

The Historic Environment and Development

Practice Note

March 2009



Clovelly Dykes (© Devon County Council)

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Statement of Purpose

This Practice Note is intended to help Planning Officers, developers, contractors and property owners to work together with Devon County Council's Historic Environment Service to ensure that the Historic Environment is properly considered when applications are made for Planning Permission, Listed Building and Conservation Area consent. Most new development does not affect archaeological remains, but it is important that landowners and 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. The impact that new buildings, conversion and alteration of existing buildings, landscape works, new roads and services and mineral extraction may have on the historic environment also needs consideration.

The archaeological and historic importance of a development site is not always obvious. Early consultation with the Devon County Council Historic Environment Service (HES) is therefore a sensible precaution.

Works on or near legally protected Scheduled Monuments and Listed Buildings, need particular consultations and permissions, and these are explained elsewhere in this document.



Plate 1: Rescue recording on the A30 between Honiton and Exeter (© Wessex Archaeology)

Summary

[Throughout this document, the term 'archaeology' refers to a range of features, including below-ground deposits, earthworks and standing buildings.]

Background

Historic and archaeological remains are an irreplaceable part of Devon's special character. They can add value to properties and can often be easily damaged. Where development proposals affect archaeology, the Planning Authorities are committed to working with developers and property owners to ensure that remains are dealt with in a proper manner. Depending upon their importance, archaeological remains may need to be protected where they are ('in situ') and a development proposal refused outright; or development carefully designed to avoid damage to the remains. Or, where remains will be destroyed by a development that has been given planning consent, a full archaeological record will be required.

The Historic Environment and Development Control

Once the archaeological importance of a site has been flagged up, the responsibility for dealing with the archaeological implications lies with the developer or person making the application. In most situations the developer will need to employ a professional archaeological consultant or contractor, much as they will have need of a Planning Agent or Architect. Sensitive development is generally more cost effective – the lower the impact on archaeological remains, the lower the cost. Applicants should seek professional archaeological advice at the earliest opportunity.

Do proposals affect archaeology?

The first step is to find out whether a proposal will, or is likely to, affect any remains. Developers should contact the Devon County Council HES for advice. The HES welcomes an initial telephone call, followed by a faxed/emailed/posted plan. In the case of an application affecting a Listed Building, the Local Planning Authority's Conservation Officer should be the first point of advice, but the Devon County Council HES should be consulted on possible archaeological implications. If the site is on or next to a Scheduled Monument, English Heritage should also be consulted.

If archaeology is affected

As much information about the archaeological remains as possible should be collected, and used to help the design of the proposals to avoid or reduce any damage to the archaeology. The HES will advise what archaeological research is required and how it should be carried out.

Pre-application consultation and evaluating remains and features

This may be done by a Desk-based Assessment of existing information, and perhaps also by Geophysical Survey and the excavation of archaeological test pits or trenches to test or 'evaluate' the archaeology. For historic buildings and structures some 'opening up' – the removal of paint or plaster hiding early features - may be required. The results of this work should be submitted with the application. Work should be carried out for the applicant by suitably qualified and experienced personnel.

How archaeological deposits are dealt with

Proposals which would cause damage to a nationally important and legally protected site or its setting may be refused. The same may also be the case with proposals affecting certain particularly significant sites of more regional or local importance. In other cases the HES and Planning Authority will discuss reducing the impact of the proposed development, and the Planning Authority will place Conditions on any planning consent. These Conditions will require that archaeological investigation and recording of the remains will take place before any site works begin and that this will follow a formally agreed programme. In more complicated cases a legal agreement (Section 106) may be needed to ensure that the archaeological works are carried out.

Lessening impact and costs

Often the results of archaeological evaluation will allow a more sympathetic development design and the possibility of avoiding unnecessary damage and further archaeological works. Very often archaeological features can be protected (and expensive excavation avoided) by redesign, which is best considered at an early stage of the design process. New buildings should be located as far as possible from known or suspected archaeological remains and detailed design, particularly of foundations, and of alterations to old buildings, should minimise impact and so reduce recording costs. Significant archaeological or historic features should be incorporated into the design of the development to protect them undisturbed.

Planning Conditions

Before development work starts the HES and Planning Authority need to approve a formal programme (the 'written scheme of investigation' (WSI)) setting out how the on- and off-site archaeological work is to be undertaken (see Section 2.6.1.1). This will often be based upon a Brief provided by the HES. The WSI may cover all types of work from monitoring by archaeologists (Monitoring and Recording Brief) to a full archaeological excavation or detailed building record, along with the appropriate off-site analysis, conservation, reporting, archiving and publication work afterwards. The Condition will only be satisfied when all the on-site and off-site work has been satisfactorily completed. Developers should be aware that the completion of off-site works may take some time.

Procedures for undertaking archaeological work

Quality control

The level and scope of the archaeological work should be agreed with the HES (and, in the case of works affecting a Listed Building, the Conservation Officer and, in certain cases, English Heritage) Work should be carried out by the applicant's archaeological consultant or contractor in accordance with the Code of Practice and the various Standard and Guidance documents published by the Institute of Field Archaeologists (IFA) and other professional bodies.

Assessment

This may be required before a decision is made on planning or Listed Building Consent applications. It is a review of existing published and unpublished information about the area or building in question, and an analysis of the impact that the type of development is likely to have. It will usually include a site visit and may also involve a geophysical survey.

Site Evaluation

When a Desktop Assessment identifies that potentially significant archaeological remains are likely to be present, but it is not clear exactly where they are or how wide an area they cover, what they represent and how important they are, archaeological 'evaluation' will be required before determination of the planning application. This will involve the archaeological excavation of a series of trenches across the proposed development area.

Recording remains and features

When planning permission is given, and this will result in the destruction of archaeological or historic remains, a record must be made. The archaeological work may range from a simple "Monitoring and Recording Brief" to a full-scale archaeological excavation or detailed building record.

1 Introduction

Throughout this document, the term 'archaeology' refers to a range of features, including below-ground deposits, earthworks and standing buildings that form our Historic Environment.

The 'Historic Environment' includes all the physical remains that our ancestors have left in the landscapes of town and countryside. It covers a wide range of human creations from the largest - towns, cathedrals, field systems and highways - to the smallest - signposts, standing stones or prehistoric flint tools. With continuous human activity through the ages, the historic environment comprises virtually all the rural and urban landscape.



Plate 2: The defensive ditches of a Roman fortlet or signal station at Ide, southwest of Exeter, visible during dry summer conditions and recorded as an archaeological 'cropmark' (© Devon County Council)

The rich and distinctive nature of Devon's historic environment is apparent in its buildings, in its monuments and in the landscape around them. This especially high quality is one of the reasons why Devon is such a good place in which to live, and why it is so attractive to visitors. The stewardship of the historic environment is therefore very important for Devon's economic prosperity.

Archaeological and historic remains occur in a variety of forms. Not all are visible, or visually attractive, but they are nevertheless important as irreplaceable sources of information about our past and in contributing to the county's distinctive character. Archaeology includes well-known buildings and monuments, historic warehouses, houses and shops, and historic parks and gardens. Less obvious features can be equally important elements of the Historic Environment. These include earthworks, ruined buildings and archaeological evidence that is now buried below ground.



Plate 3: Remains of a 16th century roof and partition incorporated in a later building, and revealed only during demolition for development in Newton Abbot (© Exeter Archaeology)

Some natural features, such as old river channels, peat bogs, submerged forests and cave deposits also contain important evidence of the past environment and the impact that humans have had on it.

Archaeological and historic remains are often the only source of information we have about the past. As these remains cannot be replaced and are a fragile and ever diminishing resource, developers are expected to take account of them when deciding on areas for proposed development, and when submitting detailed plans. When an archaeological or historic site is damaged or destroyed it is permanent and irreversible.



Plate 4: A 6th- or 7th century AD storage jar (amphora) from the eastern Mediterranean, found during development at Bantham Ham in South Devon (© Exeter Archaeology)



Plate 5: Hollowed willow tree trunk found during sand and gravel quarrying near Burlescombe, Mid Devon. It was used as a lining for a 7th to 9th century AD well. Tool marks are visible on the outer face (© Exeter Archaeology)

1.1 Policy background

Government policy and guidance about archaeology and the wider historic environment in relation to planning is published in PPG16, Archaeology and Planning (1990)

<http://www.communities.gov.uk/publications/planningandbuilding/planningpolicyguidance9> and

PPG15, Planning and the Historic Environment (1994)

<http://www.communities.gov.uk/publications/planningandbuilding/planningpolicyguidance8>.

PPG16 states that archaeology is a material consideration in the determination of planning applications. It stresses the finite and irreplaceable nature of archaeological remains, and the Government's presumption in favour of the physical preservation of nationally important remains, and the need for developers to arrange for the recording of remains of lesser importance, where they are to be disturbed as a result of development.

PPG15 points out that effective protection for all aspects of the historic environment are fundamental to the Government's policies for environmental stewardship, and expects developers to arrange for recording of features which are to be destroyed during alteration or demolition of historic buildings.

This national guidance has been followed by Devon County Council and Devon's other local authorities in preparing planning policies specific to their areas of responsibility.

1.2 Key Structure Plan Policies

The Devon County Structure Plan 2001-2016 incorporates the principles of PPG16 and PPG15 in Policies CO7 and CO8:

CO7: *The quality of Devon's historic environment should be conserved and enhanced. In providing for new development particular care should be taken to conserve the special historic character of settlements, the character and appearance of conservation areas, the historic character of the landscape, listed or other buildings of historic or architectural interest and their settings and parks and gardens of special historic interest and their settings.*

CO8: Internationally, nationally and regionally important archaeological sites and their settings, whether Scheduled Monuments or unscheduled, will be preserved. Other important sites and their settings should be preserved wherever possible, and in considering proposals for development which would have an adverse impact on them, the importance and value of the remains will be a determining factor. Where a lack of information precludes the proper assessment of a site or area with archaeological potential, developers will be required to arrange appropriate prior evaluation in advance of any decision to affect the site or area. Where the loss of an archaeological site or area is acceptable, proper provision for archaeological excavation and recording will be required.

