

# ARCHAEOLOGY AND DEVELOPMENT

## Supplementary Planning Guidance



**Exeter City Council**

PLANNING SERVICES

November 2004

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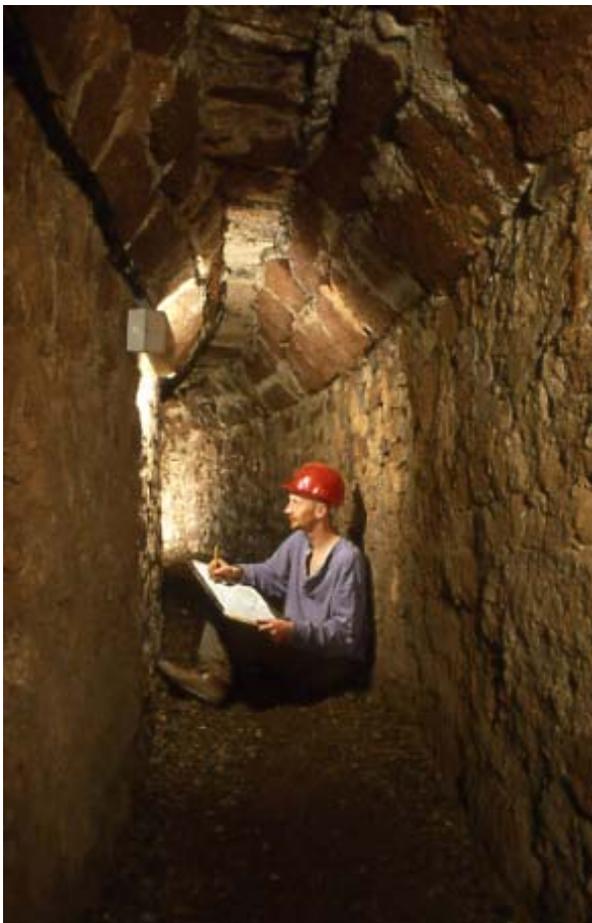
Cover illustration:

Excavation of a Roman mosaic floor under St Catherine's Almshouses (Exeter Archaeology)

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## 1.0 INTRODUCTION

- 1.1 Exeter and its surrounds have been occupied and developed by man for several thousands of years, the last two thousand as the centre of government for the region. The city therefore possesses a rich legacy of above and below ground archaeological remains and these contribute both to the cultural and economic attraction of the city's environment.
- 1.2 Archaeological remains are often the only source of information about the city's past. As they are a finite, fragile and ever diminishing resource, developers are required to integrate the consideration of archaeological matters into the development process. When removal and destruction does occur it is permanent and irreversible. It should also be borne in mind that not all important remains or buildings are Scheduled or Listed.



The Underground Passages - a medieval water system and scheduled monument (Exeter Archaeology)

- 1.3 Remains occur in a variety of forms, not all of them visible, or visually attractive, but nevertheless important as irreplaceable sources of information about the city's past and contributing to the city's distinctive character. They occur throughout the city, and include well-known buildings and monuments such as the Cathedral and City Wall, historic warehouses, houses and shops, historic parks and gardens such as Rougemont, and the less visible remnants of buildings (including foundations), and old river channels containing important environmental information.



No. 2 Broadgate - a later front hides a medieval merchant's house and shop front behind

#### 1.4 The purpose of this guidance

This Supplementary Planning Guidance (SPG) will help Exeter City Council, developers and property owners to work together to ensure that proper processes are followed when making applications for planning permission, listed building and conservation area consent. Most proposals do not, in fact, affect archaeological remains, but it is important that developers are aware that a wide range of proposals, including new development on green fields as well as in historic settlements, may have archaeological implications. New buildings, conversion and alteration of existing buildings, landscape works, new roads and services and mineral extraction all may need archaeological consideration. Where this is the case the Council is happy to provide pre-application advice and to work with developers to help minimise potential cost and delay, although the responsibility for dealing with these matters rests with the applicant.

- 1.5 On occasion, particularly for works at or near *scheduled monuments* or within the *Area of Archaeological Importance* (Figs 1 & 2), other consents and notices are required, and these are dealt with below (section 3).

#### 1.6 Policy background

Planning Policy Guidance No.12 (PPG12) allows for the contents of SPGs to be a material consideration in determining planning applications.

- 1.7 Government policy and guidance about archaeology and planning is published in PPG 16, *Archaeology and Planning* (1990). This is supported and amplified by PPG 15, *Planning and the Historic Environment* (1994).

- 1.8 This guidance supplements in particular policy C5 (see below) and paragraphs 10.23 – 10.31 of the emerging *Exeter Local Plan First Review* 1995-2011 (Second Deposit as modified), and also supplements policies C1 – C4, and paragraphs 10.4, 10.8, 10.9, 10.14, 10.19, and 10.21. Prior to the formal adoption of the First Review, which is expected early in 2005, it also sets out the Council's current approach in relation to policies 19C-22C and supporting text in the *Exeter Local Plan First Alteration* 1989-2001, adopted in 1993.

