

Guidance for Developers

Planning and the Historic Environment

As part of the assessment of planning applications, amongst other things, the Council, in its capacity as Local Planning Authority (LPA) will consider the effects of your development proposal on the historic environment. This will involve consultation with the Council's Archaeology Service (DCCAS).

The historic environment includes all aspects of the county that have been built, formed or influenced by human activities at any point up to the present. It includes everything from prehistoric flint tools to castles, remains of plants used in the past to earthwork remains of villages.

Particular sites, areas or buildings are known as *heritage assets* in planning terms. They can also be *designated* (broadly speaking, defined in either law and/or planning policy as requiring special consideration) or *non-designated* - which literally means they just haven't been designated. And just because a heritage asset is non-designated, doesn't automatically mean it is of lesser importance.

DCCAS also provide a similar service to Darlington Borough Council (DBC). Due to this guidance covering both Authorities, they will be generically referred to as the Local Planning Authority or LPA

The Planning Process

As part of the decision-making process on a planning application, or as a condition of a planning permission, the LPA may ask you to provide certain information, and/or carry out certain works. This guidance sets out what may be needed, to help you get a basic overview of what is involved. This guidance relates mainly to non-designated heritage assets, as designated assets usually have more formalised decision-making processes in place.

Appointing an Archaeologist

DCCAS does not hold an approved list of archaeologists, but instead suggest you consider using the Chartered Institute for Archaeologists list (at <http://www.archaeologists.net/ro>) and/or the British Archaeological Jobs and Resources list (at <http://www.bajr.org/RACSmapp/default.asp>) to identify potential archaeologists. Similarly, DCCAS are unable to tell you who to choose, but can offer advice on things to consider, or attempt to answer any queries. However, much of the advice for appointing an Archaeologist would involve similar considerations as employing anyone else to do work for you – making sure it is clear what is, and isn't,

included in the cost (usually specified by a Written Scheme of Investigation – see below), being clear about when payment and work needs to take place, making sure the company you choose is a reputable one, and so on.

You may decide to change your contractor after the work has started. There are certain points in a project where this creates fewer issues than others, and DCCAS would advise developers to wait until these points in a project before changing contractor. Waiting until a phase of work has been completed and reported on is a good change-over point. Changing contractor midway through a phase of work is far less desirable and can lead to additional costs and delays. For example, Written Schemes of Investigation may need significant changes, incurring time delays and additional costs for approval. If you are considering changing contractors, DCCAS would suggest you contact us so we can advise you on what needs to be considered to arrange as smooth a changeover as possible.

Written Scheme of Investigation (WSI)

This is a document that sets out what work needs to be carried out by a Contractor. A WSI ensures that the Developer, LPA and the Contractor all know exactly what works will be needed and ensures that the appropriate work required is carried out, to the right standard. It is usually prepared by the contractor, but should be approved by DCCAS (for which a fee is usually payable see <http://www.durham.gov.uk/article/2006/Development-management-advice> for charging details).

The types of work needed can be divided into three main phases, which normally happen at different stages of an application. Depending on the location and impact of your development you may have to deal with more than one of these phases. We would always recommend, though, that before you commission any archaeological work, you make contact with us to check what is needed.

Assessment

This is preliminary investigation of a site at the very earliest stages of even considering a possible development. The exact details of type of development or layout may as yet still be unknown. This merely identifies if there is likely to be an historic environment issue on the proposed site. A desk-based assessment (DBA) can be as simple as asking for a pre-application opinion from DCCAS as to any issues, through to a formally commissioned DBA report produced by a professional archaeologist. DCCAS rarely require formal DBAs for applications, so if you are considering commissioning one, we would recommend contacting us for advice first. Whilst DCCAS like to encourage early engagement with historic environment aspects of a development, until a formal Pre-Application Inquiry is submitted, only generic advice can be given.

Evaluation

This is more detailed investigation of a site. The Assessment phase will have identified the potential for heritage assets on the site, and this phase aims to investigate them in more detail. This usually involves fieldwork, often a combination of geophysical survey and trial trenching, but other techniques may also be appropriate. This phase of work can happen in pre-application discussions, or after an application has been submitted. But as it is usual for the results to be required prior to a planning decision being made, it is best not to wait until the application is submitted before addressing any issues flagged up by an assessment, as this could incur delays. Typically, we will ALWAYS ask for field evaluation for a green field site over 1 hectare, as previous experience has shown that these sites regularly contain previously unknown archaeological remains. (County Durham Plan 2020, 5.456)

Mitigation

This is when heritage assets have been positively identified on the site, and enough information about them has been gathered to determine how they should be dealt with. There are two main methods of mitigation, but many ways to achieve them. The main methods are Preservation In situ – the heritage asset is protected undisturbed on the site where it is, if possible. This could be done by designing open space areas into the development or using foundation design to limit impact. The other option is Preservation by record – the heritage asset is sufficiently investigated and recorded, and the records permanently stored and made available. This involves further fieldwork such as excavation or survey, in more detail than at the Evaluation stage.

Post Fieldwork Phase

Regardless of what work happens when, there will almost always be a post field work phase. For large or long- term projects there may be more than one of these phases. In this phase, the information gathered needs to be analysed, reported on, prepared for archiving, and if sufficiently significant, it may need publication in a journal article. Costs for this phase are often hardest to predict, as it depends on the results of the work carried out, so often parts of this phase are costed as contingencies that may need to be used.

Planning Conditions

DCCAS typically recommend the imposition of two planning conditions to secure any archaeological work needed post-determination of an application. The first we call the “WSI” condition, which ensures that the works to be carried out are agreed with DCCAS in advance and that the works are subsequently implemented in accordance with the agreed details. The second, or “Reporting” Condition, is to ensure that any Post Fieldwork phases of work are carried out.

In order to agree the WSI Condition, you need to submit the agreed WSI to the LPA as part of a Discharge of Condition application. Once the WSI details are approved you are required to carry out the works specified in it or be liable to possible enforcement action. PLEASE NOTE: agreeing the WSI with DCCAS is not sufficient to discharge the condition.

To discharge the second condition, the final report needs to be submitted to the LPA, and you also need to have complied with all other relevant parts of the condition regarding, for example, archiving and publication.

DCCAS recognise that navigating through the archaeological process can be confusing, and the information in this document is meant as a rough guide. If you are unsure of any aspect, it is always best to contact us and we will be happy to try and help you through the process.

DCCAS
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