These policies are applied directly to decisions made by Devon County Council when determining its own planning applications (for example for schools and road schemes), and when determining 'County Matter' planning applications (such as quarries and waste disposal sites).

1.3 Local Plan Policies

Most current Local Plans and emerging Local Development Framework documents contain policies that reflect PPG16, PPG15 and Structure Plan policies CO7 and CO8. Planning applications will be determined by the Local Planning Authority in view of these Local and National Policies and Guidelines.

See 2.1 for links to the Local Planning Authorities' planning websites.

1.4 Utility Codes of Practice

The Environment Agency, utility companies (such as gas, water and electricity networks) and other infrastructure developers operate under Codes of Practice which contain policies that reflect PPG16, PPG15 and Structure Plan policies CO7 and CO8 (see Appendix 2).

2

The historic environment and the planning process

2.1 Archaeological Matters in Devon

Archaeological matters in Exeter, Plymouth, Torbay, Dartmoor National Park and Exmoor National Park are dealt with by their own archaeological services. Developers proposing work in any of these areas should refer their enquiries to the relevant Authority, and not to the Devon County Council Historic Environment Service (HES). Where a proposal involves land on both sides of the administrative boundary between one of these Authorities and Devon County Council, both the Devon HES and the other relevant authority should be consulted.

Exeter www.exeter.gov.uk

Plymouth www.plymouth.gov.uk

Torbay www.torbay.gov.uk

Dartmoor National Park www.dartmoor-npa.gov.uk

Exmoor National Park www.exmoor-nationalpark.gov.uk



Figure 1: Map showing Districts for which archaeological advice is provided by Devon HES

Where a proposal affects a Listed Building, or is in a Conservation Area, the Conservation Officer in the relevant District should also be consulted. Where the building is Listed Grade I or Grade II*, or is a Scheduled Monument, English Heritage should also be consulted.

English Heritage

www.english-heritage.org.uk

East Devon District Council

www.eastdevon.gov.uk

Mid Devon District Council

www.middevon.gov.uk

North Devon District Council

www.northdevon.gov.uk

South Hams District Council

www.southhams.gov.uk

Teignbridge District Council

www.teignbridge.gov.uk

Torridge District Council

www.torridge.gov.uk

West Devon Borough Council

www.westdevon.gov.uk

2.2 The role of the Devon County Council Historic Environment Service (HES)

The HES is part of Devon County Council's Environment, Economy and Culture Directorate. One of its roles is to provide planning-related archaeological advice to the County Council and to the Local Planning Authorities in: East Devon; Mid Devon; North Devon; South Hams; Teignbridge; Torridge; West Devon. The Devon HES welcomes informal discussion at the pre-application stage to determine whether a development proposal has an archaeological impact and, if so, the most appropriate way

of addressing the archaeological issues. The Devon HES does not make decisions on planning applications, but strongly advises developers to discuss the archaeological implications of their proposals in advance of submitting a planning application or development consultation. Archaeological Assessment and Evaluation techniques and mitigation strategies are best addressed early in the consultation process, in order to avoid potentially costly delays during development. The Devon HES can provide a Brief for pre-application archaeological investigation, which would set out the scope of works required, appropriate to the proposed development.

The Devon HES also maintains the Devon County **Historic Environment Record (HER)**, which is a map-based record of all known archaeological sites within the county, with the exception of central Exeter, Plymouth, Torbay, and Exmoor and Dartmoor National Parks, which maintain their own records. The HER database currently (June/July 2008) contains some 72,000 archaeological records, including information derived from aerial photographs, reports on archaeological work carried out under PPG16, published and un-published research, and many other sources. This record informs the Devon HES's advice to the Planning Authorities and prospective developers.

The Devon HES does not carry out archaeological fieldwork, but is able to provide contact details of archaeological consultants/contractors, and monitors development-led archaeological work in the County. In order to assist developers in obtaining archaeological work of a standard suitable to meet the requirements of the planning process, the Devon HES is happy to provide (at no cost to the developer) a written brief for the necessary work, and to advise on the suitability of Written Schemes of Investigation (WSI) (see Section 2.6.1.1) in addressing the aims of a programme of works.

Where a Planning Condition requires the submission of a Written Scheme of Investigation (WSI), it is the developer's responsibility to arrange for its production. In practice, this means that the developer's archaeological contractor, and not the Devon HES, produces the WSI. A written brief may be produced by the Devon HES, and can be used to form the basis of the WSI, and Devon HES is always happy to advise on the content and suitability of a WSI.

Where the applicant is seeking competitive quotes the Devon HES can advise on the relative merits and suitability of each proposal, based on a draft WSI (the lowest quote may not necessarily provide the required information and therefore may not give the best value for money).

2.3 The role of the Conservation Officer

The Conservation Officer based in the District, Borough or City Council, provides advice and guidance on development affecting buildings and areas, including parks, landscapes and gardens that are of special historic or architectural interest. Conservation Officers may sometimes also provide advice on traditional building skills, repair techniques and design matters. In particular, Conservation Officers provide guidance on applications that affect Listed Buildings as well as those within designated Conservation Areas. For applications that affect historic buildings, Listed or un-Listed, the Devon HES will liaise closely with the relevant District's Conservation Officer as to the appropriate mitigation required for the impact of any proposed development upon the historic fabric of building(s) as well as upon any associated below-ground archaeological deposits.

2.4 Responsibility and costs

The responsibility to carry out and complete the archaeological works associated with a planning application, including the need to provide enough supporting information and to satisfy any resulting planning Conditions, rests with the developer or applicant, and not with the Planning Authority or the Devon HES. Because of the specialist nature of the work, applicants are advised to seek professional archaeological and/or historic buildings advice at the earliest opportunity. As with any other development cost, the cost of archaeological and historic buildings work is borne by the developer or applicant.

2.5 Before submitting a planning application

This section should be read in conjunction with the flowchart shown below.

Prospective developers should include archaeology as part of their initial research into the development potential of a site. Where there is an indication that important archaeological remains may exist, it is reasonable for the Planning Authority to require that the results of archaeological assessment and/or field evaluation are submitted before any decision on the planning application is taken (PPG16 paragraphs 19 to 22; PPG15 paragraph 2.11).

New Guidance on the registration of Planning Applications has been in force since April 1st 2008 and applications may not be registered by a Local Planning Authority if appropriate checks on historic environment interest have not been made (include link to DCC Validation and to National List).

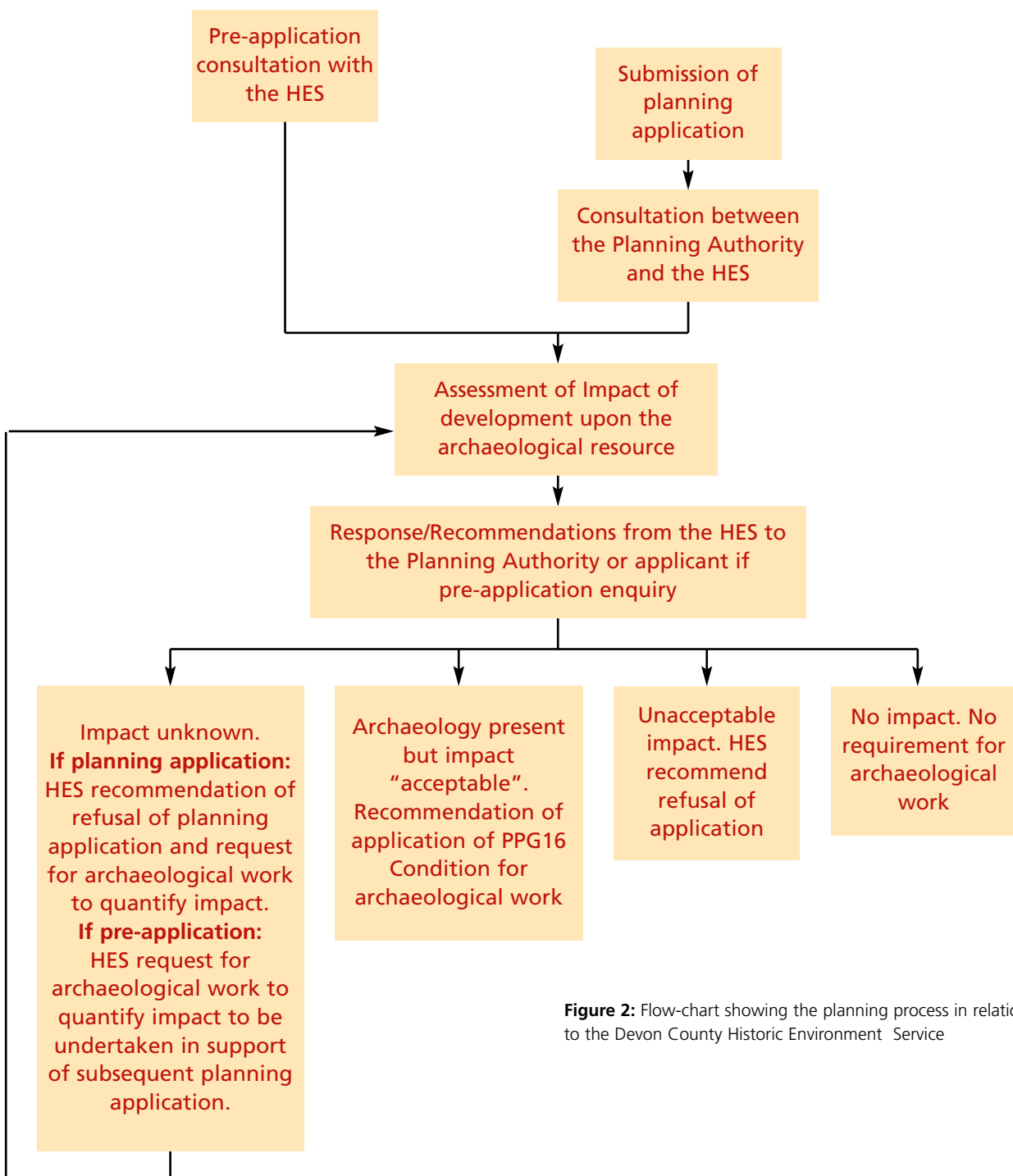


Figure 2: Flow-chart showing the planning process in relation to the Devon County Historic Environment Service

2.5.1 Appraisal by Devon HES

The first step for prospective developers is to contact the Devon HES to ascertain whether a proposal will, or is likely to affect any remains. Many proposals will not have any impact upon archaeology - for example, most house extensions in suburban areas outside historic settlement cores, but confirmation should be sought before design work begins.

