

Email from Senior Conservation Officer on 2nd Aug 2023

Hi Liam,

Thanks for sending through the archaeological desk-based assessment- I had not seen this amongst the planning documents submitted online, but apologies if this was my error.

Having read through the report and reviewed the relevant archaeological event and monument records contained on the Leicestershire and Rutland Historic Environment Record (on which the archaeological background within the report is based) it remains my professional opinion that the developer has not undertaken a sufficient level of archaeological investigation as required by NPPF Section 16, paragraph 194 to assist the local planning authority in understanding the heritage impacts of the scheme and thereby inform a balanced planning decision, as required by NPPF paras. 195 and 203.

Having read through the report, I am surprised with the overall conclusions that the author has made and cannot agree that the archaeological potential of this site is low. As I have previously outlined, the local HER records that there is good archaeological evidence for prehistoric activity in the vicinity of the site dating from the Mesolithic, Neolithic and Bronze Age periods located c.500m to the west of the application area (HER refs MLE907 and MLE908). The assessment also flags up several cropmarks of possible prehistoric origin, comprising double ditches and possible enclosures to the north (MLE783). The remains of Iron Age/Roman settlement and occupation have been identified c.500m to the east at Rothley Grange (MLE721) and further Iron Age remains in the form of cropmark enclosures have been identified to the north (MLE785). Fieldwalking across the site has identified a small scatter of prehistoric flint, which may be indicative of nearby occupation and settlement and there are several isolated findspots in the vicinity pertaining to Neolithic and Bronze age flint tools and implements. Although the submitted assessment refers to an archaeological evaluation that was undertaken on the adjacent site, it should be noted that this work was undertaken in 2003 and the techniques and coverage now employed as industry standard in preliminary archaeological field evaluation have now improved: in 2003 only small areas of the site were subject to geophysical survey and a very limited number of trenches were excavated and this work would no longer be considered sufficient by current standards to determine the presence or absence of significant archaeological deposits across such an extensive area.

Any archaeological evidence for prehistoric activity within the landscape is important, not least because it is so rare. That this much evidence has been identified in the areas surrounding the site, especially given the paucity of any previous intrusive archaeological investigation, indicates that there is potential for the presence of prehistoric archaeological remains within the proposed development area and further work, in the form of a field evaluation is now required in order to understand the archaeological interest and significance of any archaeological remains present, so that the harm and loss of any undesignated heritage assets can be minimised and the heritage impacts of the submitted scheme can be taken into account by the planning authority in making a balanced planning judgement and determining the application.

The relevant planning policy can be found in NPPF Section 16:

Paragraph 194, which holds that ' In determining planning 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’.**

Paragraph 195 holds that ‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal’.

Finally, paragraph 203 holds that ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

NPPF entails that the management of the archaeological impacts of development schemes are a material consideration within the planning process. Whilst the archaeological impacts of some development schemes might be managed or mitigated through the use of conditions, given the scale of this development and the indicative archaeological potential here, I do not believe that the use of conditions at this stage would be a sufficiently robust or appropriate approach, as the requirements of the NPPF would not have been met.

I would therefore continue to recommend that the applicant should be required to complete an archaeological evaluation or impact assessment of the scheme. This should comprise Geophysical Survey followed by targeted Trial Trenching, to identify and locate any archaeological remains of significance and propose suitable treatment to avoid or minimise or mitigate damage by the development. The results of the evaluation should then be used by the local planning authority to understand the heritage impacts of the scheme and to assist in making an informed and balanced planning decision.

Should the applicant be unwilling to supply this information as part of the application, it may be appropriate to consider directing the applicant to supply the information under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, or to refuse the application. These recommendations conform to the advice provided in DLUHC National Planning Policy Framework (NPPF) Section 16 paras 194 and 195.

Should you be minded to refuse this application on other grounds, the lack of archaeological information should be an additional reason for refusal, to ensure the archaeological of the site is given future consideration.

I hope this is helpful- it might be useful for us to have a conversation on the phone, which I’d be more than happy to have. I note Mark’s previous comments in relation to an earlier iteration of the scheme (I believe) and having come from a long background in professional planning archaeology, I remain unclear why the applicant has not provided any level of field evaluation in support of their application, as would generally be expected for a scheme of this scale.

Regards,

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