

APP/19/00427 Land at Lower Road, Havant

Thank you for your enquiry. The straightforward answer is that the condition wording does not secure preservation of a major archaeological find. But perhaps it would be helpful if I unpack that answer a little.

When advising the planning authority on archaeological matters we base that on the evidence that is in the Historic Environment Record (NPPF 187 & 189), what it tells us directly about an area and what we can infer. It is rare that we can be absolutely certain about the archaeology that is on a site and it is the nature of archaeology that you cannot fully predict what you will encounter. By that token does it follow that every development site should be subject to an archaeological survey prior to the determination of the planning application? Consideration must be given to the likelihood (as opposed to certainty) that an overriding archaeological constraint might be present. The planning response must be proportionate (NPPF 189) and this can include “where necessary” (NPPF 189) a field evaluation – that is an archaeological survey prior to the determination of the planning application.

I only advise planning authorities to require an archaeological evaluation prior to the determination of a planning application if there is a sound argument to suggest the presence of an archaeological site whose significance would override the need for development or whose significance is such that the burden of the archaeological work secured by archaeological condition would be ‘unreasonable’ (or a refusal by imposition of a condition that cannot be delivered*). I.e. that the burden of a pre determination evaluation (NPPF 189) is a proportionate response. There is no archaeological evidence that I am aware of to suggest that a site of such significance might exist at Lower Road, although as I have noted there is no absolute certainty in archaeology.

It is a matter of informed judgment. The archaeologists retained by the applicant to help them manage their archaeological risks have not identified the potential for an overriding archaeological constraint. The evidence on the HER, and my experience as a local archaeological curator, do not lead me to suspect an overriding archaeological constraint. Therefore my ‘proportionate’ response is to recommend the use of an archaeological condition. I recognise the potential to encounter archaeological remains and the need for archaeological survey prior to development, but I do not anticipate an overriding archaeological constraint and therefore it would seem

disproportionate to require such a survey prior to the determination of the planning application.

It is of course possible to conjure a wording for an archaeological condition that makes some provision for preservation of archaeological remains if a site of such significance emerges. It is a question of making such a condition reasonable and proportionate. Such preservation it might secure would need to be of a scale that it could be accommodated within the development, perhaps for instance equivalent to the open space provisions. *The test of reasonableness of that condition would inevitably hinge on how much of the permitted development could not then go ahead.

A more precautionary approach to archaeological survey by requesting pre determination evaluation in any case where there is uncertainty (which is generally speaking most large scale development) would lead to delays in determining planning applications, would result in redundant archaeological costs where the application was subsequently refused for other reasons and in some cases inflict ground and ecological damage from trenching what might be sensitive locations. The burden of a pre determination archaeological evaluation must be a proportionate response. None the less I would request an archaeological evaluation prior to the determination of a planning application if I believed this was an appropriate, necessary and proportionate response. In the case of Lower Road I do not.

I hope that explanation offers some clarity on my advice regarding this planning application

Sincerely

David

David Hopkins
County Archaeologist
Specialist Environmental Services