When contacted by a prospective developer, the Devon HES will appraise the proposal. This means that the proposal site will be checked against the information held by the Devon HER, in order to find out if there is any potential for the proposed development to have an impact upon the Historic Environment. The Devon HES will then advise the prospective developer accordingly. This advice may be that:

- there will be an unacceptable impact on an archaeological site of such importance that the Devon HES would recommend refusal of the development as currently proposed.
- there is unlikely to be an impact on any known site of archaeological or historic interest.
- there is insufficient information to determine whether or not there will be an impact, but there are grounds to suspect that archaeological deposits may be present and may be affected by development. Therefore an Archaeological Assessment and/or Evaluation of the proposal should be commissioned prior to a planning application being submitted, in order that the Local Planning Authority can make an informed decision on the planning application.
- existing information indicates that there will be an impact on a known archaeological site, and that further Evaluation should be commissioned prior to a planning application being submitted in order to establish the importance of that site and/or to allow a sensitive design to be submitted.
- a site of archaeological or historic importance is present within the development area, but enough is known about it and it is not important enough to warrant refusal of permission. However, archaeological or building recording will be required before and/or during development.

Developers should be aware that the Devon HER records only known remains that have been published or reported to it, and may not include the most recent discoveries. The Devon HER currently holds over 72,000 records, and is continually being added to. Large parts of the county have received very little formal archaeological research, and are therefore under-represented in the record.

Certain areas may be of archaeological potential because of their proximity to other known archaeological sites, their position within the centre of an historic town or village, or the possible presence of environmental remains (Waterlogged areas such as floodplains, estuaries and marshes have the potential to contain deposits containing well preserved evidence of the environment in the past. The necessary scientific analysis involved in the recording of these deposits may have significant cost implications for the developer). For these reasons, the absence of recorded features on the HER does not necessarily mean that no features of archaeological or historic significance exist. Early consultation with the Devon HES can help to avoid potential surprises.

2.5.2 Assessment of the proposal

Where Devon HES has advised that there is insufficient information to determine whether or not there will be an impact, it will be necessary for the developer to commission an archaeological consultant to carry out an archaeological Assessment of the proposal. Although it is the developer's responsibility to ensure that the necessary work takes place, the Devon HES will be happy to provide a written brief for the work, along with contact details for archaeological consultants.

For below ground archaeological remains, as well as buildings and landscapes, the Assessment would take the form of a "desk based" study of existing information, along with a site inspection. If necessary this would be followed by a geophysical survey and intrusive site investigation (see 2.4.4 'Evaluation of archaeological features') to ensure a more accurate impact assessment.

For standing structures and historic buildings, significant historic fabric and features need to be identified. Some 'opening up' (removal of paint and plaster that may be obscuring early features) within the building, leading to an assessment of the impact of the proposals on fabric and features may be required.

Examination of the following sources may be included in an Assessment:

- Site visit and walkover survey.
- Analysis of relevant information in the Devon HER (Other relevant HERs must also be consulted for sites bordering Cornwall, Dorset, Somerset, the Unitary Authorities of Plymouth and Torbay and the Dartmoor and Exmoor National Parks).
- Analysis of relevant information held in the National Monument Record (NMR) and in the Register of Buildings of Special Architectural or Historic Interest (in practice much of this information will also be held by the relevant HER).
- 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 existing aerial photographs, including those held in the National Monument Record (NMR).
- Analysis of local history publications and the collections of local museums.
- Depending upon the nature of the proposal and the site, the Assessment might also include the following techniques:
 - Examination of the results of any geotechnical site investigations (NB arranging for the *archaeological monitoring* of geotechnical investigations such as boreholes and test pits can be very useful, and may mean that further intrusive archaeological work is not required).
 - Geophysical survey
 - Fieldwalking
 - Metal detector survey
 - Earthwork survey
 - Building investigation and analysis



Plate 6: Magnetic Susceptibility survey on the Blackdown Hills in East Devon (© Frances Griffith)

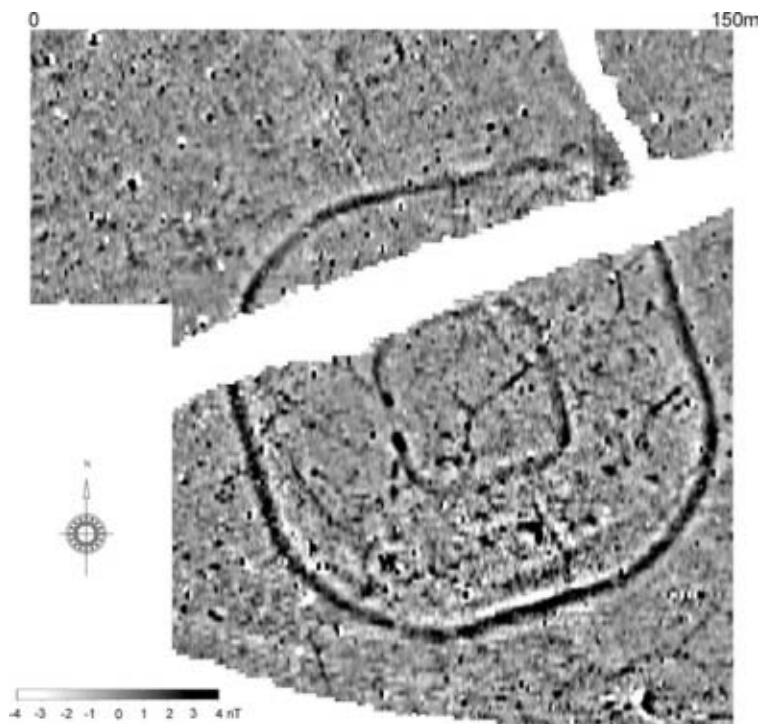


Plate 7: The results of a geophysical survey of the Roman fortlet or signal station at Ide, southwest of Exeter. This was undertaken in advance of the replacement of a water main. (See Plate 2 for aerial photograph). (© Oxford Archaeotechnics)

In all cases the work must be carried out by suitably qualified and experienced personnel, in accordance with published professional guidance (see Appendix 2) and an approved WSI or scheme of works. These would normally be an archaeological consultant, contractor or historic buildings specialist holding full Membership of the Institute of Field Archaeologists (MIFA), or (in the case of a building) an historic buildings specialist holding full Membership of the Institute of Historic Building Conservation (MIHBC), or with equivalent qualifications and experience.

The information resulting from this assessment work should be submitted with the planning application together with accurate "as existing" and "as proposed" plans of appropriate scale.

Where such information is not provided with an application the Planning Authority 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.

Where the results of Archaeological Assessment are to be incorporated into an **Environmental Statement** for submission in support of a planning application, the Devon Historic Environment Service will expect to be provided with a discrete, stand-alone copy of the original Archaeological Assessment report.

See also section 3.2

2.5.3 Evaluation of archaeological features

Evaluation is a staged process which provides information on the archaeological potential of the proposal site. It may be required where the Assessment has identified the site as containing known or potential archaeological remains that may be affected by the proposals. The primary purpose of Evaluation is to establish accurately where remains are located, how extensive they are, what they represent (the date and type of site), what condition the remains are in, whether they are of such importance that they merit preservation in situ, or whether their loss is acceptable – subject to proper recording. It should also enable the archaeological consultant to advise the Client what the cost of recording is likely to be, if remains are not to be preserved in situ.

The phases of archaeological investigation will vary depending upon the nature of the proposal and the available information on affected archaeological remains. A programme of evaluation may include one or more of the following techniques:

- Geophysical survey
- Trenching
- Test pitting
- Coring
- Earthwork survey
- Fieldwalking
- Metal detector survey

The techniques to be used should be set out in a Method Statement, which should be agreed in advance with the HES, in order to ensure that the results of the work will provide the necessary information to enable a decision to be made on the subsequent planning application.



Plate 8: Archaeological Evaluation trenches at the site of the New Clyst Heath Nursery and Community Primary School in 2003.. An Iron Age settlement was found and fully excavated before the school was built (© Exeter Archaeology)

The results of the Evaluation will enable the Devon HES to advise the developer and the Planning Authority on the likely impact of the proposal upon the Historic Environment, and what, if any, mitigation procedures are required. The following outcomes are possible:

- No archaeological mitigation is necessary
- Mitigation by design modification, to achieve preservation in situ
- Mitigation by archaeological Excavation, to achieve preservation by record
- Mitigation by archaeological Monitoring and Recording Brief, to achieve preservation by record
- A combination of the above
- Refusal of the application on archaeological grounds

Where the results of Archaeological Evaluation are to be incorporated into an Environmental Statement for submission in support of a planning application, the Devon Historic Environment Service will expect to be provided with a discrete, stand-alone copy of the original Archaeological Evaluation report.

See also paragraph 3.2.2

2.6 How archaeological remains are dealt with

There are a number of options open to the developer and the Planning Authority if significant archaeological/historic remains are identified.

1. An application which affects a Scheduled Monument, or unscheduled site of particular importance, or which detracts from its setting may be refused.
2. In other cases the Planning Authority and Devon HES may agree with the applicant to reduce the impact on remains to an acceptable level. Where this is not possible the application may be recommended for refusal.
3. Where the impact is acceptable (the majority of cases), Conditions (see Section 2.5) will be attached to permissions, or Section 106 Agreements sought 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 or building of more local importance
 - the appropriate recording, analysis and publication of remains and features whose destruction or disturbance has been accepted ('preservation by record').
4. In particularly large and complex cases, sufficient provision for archaeological recording and publication, the permanent public storage of the records and finds and, occasionally, the display of special discoveries, may be included in Section 106 agreements and WSIs resulting from a Planning Condition.