## 1.9 Key Policy:

***C5: Development will not be permitted which would cause harm to a site, monument or structure of national archaeological importance, whether scheduled or unscheduled, or which would cause harm to its setting. Proposals should preserve nationally important archaeological remains in situ and, where appropriate, make arrangements for their enhancement and display.***

***Where the proposal will affect remains of regional or local importance, the desirability of preserving the remains in situ will be weighed against the need for the development.***

***If preservation in situ is not feasible or appropriate the developer must undertake archaeological recording works in accordance with a scheme to be agreed in advance.***

- 1.10 This Supplementary Planning Guidance was adopted by Exeter City Council on 23 November 2004. This was following a draft document published in February 2004 for consultation. The details of this consultation are set out in a separate document which is available on request.

## 2.0 ARCHAEOLOGY AND THE PLANNING PROCESS

### 2.1 Responsibility and costs

The responsibility to carry out and complete all the on-site and off-site archaeological works associated with an application, including the need to provide enough supporting information and to satisfy any conditions, rests with the developer or person making the proposal or their successors in title, not with the City Council. Because of the specialist nature of the work applicants are advised to seek professional archaeological advice at the earliest opportunity. Information on where to find this is available from the Archaeology Officer and from the Institute of Field Archaeologists Yearbook and Directory (Appendix 2).

- 2.2 The cost of archaeological work is borne by the developer or applicant. Occasionally, where repairs which do not add economic value to historic buildings are involved, or where the developer is a non-profit making charitable trust, then some financial help may be available from the City Council, English Heritage, or other agencies such as the Heritage Lottery Fund (HLF). However, funds are very limited and tend to be over subscribed.

### 2.3 Do proposals affect archaeology?

The first step for prospective developers is to contact the City Council's *Archaeology Officer* to ascertain whether a proposal will, or is likely to, affect any buried or standing remains. There are numerous proposals that are unlikely to have any impact upon archaeology, such as most house extensions in suburban areas outside historic settlement cores (Appendix 1), but confirmation should be sought before design work or other further action is taken. Consultants preparing Environmental Impact Assessments and Statements for major proposals should also discuss the information required. Where remains may be affected developers should seek their own archaeological advice at the project planning stage, both to identify and help minimise risk and cost and to identify potential benefits.

- 2.4 For the central historic area of Exeter the City Council maintains an “Urban Archaeological Database” (UAD), which is a map-based system containing archaeological and historical information (Figs 3-6). Prospective developers should make an appointment with the Archaeology Officer to view the UAD. Devon County Council holds a Sites and Monuments Register (SMR) which contains information for the rest of the city (Appendix 2).
- 2.5 Developers should be aware that this information is only of known remains and may not include recent discoveries. Therefore, the absence of remains on the UAD or SMR does not necessarily mean that no remains exist. Hence the need to speak to the Archaeology Officer at an early stage.



The Roman legionary bathhouse under Cathedral Green – a scheduled monument (Exeter Archaeology)

2.6 Figures 1 and 2 show the locations (not exact areas) of scheduled monuments within the City as at November 2003. Further details on boundaries are available from the Council and English Heritage (Appendix 2). Consent for works affecting scheduled monuments needs to be sought from the Government with early consultation with English Heritage advised.

## **2.7 If archaeology is affected**

The first requirement is to find out about the known or potential remains, their extent and location, and to make an assessment of their significance. Sufficient information should be collected to allow a well-informed planning decision to be made. Although it is the developer's responsibility to carry out the necessary works, they should, because of the specialist nature of the task, speak to the Archaeology Officer who will advise what type of work is required and how it should be carried out.

## **2.8 Surveying remains and features**

For below ground archaeological remains, a desktop study (assessment) of existing information may be required (3.4). If necessary this would be followed by a geophysical survey and site investigation (evaluation) to ensure a more accurate impact assessment (3.6-3.9).

2.9 For standing structures and historic buildings, a desktop study and site examination may be required to identify significant historic fabric and features. Some opening up within the building, leading to a more accurate assessment of the impact of the proposals, may also be required (3.5).

2.10 In both cases the applicant should check whether any consents are needed for the investigation work, which should be carried out on their behalf by suitably qualified and experienced personnel in accordance with published professional guidance (Appendix 2). These would normally be an archaeological consultant, contractor or historic buildings specialist holding full Membership of the Institute of Field Archaeologists.

2.11 The information resulting from this survey work should be submitted with the application together with accurate "as existing" and "as proposed" plans.

2.12 Where such information is not provided with an application the City Council may:

- refuse to register an application until sufficient supporting information on the impact of the proposals is provided,
- formally ask for such information to be provided under the planning regulations, and defer consideration of the application until such information is forthcoming, or
- refuse an application, and/or request it to be withdrawn.

## 2.13 How remains are dealt with

There are a number of options open to the developer and the planning authority if significant remains are present.

1. An application which inappropriately physically affects a scheduled monument or which detracts from its setting will normally be refused permission. Consent will also be required from the Government and this is also likely to be refused.
2. Where other important unscheduled remains are involved the Council will negotiate to reduce the impact on them to an acceptable level. Where this is not achieved the application will be recommended for refusal.
3. Where the impact is made acceptable or where less important remains are involved (the majority of cases), conditions (Appendix 3) will be attached to permissions to ensure:
  - the protection of important remains
  - the prior approval of details of foundations and formation levels
  - the retention and sensitive treatment of historic fabric and features within a Listed Building
  - the appropriate recording, analysis and publication of remains and features whose destruction or disturbance has been agreed, and
  - the deposition of the records and retained finds in the Museum, in accordance with the Museum's "Conditions of Deposit".
4. In particularly large and complex cases, sufficient provision for archaeological recording and publication, the permanent public storage of the records and finds, and occasional display of special discoveries, will be included in Section 106 agreements.

