

Online Comment

Application H07-0322-19
Location Plot 2 West Drove South Gedney Hill Spalding
Proposal Residential Development - approved under H07-0821-16 (appeal decision) - Removal of Condition 7 relating to Archaeological Watching Brief

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Date Submitted 18-04-19
For/Against Comments

This office would not usually consider recommending that an archaeological condition be removed or discharged on the basis of that it had not been complied with, which represents a serious breach of planning control.

This grant of permission was approved subject only to adherence to number of conditions needed to make it acceptable. Condition 7 was needed in order ensure that irreplaceable archaeological remains were not destroyed without record, which would be in contravention of the National Planning Policy Framework section 16, paragraph 199, and would thus not represent sustainable development.

However, condition 7 applied to both house plots granted consent together, and the required archaeological monitoring and recording was undertaken throughout the groundworks carried out on the first plot. This did not disturb archaeological material, suggesting either that groundworks did not reach the depth of the remains in this area or that they had previously been disturbed.

This office would usually recommend that where a developer has breached their conditions in this way that they be required to carry out additional excavation in order to assess what had already been destroyed without record. Yet as half of the work required was completed (albeit by a different developer), and as the results were negative, it is not considered reasonable to enforce additional archaeological work because of the non-compliance.

In this circumstance it can be considered that the partial compliance is sufficient and that the negative results mean that condition 7 is no longer required.

We would like to emphasise that the action taken still represents a serious breach of planning control, and recommend that SHDC planning enforcement discuss the implications of this with the developer to ensure that this does not happen again.