Plate 9: A 17th century sgraffito decorated dish produced in North Devon by William Oliver. The design may represent King Charles II hiding in the oak tree. (© Royal Albert Memorial Museum & Art Gallery, Exeter)

2.6.1 Lessening impact and costs

In considering applications that affect archaeology and buildings, the Devon HES and the Planning Authority may agree with the applicant to lessen the impact upon important remains. This can be achieved by design modification:

- siting new buildings or groundworks 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
- maximum re-use of existing basements and foundations
- careful foundation design using raft foundations wherever possible
- raising formation levels and protecting underlying remains by use of geotextile and sub base materials
- incorporating standing historic buildings and the important features they contain within the new design, thereby achieving added value and retaining the historic character of buildings and of Conservation Areas.

See Appendix 4 for Design Guides.

Creative solutions, rather than standard solutions and techniques, may well produce better, and more distinctive and sustainable development, as well as reducing the need for costly archaeological recording work. In some cases the Planning Authority may seek to ensure or confirm solutions by attaching an appropriate Condition to a planning permission or Listed Building Consent (see 2.5).

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.

2.7 Following determination of a planning application

2.7.1 Planning Conditions

A planning application may be approved with an archaeological recording Condition. This Condition may overcome archaeological considerations that would otherwise have led to the application being refused.

Planning Conditions relate to the protection of important remains during development, approval of suitable foundation details, and archaeological and historic building recording. The scope of the work should be agreed with the Devon HES, and the WSI produced and submitted for the Local Planning Authority's approval as soon as the decision notice on the application is received, and well *before* works commence on site. The most commonly applied Condition is based upon the model archaeological recording Condition given in the PPG16 (paragraph 30), whereby:

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority." The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the county/district/local Planning Authority.

Reason: To ensure the appropriate investigation, recording and publication of archaeological and historic evidence affected by the development.

This Condition is used to achieve Excavation in advance of development, and/or a Monitoring and Recording Brief before/during development. It may relate to either the recording of below-ground archaeological remains or to a record of a standing building.

Such a condition also allows for a staged programme of archaeological work which can involve elements of desk-based assessment and evaluation trenching, if these have not already been undertaken before determination of the planning application. This may occur where a Recording Brief is required, and a desk-based assessment will provide essential context information for the archaeological consultant. A stage of evaluation trenching can be used to inform what will be the most effective excavation strategy.



Plate 10: Hand cleaning of the subsoil to allow identification of archaeological features in advance of development at Fourways Cross, Willand (© Exeter Archaeology)

Other Conditions which may be used in conjunction with the above are:

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.

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.

Reason: To ensure that disturbance to important archaeological remains can be minimised.

These are used to ensure that arrangements for the protection of archaeological remains in part, or all, of the development site, are in place before site disturbance begins.

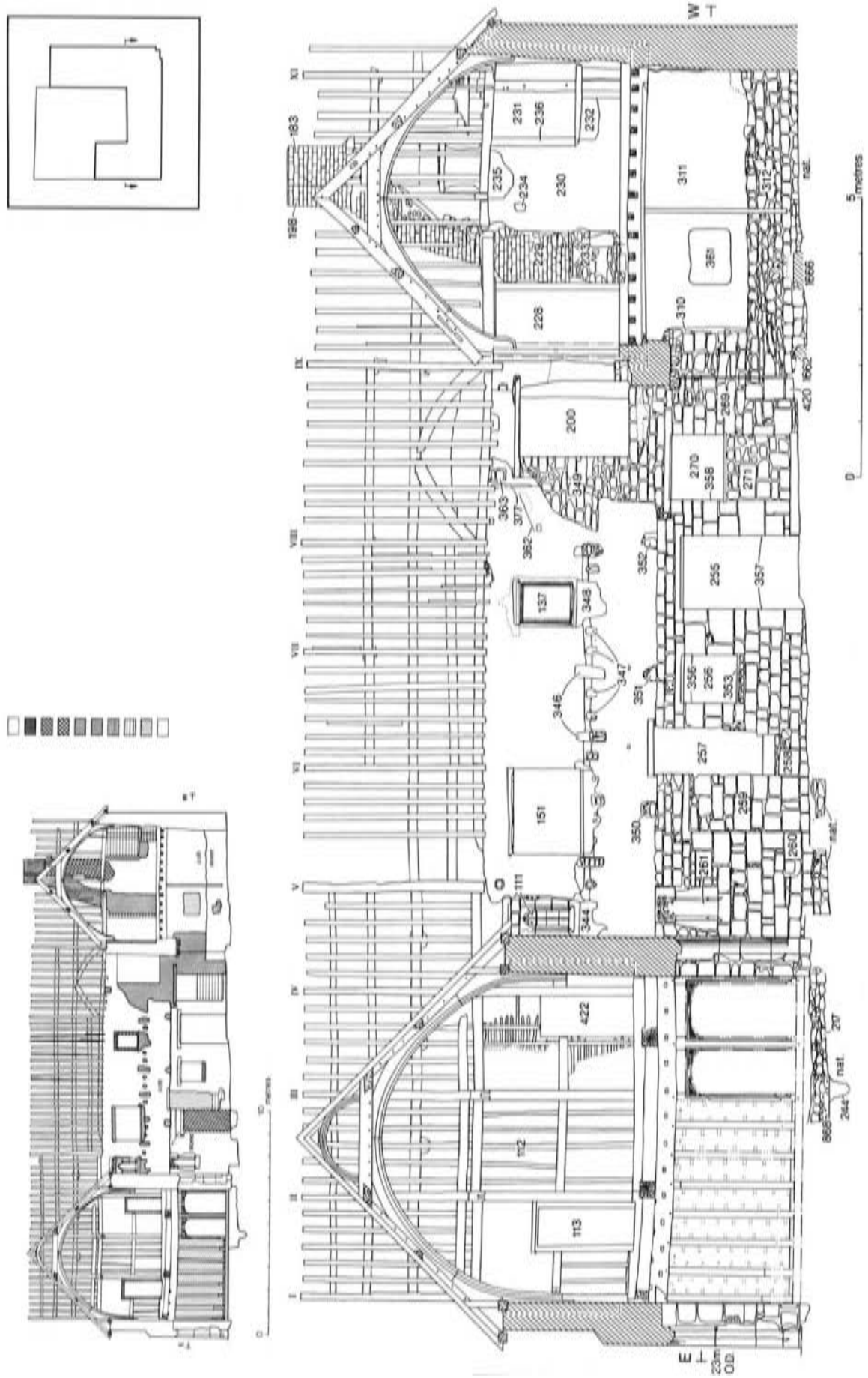


Figure 3: A building elevation record. (© Exeter Archaeology)

2.7.1.1 The Written Scheme of Investigation (WSI)

The “**Written Scheme of Investigation**” (WSI), which is required by the archaeological recording Condition, sets out how the work is going to be undertaken. This must be drawn up by the applicant's archaeological consultant, and agreed with the Devon HES. The WSI is a standard document which is prepared by the archaeological consultant and sets out, in technical terms, how the archaeological work will be undertaken. The WSI should be agreed with the HES. The agreed WSI must then be submitted to the Planning Authority for their formal approval *before any development works start on site*.

It is recommended that the WSI should be validated by the Devon HES prior to its submission to the Planning Authority. This will ensure its approval. It is the responsibility of the applicant (or archaeological consultant/contractor working on the applicant's behalf) to submit the WSI for the Planning Authority's formal approval. When the WSI is submitted to the Planning Authority, it should also be copied to the Historic Environment Service.

If an un-validated WSI is sent directly to the Planning Authority, it should be referred by the Planning Authority to Devon HES before being formally approved.

1. Applicant (or their archaeological consultant/contractor) liaises with Devon HES to validate WSI
2. Applicant (or their archaeological consultant/contractor) formally submits validated WSI to Planning Authority, and copies to Devon HES
3. Planning Authority and Devon HES confer to ensure acceptability of WSI

All works must be carried out at all times in strict accordance with the approved scheme in order to satisfy the Planning Condition.

Commencement of development without an approved WSI represents a breach of Condition, and may lead to enforcement action, including a **Stop Notice**.

Failure to satisfactorily complete the works described in the agreed WSI similarly represents a breach of Condition.

The WSI can cover all types of work, from full excavation or building recording to a Monitoring and Recording Brief (also known as a "watching brief"). It will need to cover off-site work ('post-excavation' work), undertaken after site work has finished. This includes:

- analysis of the results and finds to complete the record of what has been destroyed
- preparation of the report – including wider publication if the importance merits it
- conservation of finds
- archiving of the records and finds in the appropriate museum
- depending upon the results of the archaeological work, appropriate publication may be the preparation of a brief report for the Devon HER, an archive report, an article in a local and/or national archaeological journal or a free-standing publication. In all cases, the archaeological contractor will be expected to complete an online OASIS (Online Access to the Index of archaeological investigations) form. This is a national index to information about archaeological investigations.

In complex cases the preparation of a formal post-excavation and publication assessment may be required, setting out what further specialist analysis is required and what level of publication the results merit. This should be agreed with the Devon HES after the completion of fieldwork.

For "Monitoring and Recording Briefs" the WSI will usually be a simple Method Statement, but for larger recording projects a more detailed project design, possibly allowing for 'staged' recording work, may be required. In each case, the Devon HES will advise and confirm the scope of the work required. The WSI is then submitted to the Planning Authority for formal approval. The Devon HES will monitor progress of the work, and compliance with the Condition, and will make site visits and inspect site records as necessary.

2.7.2 Compliance with Planning Conditions

Compliance with the Condition involves the following stages:

- Obtaining the Local Planning Authority's written approval of a **Written Scheme of Investigation** *before commencing work on site*
- Carrying out the work specified in the WSI to professional standards, and in accordance with the agreed method and programme
- Completing both on-site and off-site work to the required standard.

In the majority of cases the Condition is satisfied once an acceptable summary report and HER entry have been received, an OASIS entry has been completed, and the records and any finds have been deposited in the appropriate museum. Sometimes there will be requirement for wider publication, in which case the Condition will be satisfied when this has been completed.