## 2.14 Lessening impact and costs

In considering applications that affect archaeology, the City Council will negotiate to lessen the impact upon remains. This can be achieved by:

- siting new buildings or ground works in areas of a site where there are few or no remains, and by preserving significant remains within open space or under surface car parks, for example
- making maximum use of existing basements and foundations
- careful foundation design using raft foundations and the less destructive piling techniques
- raising formation levels and protecting underlying remains by use of geotextile and sub base materials
- incorporating historic buildings and the important features they contain, thereby achieving added value and retaining the historic character of buildings and of Conservation Areas.

2.15 Creative solutions, rather than standard solutions and techniques, may well produce better, and more distinctive and sustainable, development.

2.16 In some cases the Council will seek to ensure or confirm solutions by attaching an appropriate condition to a planning permission or Listed Building Consent (see below and appendix 3).



No. 2 Broadgate - medieval shop front, retained and incorporated as a feature



Market Street. Foundation trenches of Roman military buildings can be seen in the foreground. Other remains were left unexcavated and protected under a new raft foundation under construction in the background (Exeter Archaeology).

2.17 *In considering all the relevant information developers should be aware that the main aim is to retain significant features and remains undisturbed in their original locations. Also, the greater the impact on remains, the greater the likely delay and cost to the developer.*

## 2.18 Planning conditions

The most common conditions are listed in appendix 3. They relate to protection of important remains during development, approval of suitable foundation details, and archaeological and historic building recording. The scope of the work should be confirmed with the Archaeology Officer as soon as the decision notice on the application is received, *before* works commence on site. If necessary a written brief will be issued.

## 2.19 Archaeological recording condition

A *written scheme*, setting out how the work is going to be undertaken, should be submitted to and approved by the local planning authority *before any development or construction works start on site*. Development without this represents a breach of condition, and may lead to enforcement action, including a *Stop Notice*.

2.20 The *written scheme* can cover all types of work, from a full excavation or building record to a “watching brief”. It will need to cover off site work undertaken after site work has finished, to analyse the results and finds, and to complete the record of what has been destroyed. This includes initial conservation work on any significant finds, analysis and reporting of the results - including wider publication if their importance merits it, and archiving of the records and finds – with the landowner’s permission – in the Royal Albert Memorial Museum.

2.21 For “watching briefs” the *written scheme* will usually be a simple method statement, but for larger recording projects a more detailed project design may be required. In each case, the Archaeology Officer will advise and confirm the scope of the work required. The *written scheme* is submitted to the planning authority for formal approval. The Archaeology Officer will monitor progress of the work, and thus compliance with the condition, and will make site visits as necessary.

## 2.22 Discharge of conditions

Compliance with the condition therefore involves the following stages:

- Obtaining the local planning authority’s written approval of a *written scheme before* commencing work on site
- Carrying out the work specified in the scheme to professional standards, and in accordance with the agreed method and programme
- Completing both on site and off site work to the required standard.

2.23 In the majority of cases the condition is fully discharged once a satisfactory summary report and database entry has been received and the records and any finds have been deposited in the Royal Albert Memorial Museum. With regard to major works and finds, there will normally be a requirement for wider publication.

2.24 Completion of off site work can take some time, depending on the amount and nature of the work required, and thus it may be some time before full discharge of the condition can be achieved. To ease the selling on of property during this time, the City Council can provide a letter confirming that the condition has been complied with to date, for example, and confirming at what stage it expects to be able to fully discharge it. It is, however, the applicant's responsibility to complete the works to enable the condition to be discharged.

### **3.0 PROCEDURES FOR UNDERTAKING ARCHAEOLOGICAL WORK**

#### **3.1 Quality control**

All work should be carried out in accordance with the Code of Conduct and the various Standard and Guidance documents published by the Institute of Field Archaeologists (IFA), and guidance on best practice produced by English Heritage, the Association of Local Government Archaeology Officers, the United Kingdom Institute for Conservation, and by the Royal Albert Memorial Museum, Exeter (Appendix 2). Work should be undertaken by people with suitable archaeological expertise and experience. The level and quality of information to be provided in support of an application should be agreed with the Archaeology Officer to avoid delays in determining applications. The scope of the work required in response to a planning condition should also be agreed with the Archaeology Officer.

3.2 People qualified for undertaking or managing this work are usually full Members of the Institute of Field Archaeologists (MIFA) or an organisation may be a "Registered Archaeological Organisation" (RAO), although there are as yet no RAOs based in this area.

#### **3.3 Type and scope of work**

##### *Desktop study (assessment)*

This is normally required before a decision is made on planning or Listed Building Consent applications where there are archaeological implications. It is a review and analysis of existing information about a site or building and its immediate environs, and of the likely impact of the proposed development.

