

MEMO

**North
Lincolnshire
Council**

TO: TANYA COGGON, DEVELOPMENT MANAGEMENT
FROM: ALISON WILLIAMS, HISTORIC ENVIRONMENT OFFICER
REF: PA/2023/1124
DATE: 27/09/2023

SUBJECT: Planning permission for the development of 599 No. dwellings and lake, along with associated infrastructure, including landscaping, public open space and play area, pedestrian and cycle links, pumping station and sub-station. Lincolnshire Lakes, Land east of M181 and north of Burringham Road, Scunthorpe

SUMMARY OF ADVICE

- The proposed development has the potential to impact non-designated archaeological heritage assets
- The results of archaeological field evaluation are required **PRIOR TO DETERMINATION** of this full planning application
- The field evaluation should comprise trial trench excavation and geoarchaeological assessment in accordance with the submitted WSI, and
- Archaeological participation with a pre-determination Phase 2 geotechnical borehole investigation to further inform the geoarchaeological assessment
- The HER advises a **HOLDING OBJECTION** until the results of the field evaluation are available to adequately assess the potential impact of the development on archaeological significance
- The application should not be determined, except for a **REFUSAL**, until this information is submitted and appropriate mitigation measures agreed to avoid adverse impact or adequately off-set loss of heritage interest within the application site including the area of the proposed lake
- This procedure is in accordance with paragraphs 194 and 195 of the NPPF, Core Strategy CS6 and Local Plan policy HE9.

HISTORIC ENVIRONMENT RECORD (HER) FUNCTION: To hold, maintain, interpret and manage heritage information, enhancing the understanding of the area's historical development as a distinctive and attractive place. HER information provides source material for interpretation by heritage professionals and for use by community groups and individuals. The HER database is updated as new information about the historic environment is discovered.

The HER also provides advice on development proposals that affect, or may affect, the sites and settings of all heritage assets i.e. designated and non-designated historic buildings, archaeological sites and monuments, and historic places, areas and landscapes. This advice is provided against saved local plan policies and national historic environment policies. See <https://www.northlincs.gov.uk/planning-and-environment/historic-environment-and-conservation/>

DETAILED ADVICE

Thank you for consulting the HER on this application for full planning permission.

The HER commented on the previous application on this site and a suite of conditions relating to archaeology were attached to the outline planning permission (PA/2015/0396 conditions 28-33). The conditions required the results of archaeological evaluation and a mitigation strategy informed by the results to be submitted prior to an application for the first reserved matters. Planning conditions attached to the permission for the excavation of a lake (Lake 1) within the current site boundary also required the submission of an archaeological mitigation strategy (PA/2016/1736 condition 20).

Pre-application advice was provided to the current applicant in 2021 that the field evaluation should be undertaken at the earliest opportunity and the results inform the preparation and submission of their forthcoming planning application. In March 2022 the applicant submitted a request for EIA screening (PA/SCR/2022/1) indicating their intention to submit a Written Scheme of Investigation (WSI) for the archaeological works with a full planning application and did not commit to undertaking the work at pre-application stage.

In response, we stated our concern that we had repeatedly advised that it is the results of this work that are required to inform the planning application. The process of undertaking preapplication evaluation prior to submission and determination of full details is set out in the archaeology conditions attached to the outline permission for the site PA/2015/0396 and will therefore apply to a full planning application and the decision-making.

In July 2022, the HER agreed a Written Scheme of Investigation for the excavation of 48 trial trenches across the site combining geoarchaeological assessment (nb the Selection Strategy appendix has been omitted from the submitted WSI). The commencement of fieldwork was said to be imminent at the time but to my knowledge has not yet been undertaken.

The applicant has submitted the WSI with the application documents; the results have not been provided. This is unacceptable.

The application as it stands is contrary to paragraph 194 of the NPPF, insufficient information to identify and assess the significance of archaeological heritage assets within the site has been provided. The planning authority cannot make a balanced planning decision nor agree any mitigation measures that may be appropriate in accordance with policy until an archaeological assessment including evaluation fieldwork is undertaken and the results made available for consideration.

ARCHAEOLOGICAL BASELINE

The HER database has been checked and our records indicate that the proposed development has potential for direct and indirect affects on known and potential non-designated heritage assets of archaeological interest. These heritage assets include known and potential archaeological remains of prehistoric to post-medieval date, geoarchaeological and palaeo-environmental evidence buried with the underlying stratigraphy of sands, peat and warp deposits.

These deposits have the potential to contain well-preserved archaeological structures and artefacts as well as palaeoenvironmental evidence that can inform the archaeological record, through to evidence of the post-medieval drainage and warping of the former low-lying marshland.

A number of significant Bronze Age finds have come from Burringham Common including a hoard of rapiers and a spearhead, a superb bronze shield as well as a hoard of bronze axes from the riverbed at Keadby Bridge.