Completion of off-site work can take some time, depending on the amount and nature of the work required, and it may be some time before full satisfaction of the Condition can be achieved. To ease the selling on of property during this time, the Local Planning Authority may be prepared, in consultation with the Devon HES, to regard a Condition as having been satisfied subject to it having been complied with to date, and subject to the applicant's undertaking to complete the off-site works required by the agreed Written Scheme of Investigation (WSI).

2.7.2.1 Breach of Condition

If development begins without an agreed Written Scheme of Investigation being in place, or if the work set out in the agreed Written Scheme of Investigation is not completed, the development will be in breach of the planning consent. In this case the local Planning Authority may stop the development, or may take other enforcement action

3

Procedures for undertaking archaeological work

3.1 Quality control

Recording work should be carried out in accordance with the Code of Practice 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 Museums, Libraries and Archives Council (MLA) and the appropriate recipient museum (see Appendix 1). Work should be undertaken by people with suitable expertise and experience. The level and quality of information to be provided in support of an application should be agreed with the Devon HES to avoid delays in determining applications. The scope of the work required in response to a Planning Condition should also be agreed with the Devon HES.

People qualified for managing this work are usually full Members of the Institute of Field Archaeologists (MIFA), or with demonstrably equivalent qualification and experience. People qualified for supervision site work under the overall control of a MIFA (who will not necessarily be on site) are usually at least Associate members of the Institute of Field Archaeologists (AIFA), or with demonstrably equivalent qualification and experience. An organisation may be an IFA "Registered Archaeological Organisation" (RAO).

3.2 Type and scope of work

3.2.1 Archaeological Assessment

This is normally required before a decision is made on planning or Listed Building Consent applications where there are archaeological or historic building implications, or where further information is required to enable an informed Planning decision to be made. 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. For archaeological remains, an Assessment would normally involve:

- Site visit and walkover survey
- Analysis of relevant information in the Devon HER (Other relevant HERs must also be consulted for sites bordering Cornwall, Dorset, Somerset, the Unitary Authorities of Plymouth and Torbay and the Dartmoor and Exmoor National Parks).
- Analysis of the published and unpublished results of any previous archaeological/historical work on the site or in its vicinity
- Analysis of locally available historic maps, plans and any particularly relevant or potentially helpful documents
- local history publications and the collections of local museums
- earthwork survey
- A description of the topography of a site and of present and previous land use
- Analysis of existing aerial photographs
- The results of any monitoring of geotechnical site investigations
- The appropriate use of geophysical survey will be expected. This will be determined on a site by site basis.

3.2.2 Buildings Assessment

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 LPA's Conservation Officer and/or the Devon County Council's Historic Buildings 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. Possibly 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, eg. where it is proposed to insert a staircase through an historic timber ceiling. Possibly additional historical research, and opening up to ascertain importance.



Plate 11: Traditional Devon agricultural building. An open fronted Linhay at Raddon. (Copyright Devon County Council)

3.2.3 Site Evaluation

This is required where an Assessment has identified the site as containing known or potential archaeological remains that may be affected by the proposals, or where archaeological remains are known to exist. The primary purpose is to establish accurately the extent, nature, quality, date and condition of any surviving remains, and thereby establish whether they merit preservation in situ, or whether their loss is acceptable - subject to proper recording. It 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.

An evaluation can be combined with engineering or geotechnical site investigations to save costs, but engineering/geotechnical investigations cannot be treated as a substitute for archaeological evaluation. A brief setting out the scope of work is provided or agreed by the Devon HES, and provides a benchmark against which developers can ask archaeological contractors to tender. It would normally include guidance - 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 Devon HES would require a WSI and trench plan for approval prior to work starting on site, and would monitor the site work.

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 required prior to the determination of a full planning application. It is open to the Planning Authority to refuse an application where the results of an assessment and/or site evaluation have not been provided in good time for the decision-making meeting.

Sufficient time is required for the Devon HES to consider the results of the assessment/evaluation, and to advise the Planning Authority accordingly.

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.

An evaluation may form the first stage of archaeological recording where archaeological remains are present, but are unlikely to merit preservation in situ. In this case the evaluation would inform details of the development design and/or the scope of archaeological recording which would take place before and/or during development.

3.2.4 Archaeological Recording

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 by a Planning Condition, and occasionally by an S106 legal agreement.

For development involving groundworks, recording work can range from the full scale **Archaeological Excavation** (a controlled programme of fieldwork, usually involving full excavation, with analysis and publication of the findings, to provide a permanent record of archaeological evidence that will otherwise be destroyed by the development), prior to development commencing, to an **Archaeological Monitoring and Recording Brief** (monitoring and archaeological recording of deposits revealed when construction works have begun).

There are several levels of work represented by the term 'Monitoring and Recording Brief', as defined in the Glossary (below). The level of recording will be set out in the WSI.

In certain circumstances it may be appropriate for the archaeologists to be more closely involved with the on-site works. This will entail their being authorised to directly advise the contractor on certain aspects of site works to ensure archaeological deposits are not unnecessarily disturbed. This may be of particular importance when a Scheduled Monument is involved, or where there is a requirement for preservation in situ of other sensitive remains.

For development involving historic buildings, work 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). Advice on recording historic buildings can be found in English Heritage's (2006) *Understanding Historic Buildings - A guide to good recording practice*.

Many proposals only require monitoring and recording during the works ("Monitoring and Recording Brief"). 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 Monitoring and Recording Brief on less sensitive areas. In other cases, a Monitoring and Recording Brief may develop into a limited Excavation, where unexpected remains are discovered. The developer will need to adjust the development schedule to allow sufficient time for delays while the recording takes place.

4 Other applications and notices

Legislation regarding certain designations (eg. Scheduled Monuments, Listed Buildings, Designated Wrecks, Registered Parks & Gardens) may change in the future, as a result of the draft Heritage Protection Bill (Department for Culture, Media & Sport, 2008). The following paragraphs represent the designations as they apply at present (July 2008).

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 bodies other than the Planning Authorities currently deal with most of these other requirements, it is useful to summarise the main ones that are likely to apply within Devon.

4.1 Scheduled Monuments

Scheduled Monuments are archaeological sites which are of national importance, and are protected by law under the Ancient Monuments and Archaeological Areas Act (1979). English Heritage takes the lead role in identifying sites for designation as Scheduled Monuments by the relevant Secretary of State. Consent ('Scheduled Monument Consent' or SMC) is required for any works affecting a Scheduled Monument or its setting, and it is a criminal offence to carry out such works without consent. Applicants should contact English Heritage's regional team for advice and guidance prior to making a formal application for consent.

4.2 Church buildings and attached graveyards

Works within churches and attached graveyards owned and occupied by the Roman Catholic Church, Church of England, Methodist Church, Baptist Union and the United Reformed Church are governed by the Churches' own control systems. For works within Anglican churches and graveyards consent is required from the Diocese, which is advised by its Diocesan Advisory Committee (DAC). Equivalent arrangements apply for the other exempt denominations.

Work in disused non-Anglican burial grounds is governed by the Disused Burial Ground (Amendment) Act 1981, and requires a licence. Failure to apply for a licence is a criminal offence. Development within a former Church of England burial ground must be carried out under a pastoral scheme in consultation with the Church Commissioners. Further information on the requirements under current legislation regarding burials can be obtained from the Coroner's Division of the Ministry of Justice (see *Appendix 1*).



Plate 12: Aerial Aerial photograph of Hollacombe Parish Church, showing its surrounding circular enclosure. (© Devon County Council)



4.3 Human remains

Where groundworks involve the disturbance of active 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 Ministry of Justice for a Licence to remove human remains, and to give Notice and, in other circumstances, to notify the police. Developers should seek legal advice on these issues, and contact the Ministry of Justice (www.justice.gov.uk) for further guidance.

Guidelines on the treatment of human remains excavated from Christian burial grounds in England have been produced jointly by English Heritage and the Church of England's Council for the Care of Churches (2005), and the Institute of Field Archaeologists has issued Technical Papers on The Law and Burial Archaeology (1992) and Excavation and post-excavation treatment of cremated and inhumed human remains (1993). Full references can be found in Appendix 1.

Plate 13: Excavation of a medieval child's skeleton at St. Mary Axe, London, in advance of office development (© Ann Marie Dick)

4.4 Hedgerows/Field Boundaries

The Hedgerow Regulations (1997) are administered by the Local Planning Authorities, with archaeological advice from the Devon HES. Although the Town and Country Planning Act takes precedence over the Hedgerow Regulations, the latter provides 'best practice' for the consideration of field boundaries in planning applications. Removal of field boundaries of historic importance will normally be refused. Where total or partial removal is permitted, a programme of archaeological recording will normally be required. The criteria by which a hedgerow/field boundary may be deemed to be important on historic grounds, are listed in Appendix 4.



Plate 14: Typical field patterns of the Blackdown Hills. (© Sam Turner)

4.5 Designated Wrecks

The Protection of Wrecks Act (1973) allows the Government to designate a wreck to prevent uncontrolled interference. Designated sites are identified as being likely to contain the remains of a vessel, or its contents, which are of historical, artistic or archaeological importance. There are currently 8 Designated Wrecks around the Devon coastline.