3.4 For below ground remains, an assessment would normally involve:

- Site visit and walk over survey
- Analysis of relevant information in the UAD, SMR or other databases, including Building Control records, for example
- Analysis of the published and unpublished results of any previous archaeological work on the site or in its vicinity
- Analysis of locally available historic maps, plans and any particularly relevant or potentially helpful documents
- A description of the topography of a site and of present and previous land use
- Analysis of aerial photographs
- The results of any monitoring of geotechnical site investigations
- For medium to large sites in particular, but also for some smaller ones, geophysical survey should be undertaken, where site conditions allow.

# Ground-floor Plan

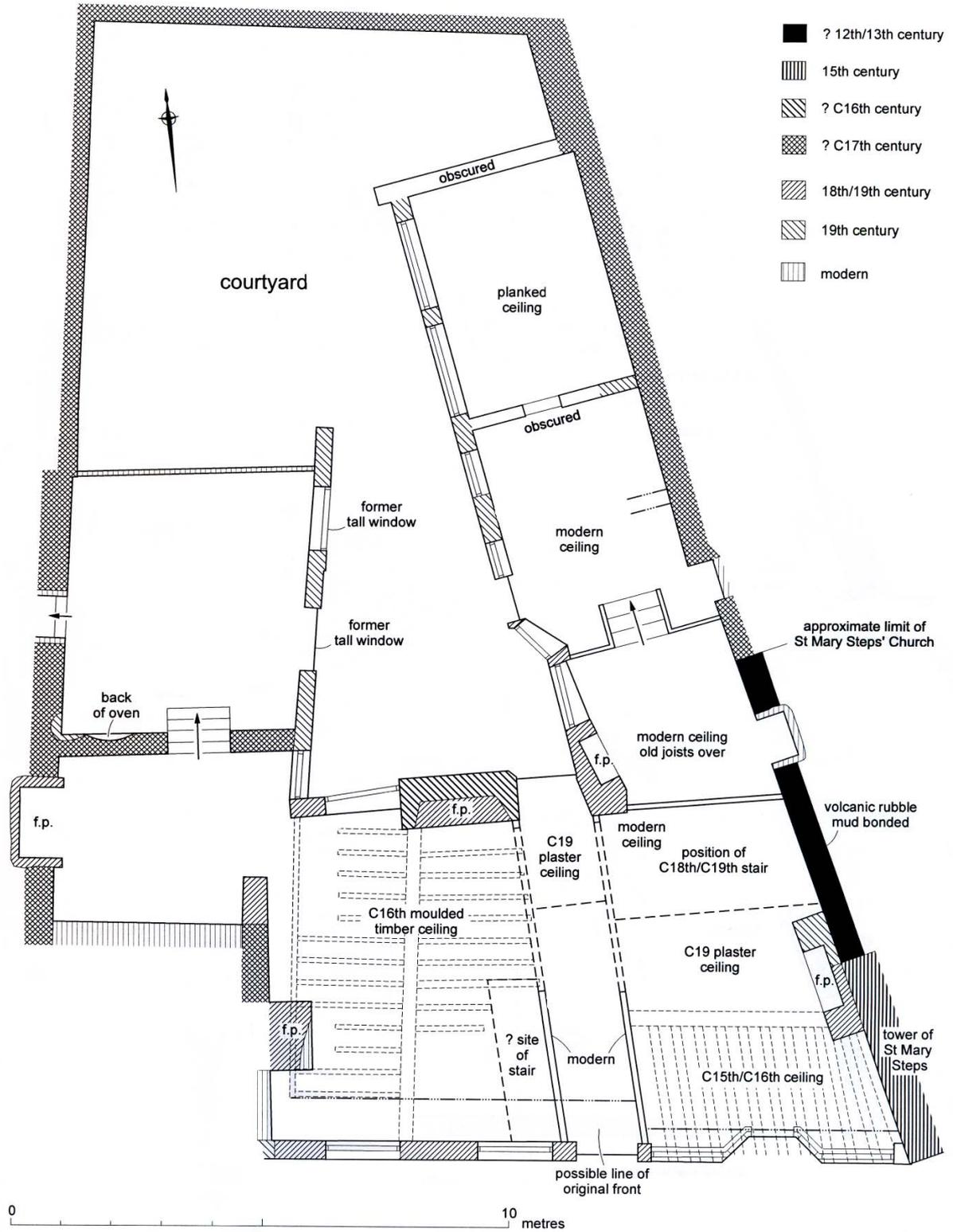


Fig. 4 Plan of ground floor showing conjectural phasing.

Drawing from impact assessment of Nos 3 – 4 West Street, based on existing plans (Exeter Archaeology)

