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Your ref: 3/2018/0914

Our ref:

Date: 23rd October 2018

FAO S Kilmartin

Dear Mr Macholc,

Planning Application 3/2018/0914: Erection of 188 new dwellings including means of access and associated works. To include 57 affordable dwellings (29 affordable rent and 28 shared ownership).

Land off Clitheroe Road, Whalley (Lawtonsteads phase 2) BB7 9AB

Thank you for your consultation on the above planning application. This site has been subject to an archaeological desk-based assessment as part of the outline application for the development (3/2013/0137). As part of the consent granted to that application a condition was applied requiring a scheme of archaeological work:

25 *Prior to the commencement of each phase of development, a written scheme of archaeological investigation relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. Each scheme will outline (if required) a programme of archaeological work which is to be implemented within the phase. The development of the phase shall be carried out in accordance with the approved scheme.*

As part of the preparation for phase 1 of the development a geophysical survey was undertaken in response to the above condition, a copy of the report (GSB report 2012/62) being submitted with an application for reserved matters consent (3/2014/0228). A written scheme of investigation (WSI) for a follow-up trial excavation as recommended in that report was also submitted and approved, but no evidence has been submitted to show that the trenching has been undertaken. This work may have been undertaken, but no report has been submitted to the Lancashire Historic Environment Record (or apparently to the Council) as set out in the WSI. The planning condition applied appears to remain undischarged for phase 1 of the development, and the development in breach of its consent.

The application for the reserved matters consent for phase 2 – the present application – is accompanied by a new geophysical survey (Magnitude Surveys Ref MSSD361). The

results of this survey are set out in section 7 and the conclusions drawn in section 8 of that report. Suggestions are made for the interpretation of some of the features, but as noted in section 7.1 no definitive statement concerning what they represent can be made. It should also be noted that in recent weeks geophysical surveys on two widely separated development sites in Lancashire have been shown to be less than reliable. In the first case excavation has revealed extensive remains of Romano-British settlement, including two iron-production furnaces, in an area of 'indeterminate' geophysical features. On the second site a dense network of stone-built and stone-filled drains was found during trial excavation, despite the geophysical survey being effectively blank. As such it is dangerous to take the results of such surveys at face value and they require confirmation by a scheme of trial trenching, which should target both identified anomalies and 'blank' areas. We would therefore recommend that such a scheme of trial trenching be undertaken on this site.

Given the problems which have occurred on the phase 1 site, we would strongly recommend that the present application NOT be determined until and unless a suitable scheme of trial trenching has been undertaken and an acceptable report submitted to the Council for consideration. This will allow an informed decision to be made as to the requirement for (and if necessary the scope of) any further phase of archaeological mitigation prior to construction starting. We would recommend that the developers are required to:

- (i) Submit a WSI for a scheme of trial trenching of the present site for assessment and if appropriate approval by the Council;
- (ii) Following the submission and approval of an acceptable scheme, commission the trial excavation works; and
- (iii) Submit a formal report on those works, including recommendations for follow-up or mitigation works if required, for consideration as part of the present application.

At this point an informed decision can be made and any necessary mitigation works for this phase required by a further condition.

It may be argued that this would cause unnecessary delay to the consideration of the application, but given the issues on the adjacent site and the fact that the applicants have had several years to implement the works required by the condition, are clearly aware of it and have had the results of the geophysical survey for several weeks, this would not seem unreasonable.

If the council are not minded to follow this advice, we would appreciate the opportunity to discuss the matter with you further, to agree a way forward. We would also appreciate if the matter of the trial excavation of the phase 1 site as set out above can be clarified and any appropriate action (enforcement or otherwise) taken.

Yours sincerely

Peter Iles