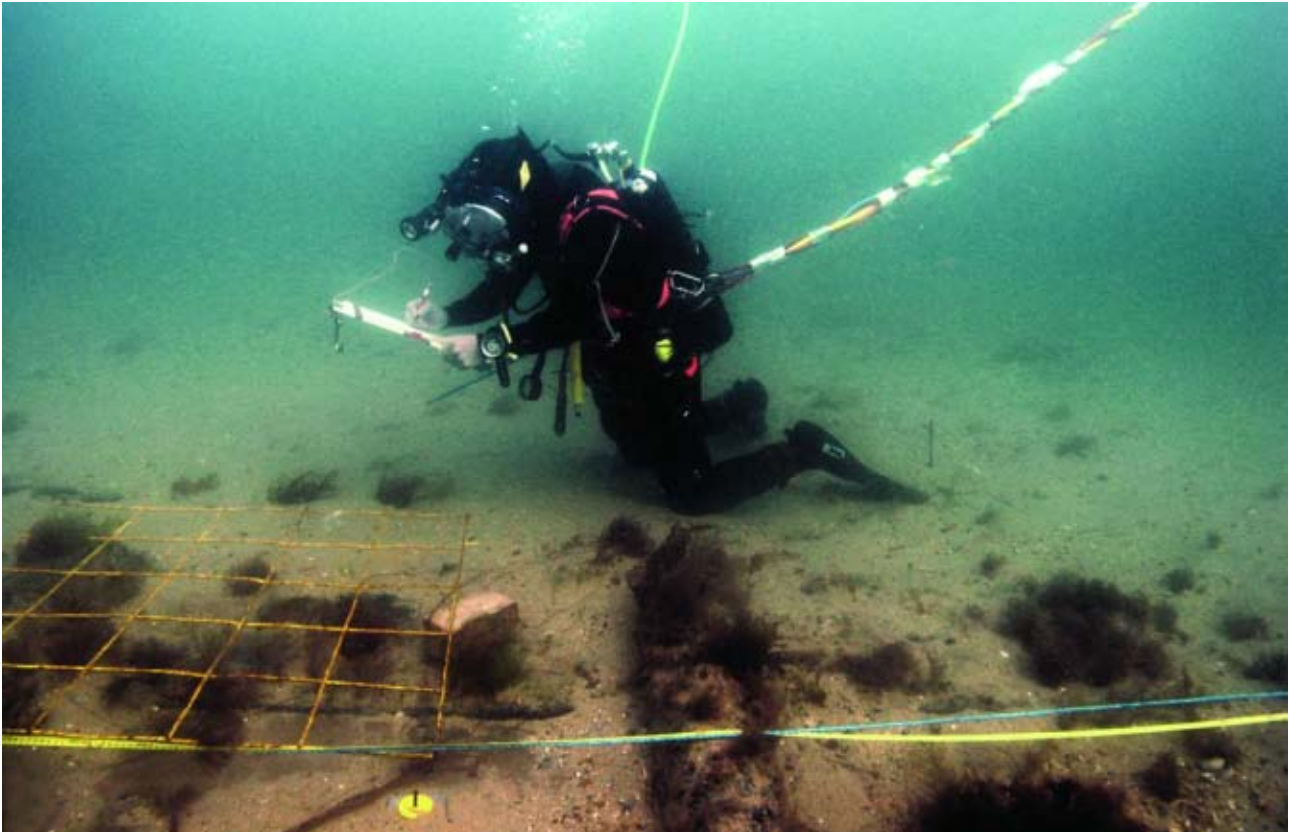


Plate 15: Marine Archaeology: Recording a Designated Wreck in Poole Harbour (© Wessex Archaeology)

It is a criminal offence to do any of the following in a designated area without a licence granted by the appropriate Secretary of State:

- Tamper with, damage or remove any part of a vessel lying wrecked on or in the seabed or any object formerly contained in such a vessel.
- Carry out diving or salvage operations directed to the exploration of any wreck or to removing objects from it or from the seabed, or use equipment constructed or adapted for any purpose of diving or salvage operations. This is likely to include deployment of remotely operated vehicles.
- Deposit anything including anchors and fishing gear which, if it were to fall on the site, would obliterate, obstruct access to, or damage any part of the site.

It is also an offence to cause or permit any of the above activities to be carried out by others, without a licence, in a restricted area.

Where a person is authorised by a licence to carry out diving or salvage operations, it is an offence for any other person to obstruct them, or cause or permit them to be obstructed, in doing anything which is authorised by the licence.

4.6 Registered Parks & Gardens

Since the 1980s, there has been a national record of the historic parks and gardens which make such a rich and varied contribution to our landscape. This record, known as the Register of Parks and Gardens of Special Historic Interest in England, was established, and is maintained by, English Heritage. There are currently (July 2008) 42 Registered Parks and Gardens in Devon.

Although inclusion of an historic park or garden on the Register in itself brings no additional statutory controls, Local Authorities are required by central government to make provision for the protection of the historic environment in their planning policies. Registration is therefore a material consideration in planning terms (PPG15, 2.2). Following an application for development which would affect a registered park or garden, local planning authorities must, when determining whether or not to grant permission, take into account the historic interest of the site.

To ensure that Local Planning Authorities have the appropriate professional advice when considering such applications, they are required to consult English Heritage where the application affects a grade I or II* registered site, and the Garden History Society on all applications affecting registered sites.

4.7 World Heritage Sites

Devon currently contains parts of two sites on UNESCO's World Heritage Site (WHS) list. These are the Jurassic Coast in East Devon, inscribed for its geological significance, and the Cornwall and West Devon Mining Landscape, inscribed as a cultural landscape.

Guidance contained in PPG15 states that 'Inclusion [in the World Heritage Site list] does Highlight the outstanding international importance of the site as a key material consideration to be taken into account by local planning authorities in determining planning and Listed Building Consent applications' (DoE PPG15, 1994, 2.22).

The Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2005-2010 (Cornwall and West Devon Mining Landscape World Heritage Site Partnership, 2004) defines the 'Outstanding Universal Value' of this site and contains policies for the protection, conservation and maintenance of the site and for sustainable development within it. A consultation document on the protection of World Heritage Sites has just been issued by the Government (Department of Communities and Local Government, May 2008). Statements of Outstanding Universal Value for the component areas of the Cornwall and West Devon Mining Landscape and Supplementary Planning Documents are also being prepared by the Cornwall & West Devon Mining Landscape WHS team (based with Cornwall County Council) and the Local Planning Authorities.

Guided by PPG15, the WHS Management Plan and these emerging documents, the Devon HES provides planning advice to West Devon Borough Council where applications for Planning, Listed Building and Conservation Area consent may impact on the WHS. Particularly significant or large scale developments will also require the input of English Heritage and the WHS Team.

4.8 Listed Building Consent

When a building is Listed, it is recognised as being of special architectural or historical interest or both. The building is immediately protected by law, and any changes to it must first receive Listed Building Consent (LBC).

Listing ensures that any alterations respect the character of the building, and that the case for its preservation is fully taken into account when any redevelopment proposals are considered. The system of LBC is a flexible one: over 90% of applications result in permission being granted.

This is what current EH guidance says:

You will need to get listed building consent from the Local Planning Authority if you want to demolish a listed building or any part of it, or alter it in any way which would affect its character, inside or out. Repairs which match exactly may not need consent, but your local council will advise you on this as the effect of any repairs is not always straightforward.

Examples of work which may need consent include changing windows and doors, painting over brickwork or removing external surfaces, putting in dormer windows or rooflights, putting up aerials, satellite dishes and burglar alarms, changing roofing materials, moving or removing internal walls, making new doorways, and removing or altering fireplaces, panelling or staircases.

Your first step should be to contact your local council before you make the application. The conservation officer will tell you whether your proposals are likely to be accepted. This could save you time and money. It is often best to employ an architect who is used to working with listed buildings.

Local authorities deal with all listed building consent cases and will give you the appropriate form for making your application. The majority of cases are dealt with by the local authority, but the most important cases are referred to English Heritage (Notifications) and sometimes to the Secretary of State for the Environment, Transport and the Regions (Referrals).

Your application will need to include enough information to show clearly what you intend to do, with detailed drawings and photographs.

The owner of a listed building must apply for LBC to the Local Planning Authority. Local Planning Authorities have control over minor changes to listed buildings, but must notify English Heritage when they first receive applications affecting buildings which are Listed Grade I or II*, or which involve substantial works to buildings which are Listed Grade II. They must also notify English Heritage of proposals involving their own buildings. This allows English Heritage to have a positive input at an early stage

Although local authorities may refuse any LBC applications, they may not grant consent for any works to a Grade I or II* building, or substantial demolition of a Grade II building, without first referring the case to the relevant Secretary of State. At this stage, the Secretary of State will ask English Heritage for advice on whether s/he should intervene. Intervention means that the case is called in for the Secretary of State's decision, usually after a public inquiry. If s/he does not intervene, the decision stays with the local planning authority.

Listed Building Consent for alteration and/or demolition may be issued with a Condition requiring the applicant to arrange for a suitable programme of recording to be carried out (PPG15, paragraphs 3.23-3.24, PPG16, paragraph 28). This Condition may overcome historic environment considerations that would otherwise have led to the application being refused.

The scope of the work should be agreed with both the Local Planning Authority's **Conservation Officer** and the Devon HES as soon as the decision notice on the application is received, and well before works commence on site.

Depending upon the nature of the proposals, the work may involve recording of below-ground archaeological deposits, as well as standing building features. The record of the building will generally be required to comply with one of the four levels of record prescribed by English Heritage), in *Understanding Historic Buildings – a Guide to good recording practice* (see Appendix 1).

4.9 Conservation Area Consent

A Conservation Area is an area of special architectural or historic interest that has been recognised by the Local Planning Authority to be special and worthy of preservation. There are currently (February 2008) 302 Conservation Areas in Devon.

Conservation Area Consent is required for the total or substantial demolition (including works which amount to a clearing of the site for redevelopment; works comprising demolition falling short of complete destruction of a building such as demolition behind a retained façade, and works comprising demolition of a principal external wall or roof of the building on any elevation) of any unlisted building in a conservation area, subject to exceptions including: **(a)** any building with a total cubic content not exceeding 115 cubic metres, using external measurements, or any part of such a building; **(b)** any gate, wall, fence, or other such structure which is less than 1 metre high where abutting a highway, waterway or open space, or less than 2 metres high in any other case; unless an Article 4(2) direction is in place.

Conservation Area Consent may be issued with a Condition requiring the applicant to arrange for a suitable programme of recording to be carried out (PPG15, paragraphs 3.23-3.24, PPG16, paragraph 28). This Condition may overcome historic environment considerations that would otherwise have led to the application being refused.

The scope of the work should be agreed with the Local Planning Authority's Conservation Officer and the Devon HES as soon as the decision notice on the application is received, and well *before* works commence on site. Depending upon the nature of the proposals, the work may involve recording of below-ground archaeological deposits, as well as standing building features. The record of the building will generally be required to comply with one of the four levels of record prescribed by English Heritage, in *Understanding Historic Buildings – a Guide to good recording practice* (see *Appendix 1*).