- 3.5 For proposals to alter historic buildings, the scope of the impact assessment required would depend on the complexity of the building and the scale of the alterations proposed:
- Limited scale with obvious impact - Site visit by the Conservation Officer and/or the Archaeology Officer.
  - More extensive works within a building containing historic fabric and features which are likely to be affected - Written description and impact assessment, including annotated plans and photographs. Limited opening up where the impact of proposals is unclear.
  - Extensive and intrusive works in a complex building with important features - Detailed assessment including measured drawings to supplement architect's plans, e. g. where it is proposed to insert a staircase through a historic timber ceiling. Possibly additional historical research, and opening up to ascertain importance and to clarify the impact of proposals.
- 3.6 **Site investigation (evaluation)**  
This is required where the above work has identified the site as containing known or potential archaeological remains that may be affected by the proposals. The primary purpose is to establish accurately where remains are located, and whether they merit preservation *in situ*, or whether their loss is acceptable – subject to proper recording. It can also inform the design of engineering solutions to preserve important remains *in situ*, and should also enable the consultant to advise the Client what the cost of recording is likely to be, if remains are not to be preserved *in situ*. In very rare cases it may identify remains which are so important that little or no development is possible, however sensitively designed. English Heritage advise that an applicant can insure themselves against this risk.
- 3.7 An evaluation can be combined with engineering or geotechnical site investigations to save costs. A **brief** setting out the scope of work is provided or agreed by the Archaeology Officer, and provides a benchmark against which developers can ask archaeological contractors to tender. It would normally include guidance – sometimes in the form of a percentage sample - on the extent of trial trenching required, whether any further geophysical, field walking, or measured surface survey is required, and what types of remains may be expected. The Archaeology Officer would require a **method statement** and trench plan for approval prior to work starting on site, and would monitor the site work.
- 3.8 The results of an evaluation can be crucial in the process of determining and agreeing the optimum layout for a new development, and therefore are normally required **prior to the determination of a full planning application**. It is open to the Council to refuse an application where the results of an assessment and/or site evaluation have not been provided within a reasonable time.
- 3.9 An evaluation may also be required where a condition requires the approval of foundation details, to inform the design and approval of these. This can occur where the presence of buildings on a particularly constricted urban site has not allowed an evaluation to be undertaken before determination of the application and demolition of the buildings.



A typical evaluation (Exeter Archaeology)

**3.10 *Recording remains and features (preservation by record)***

This consists of recording work undertaken where it has been agreed that remains or historic features of lesser importance can either be destroyed or disturbed by the development or alterations, and is ensured via planning condition, and occasionally by a S106 legal agreement.

3.11 For development involving ground works, it can range from the full-scale archaeological excavation of a site, or of part of a site, prior to development commencing, to monitoring and archaeological recording of remains or deposits revealed by the construction works (a “watching brief”).

3.12 For development involving historic buildings, it can range from some monitoring and recording during more minor alteration works, up to a comprehensive drawn and photographic record of the building and of the features it contains (where, for example, parts of it are to be demolished or removed).



Excavation of a prehistoric barrow with development continuing in background, off Rydon Lane (Exeter Archaeology)

3.13 The majority of proposals only require monitoring and recording during the works. In other cases, a combination of responses is likely to be involved. For example, the controlled excavation of an area - or the full record of one part of the building – may be followed later by a “watching brief” on less sensitive areas. In other cases, a “watching brief” may result in unexpected discoveries being made, and can develop into an extensive excavation. Developers should allow sufficient flexibility and contingency for this in their programmes and budgets, and English Heritage advise that developers can insure themselves against this risk.