Archaeological investigations have recently been undertaken in this part of the Trent valley including on the Lake 1 site (PA/2016/1736), the southern part of which lies within the proposed development site, and

the proposed M181 terminal roundabout and slip roads adjacent to the proposed site (PA/2017/1386). These investigations have revealed that considerable thicknesses of peat are present at shallow depth below ground level to the east of the M181; radiocarbon dating of the peat reveals intermittent formation from the Neolithic through to the Medieval periods.

These deposits have potential to contain archaeological remains ranging in date from the Upper Palaeolithic pre-peat landscape, organic and inorganic artefacts within the prehistoric peats, to the 18th/19th century warping structures

Given this evidence, there is the potential that the application site contains archaeological remains the significance of which is not yet known that would be disturbed and/or destroyed by the proposed development.

INFORMATION REQUIREMENTS - ARCHAEOLOGICAL ASSESSMENT

A detailed heritage assessment informed by the results of archaeological field evaluation will be required in view of the heritage assets affected and the archaeological potential of the site; this is in accordance with the NPPF, Core Strategy CS6 and saved Local Plan policies HE8 and HE9 (see Appendix below).

An adequate archaeological assessment must include the **RESULTS OF ALL** the following stages:

1. Pre-Determination Field Evaluation

- Excavation of 48 sample trial trenches and concurrent geoarchaeological assessment as specified in the agreed written scheme of investigation to determine the nature, extent, state of preservation and importance of any identified and potential archaeological remains and palaeoenvironmental evidence.
- Dependent on the results of the geoarchaeological assessment and the results of the preliminary deposit modelling, machine drilled purposive coring may be required to obtain appropriate samples to complete the geoarchaeological and palaeoenvironmental assessment and scientifically date the deposit sequence.
NB. Archaeological participation with the planning and implementation of the Phase 2 geotechnical borehole survey (Section 7, Phase 1 Geotechnical Report) may provide the additional information and appropriate samples where this survey is carried out during the pre-determination period.

2. Assessment of Significance

- Assessment of the significance of those heritage assets and their settings likely to be directly or indirectly impacted by the development; the assessment of the significance of heritage assets will take account of the combined results of all the preceding stages of desk based assessment and site field evaluation, including the current and previous Lake 1 evaluation results and be based on the heritage values set out in *Conservation Principles, Policies and Guidance for the sustainable management of the historic environment*, Historic England, 2008 <https://www.historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/>.

3. Assessment of Impact

- Assessment of impact of the proposed development on the significance of the known and potential heritage assets based on the findings of the preceding stages, with reference to details of proposed or indicative construction ground works, including but not limited to the excavation of the proposed lake, the site preparation works, flood and drainage strategies, landscaping and biodiversity proposals, foundation designs and provision of services. In the case of substantial harm or loss of significance, the relevant tests in the NPPF should be applied.

4. Mitigation

- An explanation of any measures taken to avoid, minimise or mitigate any harm to the significance of the heritage asset/s, including within their settings.
- Where harm is unavoidable, measures to offset the harm to significance should be included; in the case of archeological remains these measures should be set out in a Written Scheme of Investigation (WSI) detailing the scope, methodologies and timelines of an appropriate programme of archaeological work
- Measures to engender community participation and appreciation of the heritage assets

On completion of all stages of the archaeological field evaluation and assessment set out above (1-4), an archaeological Heritage Statement should be prepared and submitted as supplementary information to the planning application before the application can be determined.

The Heritage Statement should consider what the impact of the development on the significance of the archaeological heritage assets will be, including the contribution of their settings. The Heritage Statement should also explain what steps have been taken to avoid, minimise or mitigate any harm to the significance of the archaeological heritage asset(s) such as avoiding or minimizing effects to areas of archaeological significance, if necessary by modifying the layout and/or design of the proposals ie. in situ preservation.

Alternatively, where loss of archaeological heritage assets as a result of development may be considered justified in accordance with the NPPF policies, provision should be made to archaeologically record the evidence before it is lost either in advance of, or during, development.

Mitigation proposals, including any necessary layout or design amendments, and/or a programme of archaeological excavation and recording, should be submitted with the application in the form of a detailed written scheme of investigation (WSI) for consideration by the planning authority. This is to ensure that all parties understand any subsequent archaeological requirements and allow sufficient time for any pre-commencement works to take place. An appropriate mitigation strategy may then be secured by conditions to any planning permission that may be granted.

RECOMMENDATION

The proposed development has the potential to impact heritage assets of archaeological interest, potentially remains of high significance. As it currently stands, the information accompanying the application is not sufficient to assess the impact of the proposed development on the archaeological significance, because that significance is currently unknown.

The NPPF makes it clear that identification and assessment of the significance of heritage assets is required **PRIOR TO THE DETERMINATION OF AN APPLICATION**, irrespective of whether an application is in outline or detailed form. Failure to provide this information at this stage of the planning process, may mean a redesign of the scheme at a later stage, with a potential reduction in the number of dwellings that can be delivered.

