LEGAL AGREEMENT, IS REACHED BETWEEN THE DEVELOPER, THE ARCHAEOLOGIST, AND THE LOCAL PLANNING AUTHORITY TO SECURE EXCAVATION AND

---

RECORDING OF THE SITE PRIOR TO THE DEVELOPMENT COMMENCING AND DURING ALL SUBSEQUENT EARTH MOVING STAGES DURING CONSTRUCTION.

IN CASES WHERE AGREEMENT CANNOT BE REACHED, THE LOCAL PLANNING AUTHORITY WILL SECURE EXCAVATION AND RECORDING BY IMPOSING CONDITIONS ON ANY CONSENT FOR DEVELOPMENT.

**POLICY UC15**

WITHIN THE HISTORIC CORE OF ROCHFORD AND RAYLEIGH, AS SHOWN ON THE PROPOSALS MAP, CONDITIONS REQUIRING ADEQUATE TIME AND FACILITIES FOR EXCAVATION AND RECORDING OF SITES PRIOR TO, AND WHERE NECESSARY, DURING DEVELOPMENT WILL NORMALLY BE IMPOSED ON ANY PLANNING CONSENT.