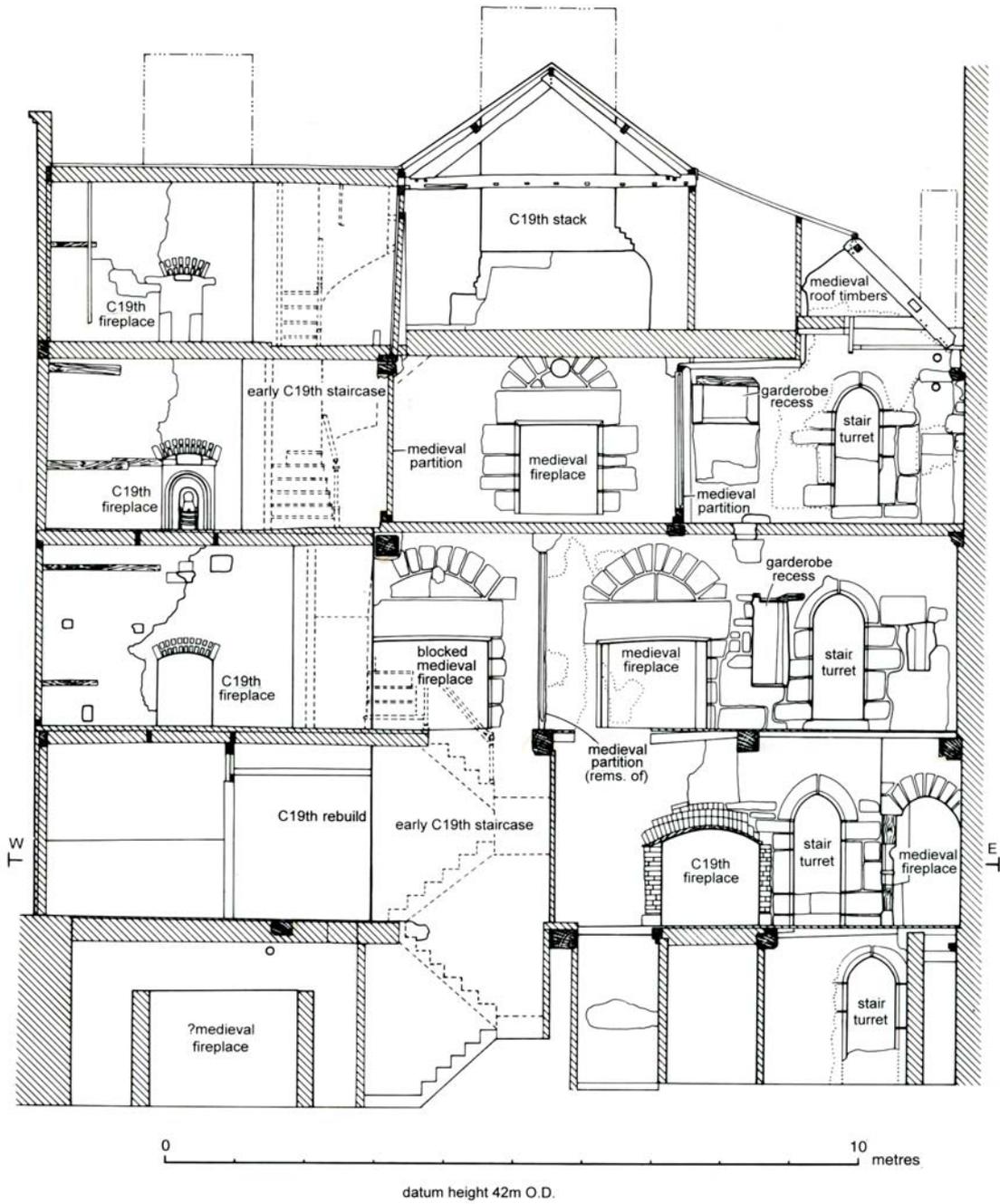


Watching brief in city centre (Exeter Archaeology)

3.14 Site investigations and recording work, for ground works and historic buildings, result in discoveries that require appropriate conservation, analysis, and publication. As a minimum, this will include some initial work, a summary report and database entry, and deposition of the finds and records in the Museum. Where important discoveries are made, these will normally also require detailed analysis and wider publication in the county archaeological journal or equivalent. The scope of any such work should be assessed by the developer's archaeologist when the on site work has finished, and agreed with his client and the Archaeology Officer. It is important for the developer and their archaeologists to allow sufficient contingency for off-site work in their project costs.



No. 2 Broadgate - medieval fireplace and blocked door (Exeter Archaeology)



No. 2 Broadgate - record drawing showing medieval fireplaces and doorways (Exeter Archaeology)

## **4.0 OTHER APPLICATIONS AND NOTICES**

4.1 In a few cases proposals require additional consents to be obtained and notices to be served, whether or not they have, or require, planning permission. Although other bodies currently deal with most of these other requirements, it is useful to summarise the main ones that are likely to apply within Exeter.

### **4.2 Scheduled Monuments**

Scheduled Monuments within Exeter as at November 2003 are shown on Figs 1 & 2. The City Council, and English Heritage, holds more detailed plans that show the exact extents of these. Consent from the Secretary of State is required for any works affecting the monument, including any within 2 metres of its boundary, and it is an offence to carry out such works without consent. Applicants should contact English Heritage for advice and guidance prior to making a formal application for consent.

### **4.3 Area of Archaeological Importance (AAI)**

Within this statutory area (Fig 2), 6 weeks notice must be given for all ground works (whether or not they need planning permission), including provision of accurate information about the works, and there is a right of access for the appointed investigating authority - *Exeter Archaeology* - to carry out archaeological excavation for up to 6 months from the time of giving notice. In practice most cases are dealt with through the planning system but notice must be given for small-scale development and works by statutory undertakers which are outside the planning system.

### **4.4 Church buildings and attached graveyards**

Works within churches and attached graveyards owned and occupied by the Church of England, Roman Catholic Church, Methodist Church, Baptist Union and the United Reformed Church are governed by the Churches' own control systems. Thus, for works within the Cathedral and in most areas within the Dean and Chapter's ownership around it, consent is required from the Cathedrals Fabric Commission for England (CFCE), as well as from the Dean and Chapter. For works within Anglican churches and graveyards consent is required from the Diocese, advised by its Diocesan Advisory Committee (DAC). Equivalent arrangements apply for the other exempt denominations.

### **4.5 Human remains**

Where ground works involve the disturbance of current or redundant graveyards, or where human remains are discovered during works, then various legal requirements apply, including the requirement in some cases to apply to the Home Office for a Licence, and to give Notice, and, in other circumstances, to notify the Police and/or Coroner. Developers should seek legal advice on these issues, and contact the Home Office for further guidance.

### **4.6 Hedgerow Regulations 1997**

Removal of hedgerows of historic importance (defined as those forming an integral art

of a field system dating to before 1845) will normally be refused. Further information is available from the City Council's Landscape and Tree Officer, in Planning Services.

#### **4.8 The City Wall**

In addition to protection as a scheduled monument, the City Wall is also covered by provisions in chapter xi of the Exeter City Council Act of 1987. These include

- the right of the Council to gain access to sections of the city wall in private ownership for the purposes of survey and repair, and to recoup the costs of repair from the owners, and
- the need to obtain consent from the Council for the erection or placement of a structure, or materials or refuse, within 2 metres of the city wall.