The HER therefore advises a **HOLDING OBJECTION** to the application until such time as the archaeological evaluation as specified above and in the agreed WSI is completed and the results are submitted to the planning authority with any mitigation proposals as appropriate.

Should the evaluation not be completed and a mitigation strategy not agreed within the statutory determination period, the planning authority may request the applicant to extend the determination period or advise the applicant to withdraw the application until the required information is available.

If the applicant does not submit this information, and if for any reason the planning authority has to determine the application in its present form, the application should be **REFUSED** as it is contrary to paragraphs 194 and 195 of the NPPF, Core Strategy policy CS6, and Local Plan policy HE9. This is because the applicant has provided inadequate information to allow the Local Planning Authority to assess the significance of heritage assets affected and the impact of the development on their significance, or to approve an appropriate mitigation strategy.

I trust this recommendation is acceptable. If the planning authority is minded to accept this advice, I would be grateful if you would inform the applicant of the requirement to undertake the field evaluation and submit the further information outlined above at the earliest opportunity. It should be noted that the next few weeks will be the best time in the year to undertake the evaluation, before the next crop is sown/emerges and before the winter weather and rising water table sets in.

In due course, following submission of the additional information I will be able to provide updated advice to the planning authority on the results of the evaluation, the heritage assessment and appropriate mitigation measures that will be necessary.

Following the agreement of an appropriate mitigation strategy for the site, where the planning authority is minded to give consent for planning permission, conditions securing the implementation of the strategy would be needed and I can advise on appropriate wording.

Alison Williams
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APPENDIX - RELEVANT HERITAGE POLICY

The National Planning Policy Framework (NPPF, 2021) provides guidance to local authorities for conserving and enhancing heritage assets and their settings, which includes archaeological sites and remains. Paragraph 8 refers to the role of the planning system to contribute to achieving sustainable development under three overarching objectives; economic, social and environmental. The environmental objective includes contributing to protecting and enhancing the historic environment.

Section 16 (paragraphs 189-208) of the NPPF details the government's approach to conserving and enhancing the historic environment. Paragraph 189 describes heritage assets as '**an irreplaceable resource**' to be '**conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations**'.

Paragraph 194 requires an applicant to submit information that identifies any heritage asset that their proposals may affect, and that assesses the significance of the assets including the contribution of their settings. Consultation of the local HER is the minimum requirement in this process. Paragraph 194 states that '**Where a site on which development is proposed includes, or has the potential to include, heritage assets of archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment and, where necessary, a field evaluation.**'

This information should be sufficient to understand the potential impact of the proposal on the significance of any affected heritage assets. It should also allow the local planning authority to assess the degree of impact on the heritage assets and their settings, and how this impact may be mitigated, by avoiding or minimising any conflict between conserving the asset and any aspect of the proposal (NPPF 195).

Such assessment allows the planning authority to make an informed and reasonable decision in line with the sustainable development principles of the NPPF, as well as local planning Plan policies HE8 Ancient Monuments and HE9 Archaeological Evaluation.

Core Strategy policy CS6 Historic Environment states that '**The council will seek to protect, conserve and enhance North Lincolnshire's historic environment as well as the character and setting of area of acknowledged importance including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains.....**'. And '**Development proposals should provide archaeological assessments where appropriate**'.

Policy HE9 that '**Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment to be submitted prior to the determination of a planning application will be required. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them**'.

Where impact assessment shows that the significance of heritage assets will be adversely affected by the proposals, then consideration should be given to drawing up appropriate mitigation measures to conserve them (NPPF 195). This may include avoiding or minimizing disturbance to assets and areas of significance, if necessary by modifying the layout and/or design of the proposals

Paragraph 197 of the NPPF guides local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.

Effects of an application on designated and non-designated heritage assets are a material consideration and local planning authorities are directed to have regard to the scale of any harm or loss and the significance of the heritage asset when judging the planning balance. The higher the significance of the heritage asset, the greater the weight for its conservation. As all heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (NPPF 199-203).

Where loss of non-designated heritage assets as a result of development is considered justified, the NPPF (205) makes provision to allow for the recording and advancing understanding of the upstanding or below-ground heritage asset before it is lost (wholly or in part) using planning conditions or obligations as appropriate. The NPPF states that the results of these investigations should be made available to the public

via the local HER and that the archive evidence should be deposited with a local museum. Such investigations may range from pre-development historic building recording, archaeological excavation of selected areas, to archaeological monitoring and recording during construction work, all such work to be followed by post-excavation assessment and analysis and the publication of results.

This procedure also accords with Local Plan policy HE9, stating that **'Sites of known archaeological importance will be protected. When development affecting such sites is acceptable in principle, mitigation of damage must be ensured and the preservation of the remains in situ is a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before and during development.'**