

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-1115-22 **Applicant:** Ashley King Developments Ltd

Proposal: Details of archaeological investigation (Condition 10 of H09-0784-21)

Location: Land Off Fen Road Holbeach Spalding

Terminal Date: 12th January 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

29 The Historic Environment

National Guidance

National Planning Policy Framework 2021

Section 16 of the National Planning Policy Framework, 2021

Representations:

	Object	Support	No Obj.	Comments
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of archaeological investigation (Condition 10 of H09-0784-21).

Additional information has been submitted at the request of the LCC Historic Environment Officer.

Site Description

As host consent. Works have commenced.

History

H09-0784-21. FULL. Erection of 38 dwellings with associated roads and sewers. APPROVED 03-02-22.

Consultation Responses

LCC Historic Environment Officer

Consultation response to original details

This report on the trial trench evaluation (carried out post-determination) has successfully demonstrated that archaeological remains of early medieval date survive within the northern part of the development and will be impacted by development.

It is therefore recommended that the developer be required to commission a programme of archaeological mitigation as an addendum to the approved written scheme of archaeological investigation.

This should require a programme of archaeological topsoil strip, map and sample excavation to be carried out prior to development covering the area of plots 10, 11, 12, and 13 (on plan 127-SL-01 Rev G 'Site Plan - Amendment 4') where the evaluation has found that the early medieval remains appear to be concentrated. This would enable these archaeological remains to be 'preserved by record' in accordance with the requirements of the National Planning Policy Framework's paragraph 205:

"Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."

It is not recommended that Condition 10 be discharged at this time until all archaeological works have been completed.

Consultation response to revised and additional details

I can confirm that the written scheme of archaeological investigation submitted meets the requirements of this office, which we have revised in line with the new information that some development on site had already started.

This written scheme of archaeological investigation will instead ensure that development continues with a programme of archaeological monitoring and recording during groundworks within the part of the site where archaeological remains were uncovered during the previous evaluation. This is in order to ensure that an adequate record is made of these remains prior to any impacts from construction.

Planning Considerations

Condition 10 of H09-0784-21

A copy of the final report required in connection with Condition 8 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

As can be seen above, the LCC Historic Environment Officer is satisfied with the submitted details. This condition detail can now be approved as the submission is acceptable.

Conclusion

Approve.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.