### **5.0 ARCHAEOLOGY AND DEVELOPMENT - A QUICK GUIDE**

#### **5.1 Introduction**

Historic remains - whether buried or within buildings - part of Exeter's special character, can add value to properties, can often be easily damaged, and are irreplaceable. Where development proposals affect such remains, the Council is committed to working with developers and property owners to ensure that they are dealt with in a proper manner. Depending upon circumstances, remains may need to be protected, development carefully designed to minimise impact, or where they are destroyed or removed a full record is required.

#### **5.2 Archaeology and the Planning Process**

Although the Council will provide advice where it can, the responsibilities and costs of all on and off site archaeological work resulting from a development lie with the applicant and therefore it is important to allow for this in project timetables and budgets from the beginning. It is usually a question of how to do the development or alterations in a sensitive way – the less the impact on remains, the less the cost should be. Applicants should seek professional archaeological advice at the earliest opportunity, and the Archaeology Officer can advise where to find this.

##### **5.2.1 Do proposals affect archaeology?**

The first step is to ascertain whether a proposal will, or is likely to, affect any remains. Developers should contact the Council's Archaeology Officer for advice.

##### **5.2.2 If archaeology is affected**

As much information as possible must be collected about remains and used to design the proposals. The Archaeology Officer will advise what work is required and how it should be carried out.

##### **5.2.3 Surveying remains and features**

This may be done by a desktop study of existing information supplemented as required by geophysical survey and site investigation. For buildings and structures some opening up may be required. The information should be submitted with the application. Work should be carried out for the applicant by suitably qualified and experienced

personnel.

#### **5.2.4 How remains are dealt with**

Proposals resulting in detrimental effects upon a scheduled monument or its setting will be refused. In other cases the City Council will negotiate to reduce impact and will place conditions on any consent. These conditions will require approval before works start of details of work and recording of the remains. A legal agreement (Section 106) may be sought.

#### **5.2.5 Lessening impact and costs**

Buildings should be located as far as possible from remains and detailed design, particularly of foundations, and of alterations to old buildings, should minimise impact and recording costs. Significant features should be incorporated into new designs to retain them undisturbed.

#### **5.2.6 Planning conditions**

Before work starts the Council needs to approve written details setting out how the on- and off-site work is to be undertaken. This may cover all types of work from monitoring by archaeologists (watching brief) to a full excavation or building record, along with the appropriate off-site analysis, conservation, reporting, archiving and publication work afterwards.

5.2.7 The condition will be fully discharged when all the necessary on and off-site work has been satisfactorily completed. Developers should be aware that the completion of off-site works may take some time, although the Council will provide clear guidance on when it expects to be able to discharge the condition.

### **5.3 Procedures for Undertaking Archaeological Work**

#### **5.3.1 Quality control**

The level and quality of information should be agreed with the Archaeology Officer and carried out by the applicant's archaeologists in accordance with the Code of Practice and the various Standard and Guidance documents published by the Institute of Field Archaeologists (IFA), and other relevant professional and specialist guidance.

#### **5.3.2 Desktop study (assessment)**

This can be required before a decision is made on planning or Listed Building Consent applications. It is a review and analysis of existing information and of the impact of development. Includes a site visit and a geophysical survey if necessary.

#### **5.3.3 Site investigation (evaluation) or opening up of building fabric**

When a desktop identifies significant remains this will normally be required before determination of a full planning application or listed building consent application.

#### **5.3.4 Recording remains and features**

A record of remains and features that are to be destroyed or disturbed must be made. The work may range from a simple "watching brief" to an extensive excavation or building record.

### **5.3.5 Reporting of results**

Discoveries made during the work will normally require some off-site conservation and analysis, and appropriate publication.

## **5.4 Other Applications and Notices**

### **5.4.1 Scheduled Monuments**

Consent for works required from the Government. Advice from English Heritage.

### **5.4.2 Area of Archaeological Importance (AAI)**

Six weeks notice required for ground works and 6 month right of access for archaeological work.

### **5.4.3 Church buildings and attached graveyards**

Consent for works required from church authorities.

### **5.4.4 Discovery of human remains**

Legal requirements, including informing the Police and/or Coroner. Legal advice should be sought and the Home Office contacted for guidance.

### **5.4.5 Hedgerows**

Removal of hedgerows of historic importance will normally be refused. Contact the Council's Landscape and Tree Officer in Planning Services.

### **5.4.6 The City Wall (Exeter City Council Act of 1987)**

Includes right of the Council to access the wall for survey and maintenance purposes, and recoup costs from owners, and consent needed for works within 2 metres of it.

## **APPENDIX 1 PROPOSAL TYPES LIKELY OR UNLIKELY TO INVOLVE ARCHAEOLOGY**

This information may change as new information comes to light. Applicants should check with the Archaeology Officer.

### **Types of proposal and locations that may involve archaeology include:**

- new development on green field and brown field sites (except where mentioned below),
- alterations, extensions and intrusive repairs and refurbishment of Listed or other historic buildings, particularly those which may contain fabric and features of early date,
- any development – including extensions and/or new service trenching - involving ground works, within the historic cores of the city, and of the surrounding historic settlements of Alphington, Countess Wear, Cowick, Exwick, Heavitree, Monkerton, Pinhoe, Topsham, Whipton, and Wonford,
- conversions and alterations to present and former farmhouses, barns and other historic farm buildings,
- landscape works where this involves extensive ground works and lies in potentially sensitive archaeological areas, such as within the city centre, or over or adjacent to known or potential archaeological remains elsewhere,
- new roads and road improvements, including new access roads to properties or land,
- utilities operations such as pipe and cable laying, and
- mineral extraction.