4.10 Treasure Act

The common law of Treasure Trove was replaced by the Treasure Act 1996. This Act removes the need to establish that the items were hidden with the intention of being recovered, except in a few cases. It sets out the precious metal content required for a find to qualify as Treasure, and it extends the definition of Treasure to include other objects found in archaeological association with finds of Treasure. The Act confirms that Treasure vests in (ie "belongs to") the Crown or the franchisee if there is one, subject to prior interests and rights. It simplifies the task of coroners in determining whether a find is Treasure and it includes a new offence of non-declaration of Treasure. Lastly it states that occupiers and landowners have the right to be informed of finds of Treasure on their land and that they are eligible for rewards.

All finds of Treasure must be reported to the coroner within 14 days of being found (or within 14 days of the finder realising that the find might be Treasure). The obligation to report applies to everyone. Treasure found during archaeological investigations also comes under this act. Failure to report a find without reasonable excuse may lead to imprisonment or a fine.

4.11 Portable Antiquities Scheme

The Portable Antiquities Scheme is a voluntary scheme for the recording of archaeological objects found by members of the public. The Scheme was established to promote the recording of chance finds and broaden public awareness of the importance of such objects for understanding our past.

The heart of the Scheme is its network of Finds Liaison Officers, who have a role in publishing the Scheme, recording reported finds, giving advice on finds recording, conservation and the Treasure Act, giving talks and lectures and encouraging liaison between members of the public, metal detector users, archaeologists and museums. The *Finds Liaison Officer* for Devon is based at the Royal Albert Memorial Museum in Exeter. See *Appendix 1*.

A

Appendix 1: Useful contacts and references

Contacts

Devon County Council

Devon Historic Environment Service
01392 382246 archaeol@devon.gov.uk
www.devon.gov.uk

Exeter City Council

Archaeology Officer
01392 265224
Conservation Officer
01392 265227
Curator of Antiquities, Royal Albert Memorial
Museum
01392 665356

www.exeter.gov.uk

Plymouth Council

City Archaeologist
01752 304818 www.plymouth.gov.uk

Torbay Council

Archaeologist
01803 207788 www.torbay.gov.uk

Dartmoor National Park

Archaeologist
01626 832093 www.dartmoor-npa.gov.uk

Exmoor National Park

Archaeologist
01398 323665 www.exmoor-nationalpark.gov.uk

English Heritage South West

0117 9750700 www.english-heritage.org.uk

Institute of Field Archaeologists

0118 3786446 www.archaeologists.net

CONSERVATION OFFICERS

East Devon District Council

Council Offices, Knowle, Sidmouth,
Devon EX10 8HL
tel 01395 516551 fax 01395 517509

Mid Devon District Council

Phoenix House, Phoenix Lane, Tiverton,
Devon EX16 6PP
tel 01884 234264 fax 01884 234908

North Devon District Council

Civic Centre, Northwalk, Barnstaple,
Devon EX31 1EA
tel 01271 388352 fax 01271 388293

South Hams District Council

Follaton House, Plymouth Road, Totnes,
Devon TQ9 5NE
tel 01803 861234 fax 01803 861166

Teignbridge District Council

Forde House, Newton Abbot, Devon TQ12 4XT
tel 01626 361101 fax 01626 215760

Torrige District Council

Riverbank House, Bideford, Devon EX39 2QG
tel 01237 428700 fax 01237 478849

West Devon Borough Council

Kilworthy Park, Tavistock, Devon PL19 0BX
tel 01822 813600 (direct 813704)
fax 01822 813634

Finds Liaison Officer for Devon

c/o Royal Albert Memorial Museum,
Royal Albert Memorial Museum, Queen Street,
Exeter EX4 3RX
01392 665858

Museum of Barnstaple & North Devon

The Square, Barnstaple EX32 8LN
01271 346747

Plymouth City Museum & Art Gallery

Drakes Circus, Plymouth PL4 8AJ
01752 304774

The Receiver of Wreck

The Maritime and Coastguard Agency,
Bay 1/07, Spring Place, 105 Commercial Road,
Southampton SO15 1EG
0870 6006505 (MCA Infoline)
www.mcga.gov.uk/c4mca/mcga-environmental/mcga-dops_row_receiver_of_wreck.htm

Association of Local Government Archaeological Officers (ALGAO)

www.algao.org.uk

Institute of Historic Building Conservation (IHBC)

www.ihbc.org.uk

OASIS

www.oasis.ac.uk

CORONERS

Exeter and Greater Devon

(including North, West and East Devon)
Coroner, Raleigh Hall, Fore Street, Topsham,
Exeter EX3 OHU
01392 876575

South West Devon

Coroner, 3 The Crescent, Plymouth, PL1 3AB
01752 204636

South Devon

Coroner, Cary Chambers, 1 Palk Street,
Torquay TQ2 5EL
01803 380704

Coroner's Division

Department for Constitutional Affairs,
Ground Floor, 4 Abbey Orchard Street,
London SW1P 2HT
0207 340 6664
www.dca.gov.uk

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- Institute of Field Archaeologists:**
- Code of Conduct*
- Code of Practice for the regulation of contractual arrangements in field archaeology. Current Yearbook* (available in most central libraries)
- 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)
- The Law and Burial Archaeology. Technical Paper Number 11* (1992)
- Excavation and post-excavation treatment of cremated and inhumed human remains*
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- United Kingdom Institute for Conservation (2001) *Excavated Artefacts and Conservation*

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Appendix 2: 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)
- Town and Country Planning Act of 1990
- Planning (Listed Buildings and Conservation Areas) Act of 1990
- The Treasure Act, 1996

National Planning Policy Guidance

- Planning Policy Guidance Note No. 16 (Archaeology and Planning, 1990)
- Planning Policy Guidance Note No. 15 (Planning and the Historic Environment, 1994)
- Planning Policy Statement 12 (Local Development Frameworks, 2004)

Local Planning Policy

Devon County Structure Plan 2001-2016

Policy C07: *The quality of Devon's historic environment should be conserved and enhanced. In providing for new development particular care should be taken to conserve the special historic character of settlements, the character and appearance of conservation areas, the historic character of the landscape, listed or other buildings of historic or architectural interest and their settings and parks and gardens of special historic interest and their settings.*

Policy C08: Internationally, nationally and regionally important archaeological sites and their settings, whether Scheduled Monuments or unscheduled, will be preserved. Other important sites and their settings should be preserved wherever possible, and in considering proposals for development which would have an adverse impact on them, the importance and value of the remains will be a determining factor. Where a lack of information precludes the proper assessment of a site or area with archaeological potential, developers will be required to arrange appropriate prior evaluation in advance of any decision to affect the site or area. Where the loss of an archaeological site or area is acceptable, proper provision for archaeological excavation and recording will be required.

Utility and other Codes of Practice

- DETR - Code of Practice on Conservation, Access and Recreation: Guidance for the Environment Agency and Water and Sewerage Undertakers (*)
- South West Water - Draft Procedures for Archaeological Consultation (Issue No 02, 2000)
- BADLG - The British Archaeologists and Developers Liaison Group Code of Practice (1991)
- JNAPC - Code of Practice for Seabed Developers (1995 - revision due 2006)
- CBI - Archaeological Investigations: Code of Practice for Mineral Operators (1991)

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Appendix 3: Glossary

Archaeological Consultant

An archaeologist who is employed by the developer to provide advice on how to proceed with a proposal which may have archaeological implications. The archaeological consultant liaises with the Historic Environment Service and archaeological contractor. Some archaeological consultants also act as contractors.

Archaeological Contractor

An archaeologist who is employed by the developer to carry out archaeological work in accordance with a WSI.

Archaeology

A branch of history which deals with the material remains of humankind's past - from the earliest artefact to the structural legacy of the Cold War and beyond.

Appraisal

This is undertaken by the Devon Historic Environment Service. It involves checking the details of the proposal against known information recorded in the Historic Environment Record, historic mapping and other archaeological sources.

Archive

This contains everything that is gathered during fieldwork and will be catalogued, ordered and indexed. It represents the original record of the project's results and will include the original photographs, plans, record sheets, sample registers, notebooks etc.

Assessment

(Also known as a Desk-based Assessment)

Archaeological Assessment is defined as an assessment of the known or potential archaeological resource within a specified area or site on land or underwater, consisting of a collation of existing written and graphic information in order to identify the likely character, extent, quality and worth of the known or potential archaeological resource in a local, regional, national or international context as appropriate.

Brief

A document produced by the Devon Historic Environment Service which outlines the planning and archaeological background of the development proposal, and indicates the scope of archaeological works that will be required. This allows the archaeological contractor to prepare a Written Scheme of Investigation detailing their approach to meeting the requirements of the Brief.

Building Recording

Archaeological building investigation and recording is defined as a formal programme of work intended to establish the character, history, dating, form and archaeological development of a specified building, or structure, or complex and its setting, including its buried components, on land or under water. The programme should result in the production of drawings, an ordered archive and a report.

Desk-based Assessment

See Assessment

Ecofact

Any plant or animal material found in an archaeological deposit, and which has not been technologically altered but has cultural relevance - eg. a shell carried from the sea to an inland settlement. Seeds, pollen, animal bone, insects, fish bones, and molluscs are all ecofacts. See Palaeoenvironmental Deposit.

Environmental Archaeology

All earth science and biological studies undertaken to investigate the environments in which past human societies lived and ecological changes through the period of human history.

Excavation

A programme of controlled, intrusive fieldwork with defined research objectives which examines and records archaeological deposits, features and structures and, as appropriate, retrieves artefacts, ecofacts and other remains within a specified area or site (on land or underwater). This is achieved through the systematic removal of the deposits of soil and other material covering and accompanying the remains. The records made and objects gathered during fieldwork are studied and the results of that study published in detail appropriate to the Project Design and in the light of findings.

Field Evaluation

(also known as Site Evaluation)

Archaeological Field Evaluation is defined as a limited programme of non-intrusive (e.g. geophysical) and/or intrusive (e.g. trenching) fieldwork which determines the presence or absence of archaeological features, structures, deposits, artefacts or ecofacts within a specified area or site on land or underwater. If such archaeological remains are present Field Evaluation defines their character and extent, and relative quality; and it enables assessment of their worth in a local, regional, national or international context as appropriate. The sample size will normally be 5-10% in rural areas, possibly larger in urban areas.