### **Those unlikely to involve archaeology include:**

- new porches or extensions to non-Listed Buildings in areas of 19<sup>th</sup> century or later housing lying outside the historic cores of the city and of the surrounding settlements and former villages, except in areas, such as between Topsham and the M5, where there is a known potential for archaeological remains to be present,
- minor alterations and extensions to the majority of Listed Buildings of 19<sup>th</sup> century or later date,
- most developments of single buildings and outbuildings/garages, and associated short lengths of access road, where they lie outside the historic settlement cores listed above, and where they do not coincide with, or lie adjacent to, known or potential archaeological remains or historic farmsteads, and
- new development in areas where it is evident that previous development involving basements or deep terracing into the ground, or mineral extraction, has resulted in the complete removal of any archaeological remains that may once have been present.

## APPENDIX 2 USEFUL CONTACTS AND REFERENCES

### Contacts:

#### **Exeter City Council**

Archaeology Officer. Tel: 01392 265224

Conservation Officer. Tel: 01392 265227

Curator of Antiquities, Royal Albert Memorial Museum. Tel: 01392 665356

#### **Devon County Council**

Archaeology Group. Tel: 01392 382246

**English Heritage** [www.english-heritage.org.uk](http://www.english-heritage.org.uk)

**South West Region** Tel: 0117 9750700

**Scheduled monument or Listing enquiries** Tel: 020 7973 3000

**Institute of Field Archaeologists** [www.archaeologists.net](http://www.archaeologists.net)

Tel: 0118 3786446

### References:

Association of County Archaeological Officers (1993) *Model briefs and specifications for Archaeological Assessments and Field Evaluations.*

Association of Local Government Archaeological Officers (ALGAO) (1997) *Analysis and Recording for the Conservation and Control of works to Historic Buildings: advice to Local Authorities and Applicants.*

British Standards Institute (1998) *BS 7913. Guide to the principles of the conservation of historic buildings.*

English Heritage (1991) *Management of Archaeological Projects.*

English Heritage (2002) *Environmental Archaeology.* Centre for Archaeology Guidelines.

Institute of Field Archaeologists:

*Code of Conduct.*

*Code of Practice for the regulation of contractual arrangements in field archaeology.*

*Yearbook and Directory.* (available in most central libraries & Planning Services)

*Standard and Guidance for archaeological desk-based assessments.*

*Standard and Guidance for archaeological field evaluations.*

*Standard and Guidance for archaeological watching briefs.*

*Standard and Guidance for archaeological excavation.*

*Standard and Guidance for the archaeological investigation and recording of standing buildings or structures.*

*Standard and Guidance for the collection, documentation, conservation and research of archaeological materials (i.e. finds).*

Pugh-Smith, J, & Samuels, J (1996) *Archaeology in Law.*

Royal Commission on Historic Monuments (RCHME, now English Heritage) (3<sup>rd</sup> edition, 1996) *Recording Historic Buildings, a Descriptive Specification.*

United Kingdom Institute for Conservation (2001) *Excavated artefacts & Conservation.*

## **APPENDIX 3 STANDARD PLANNING CONDITIONS**

### **ARCHAEOLOGICAL RECORDING**

*“No development shall take place within the site until a written scheme of archaeological work has been submitted and approved in writing by the local planning authority. This scheme shall include on site work, and off site work such as the analysis, publication, and archiving of the results. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the local planning authority”*

#### *Reason*

To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

### **PROTECTION OF ARCHAEOLOGICAL REMAINS**

*“No development or construction activity shall be undertaken within the area(s) outlined on the attached plan, until the means of protecting archaeological remains have been agreed in writing with the Local Planning Authority. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the local planning authority”*

#### *Reason*

To ensure that significant archaeological remains are protected from damage during development.

### **APPROVAL OF FOUNDATION DETAILS**

*“No development shall take place within the application site until the means of construction of foundations have been agreed in writing by the Local Planning Authority. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the local planning authority”*

#### *Reason*

To ensure that disturbance to important archaeological remains is minimised.

## **APPENDIX 4 LEGAL AND POLICY BACKGROUND**

### **Legislation**

- Valletta Convention (the *European Convention on the Protection of the Archaeological Heritage*), articles 2i, 5ia, 5iib, 5iv, 6iia. Ratified by HM Government and in force since 2001.
- *Ancient Monuments and Archaeological Areas Act* of 1979. Part I (Scheduled Monuments) and Part II (Areas of Archaeological Importance).
- *Town and Country Planning Act* of 1990
- *Planning (Listed Buildings and Conservation Areas) Act* of 1990

### **National planning policy guidance**

- Planning Policy Guidance Note No. 12 (*Development Plans*, 1999).
- Planning Policy Guidance Note No. 16 (*Archaeology and Planning*, 1990).
- Planning Policy Guidance Note No. 15 (*Planning and the Historic Environment*, 1994).

### **Local plan**

Exeter Local Plan First Alteration – 1989-2001  
The Exeter Local Plan First Review - 1995-2011