Field Evaluation might be carried out prior to determination of a planning application or, in exceptional circumstances, as the first stage of a programme of archaeological work carried out under a PPG16 Condition.

Fieldwalking

A technique used on arable land to collect surface artefacts which have been turned up by the plough. The site is gridded, and each grid square is systematically walked. Any finds are collected and recorded onto a site plan. Concentrations of particular types of find may indicate that different parts of the site were used for different activities or at different periods. Field walking may be a required evaluative technique on proposed development sites on arable land, often in conjunction with geophysical survey and/or trial trenching.

Geophysical Survey

Geophysical survey is a non-intrusive technique used to identify buried features. Archaeological geophysical survey uses the principles of geophysics to assess whether archaeological remains are present. There are a variety of geophysical survey techniques that have been developed and refined since they were first used in the 1940s. The techniques have been increasingly used in recent years and have been particularly effective when large greenfield sites are being developed. Not all these techniques work well in the disturbed and intense stratigraphy of urban sites, and some are highly specialised. Magnetometer survey, resistivity survey and ground penetrating radar (GPR) are probably the most commonly used techniques. Magnetometers detect minute deviations in the Earth's magnetic field caused by iron artefacts, kilns, some types of stone structures, and even ditches and middens. Devices that measure the electrical resistivity of the soil are also widely used.

The susceptibility of a given site to geophysical investigation depends upon the underlying geological formation, as well as other factors such as the presence or absence of nearby concentrations of metalwork (railway lines, buried pipelines etc).

HER

Historic Environment Record. A database of known archaeological sites. Each record gives the location, type and period of a site along with a brief description and information on the location of more detailed sources of information such as site reports.

HES

Historic Environment Service

Historic Environment (HE)

The 'Historic Environment' includes all the physical remains that our ancestors have left in the landscapes of town and countryside. It covers a wide range of human creations from the largest - towns, cathedrals, field systems and highways - to the smallest - signposts, standing stones or prehistoric flint tools. With continuous human activity through the ages, the historic environment comprises virtually all the rural and urban landscape

In situ

In its original place (undisturbed)

OASIS

A national index to information about archaeological investigations, which aims to increase public and academic access to reports which are being produced in the course of archaeological fieldwork of all kinds. Derived from *Online AccesS to the Index of archaeological investigations*.

Palaeoenvironmental

Deposit containing evidence of past environments. May include organic materials, pollen, bone, shell, etc. See Ecofact.

Post-Excavation

Analysis Once archaeological features have been excavated it is necessary to properly analyse the results, to extract as much information as possible. This process is known as post-excavation analysis, and is normally the most time-consuming part of the archaeological investigation. At its most basic, the stratigraphic sequence is determined, the finds are cleaned, catalogued and compared to published collections, in order to classify them typologically and to identify other sites with similar artefact assemblages. However, a much more comprehensive range of analytical techniques are available through archaeological science, meaning that finds can be dated and their compositions examined. The bones, plants and pollen collected from a site can all be analysed (using the techniques of zooarchaeology, palaeobotany and palynology). These techniques frequently provide information that would not otherwise be known and therefore contribute greatly to the understanding of a site.

PPG15

Planning Policy Guidance note 15: Planning and the Historic Environment

PPG16

Planning Policy Guidance note 16: Archaeology and Planning

PPG16 Condition

A Planning Condition modelled on that given in paragraph 30 of PPG16, requiring that no development take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant and approved by the Planning Authority.

Publication

The dissemination of information derived from archaeological investigations. Depending upon the results of the investigation, publication may take the form of the preparation of a brief HER report, an archive report, an article in a local and/or national archaeological journal or a free-standing publication.

Monitoring and Recording Brief

(also known as a Watching Brief)

A formal programme of observation and investigation conducted during any operation carried out for non-archaeological reasons within a specified area or site on land or underwater, where there is a possibility that archaeological deposits may be disturbed or destroyed. The programme will result in the preparation of a report and ordered archive. Four levels of Monitoring and Recording Brief exist:

- A **comprehensive Monitoring and Recording Brief** is one where archaeological supervision takes place at all times during the groundwork operations.
- An **intensive Monitoring and Recording Brief** is one where archaeological supervision takes place during the undertaking of sensitive groundworks.
- An **intermittent Monitoring and Recording Brief** is where the trenches/groundworks will be observed by the archaeologists after the completion of machining.
- A **partial Monitoring and Recording Brief** entails observation only when considered appropriate.

Scheduled Monument An ancient monument or archaeological deposits designated by the Secretary of State for the Department of Culture Media and Sport as a 'Scheduled Monument' and therefore protected under the Ancient Monuments Act 1979.

Site Evaluation

See Field Evaluation

Standing Building Recording

A programme of work intended to establish the character, history, dating, form and archaeological development of a specified building, or structure, or complex and its setting, including its buried components, on land, inter-tidal zone or (in the case of quays, piers etc.) underwater

Stratigraphy

Stratigraphy is the continual build-up of material layers (strata) one upon the other. Normal processes of deposition mean that the top layer is the most recent whilst the bottom layer was the first to be deposited and is the oldest. Archaeologists strip these layers off in sequence starting with the most recent deposit. Finds are used to date each layer. This sequence can then be used to create a relationship across the site and give information about how an area was used during a specific period. Deposits can be grouped together to define phases of activity. Some stratigraphy is easily identifiable - soil to wall - whilst others are not. These can include subtle changes in the soil colour, texture and composition (high/low levels of inclusions of mortar, charcoal, stones, etc).

Test Pit

An evaluation technique that consists of the excavation of trial pits (normally 1.5m x 1.5m), and on large sites set out on a regular pattern which may be centred on a 50m grid.

Trial Trenching

The excavation of trenches in order to determine the presence or absence of archaeological features, structures, deposits, artefacts or ecofacts within the site. If such archaeological remains are present Trial Trenching defines their character and extent, and relative quality; and it enables assessment of their worth in a local, regional, national or international context as appropriate. The sample size will normally be 5%. Trial Trenching might be carried out prior to determination of a planning application or, in exceptional circumstances, as the first stage of a programme of archaeological work carried out under a PPG16 Condition.

Watching Brief

See Monitoring and Recording Brief above.

WSI

(Written Scheme of Investigation)

Similar to a Method Statement or Project Design. This is a written proposal for archaeological investigation of whatever form (Evaluation, Excavation, Monitoring and Recording Brief), which is submitted to the Planning Authority, and sets out the archaeological works to be carried out by the archaeological contractor employed by the developer. The WSI demonstrates that the archaeological contractor will carry out the required investigation to nationally accepted standards. WSIs will normally contain: non-technical summary, site location and descriptions, context of the project, geological and topographical background, archaeological and historical background, reference to legislation, general and specific aims of fieldwork, field methodology, collection and disposal strategy for artefacts and ecofacts, arrangements for immediate conservation of artefacts, post-fieldwork methodology and report preparation, report preparation (method), publication and dissemination proposals, copyright, archive deposition, timetable, staffing, Health & Safety considerations, monitoring procedures.

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Appendix 4: Criteria for determining "important" hedgerows, under The Hedgerow Regulations 1997

A hedgerow is "important" if it, or the hedgerow of which it is a stretch:

- (a) has existed for 30 years or more; and
- (b) satisfies at least one of the following criteria:
 - 1. **The hedgerow**
 - marks the boundary, or part of the boundary, of at least one historic parish or township; and for this purpose 'historic' means existing before 1850.
 - 2. **The hedgerow incorporates an archaeological feature which is**
 - (a) a Scheduled Monument; or
 - (b) recorded at the relevant date in a Sites & Monuments Record (Historic Environment Record)
 - 3. **The hedgerow**
 - (a) is situated wholly or partly within an archaeological site which is Scheduled or recorded in an Historic Environment Record, or on land adjacent to and associated with such a site; and
 - (b) is associated with any monument or feature on that site
 - 4. **The hedgerow**
 - (a) marks the boundary of a pre-1600AD estate or manor recorded at the relevant date in an Historic Environment Record or in a document held at that date at a Record Office; or
 - (b) is visibly related to any building or other feature of such an estate or manor
 - 5. **The hedgerow**
 - (a) is recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts; or
 - (b) is part of, or visibly related to any building or other feature associated with such a system, and that system:
 - (i) is substantially complete; or
 - (ii) is of a pattern which is recorded in a document prepared before the relevant date by a local planning authority, within the meaning of the 1990 Act, for the purposes of development control within the authority's area, as a key landscape characteristic.

(The 'relevant date' means the date on which the Hedgerow Regulations were made - 24 March 1997).

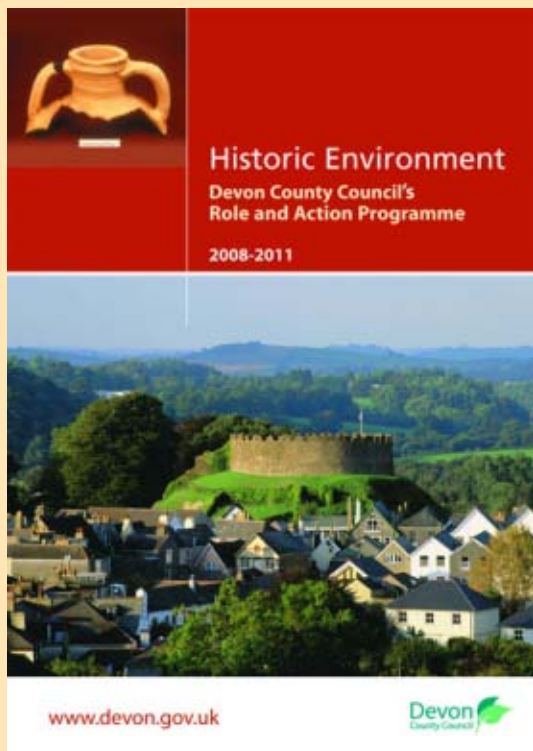


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Further information about the work undertaken by the Historic Environment Service can be found in the following publication:



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