

# Chester

## Archaeological Plan

Ruth Beckley & Dana Campbell (Project Officers)  
Dr Jill Collens (Project Manager)  
Archaeology Planning Advisory Service  
Cheshire Shared Services  
The Forum  
Chester CH1 2HS  
01244 973204 (Dr Jill Collens)  
[ARCHAEOLOGY@cheshirewestandchester.gov.uk](mailto:ARCHAEOLOGY@cheshirewestandchester.gov.uk)

January 2014  
Version 3

# Chester Archaeological Plan

---

## Preface

The Chester Archaeological Plan was completed in October 2013. After public consultation it was submitted to the Cheshire West and Chester Local Development Framework Panel in January 2014 for endorsement as a key [Evidence Base Document](#), supporting the preparation of the Local Plan (Part Two): Land Allocations and Detailed Policies by permitting a greater understanding of the archaeological resource. It is also intended to inform a future Supplementary Planning Document for the Historic Environment and for use by Development Management when considering the archaeological implications of development proposals or applications within Chester.

**Further information on the archaeological resource of Chester is available on the Cheshire Archaeology Planning Advisory Service Website:**

Chester Archaeological Character Zones

[http://www.cheshirearchaeology.org.uk/?page\\_id=156](http://www.cheshirearchaeology.org.uk/?page_id=156)

Chester Archaeological Plan

[http://www.cheshirearchaeology.org.uk/?page\\_id=165](http://www.cheshirearchaeology.org.uk/?page_id=165)

Alternatively the supporting spatial mapping can be found at:

<http://maps.cheshire.gov.uk/CWAC/interactivemapping/>

# Chester Archaeological Plan

---

## Contents

Acronyms .....	3
Introduction .....	4
The Chester Archaeological Plan.....	4
The National, Regional and Local Context .....	4
Chester’s Archaeological Resource.....	7
Prehistory.....	7
The Roman Period.....	7
The Medieval Period .....	8
The Post-Medieval and Industrial Periods .....	8
Chester Urban Archaeological Database Project .....	9
Characterisation of Historic Chester’s Built Environment .....	9
An Introduction to Chester’s Archaeological Character Zones.....	9
Guidance for the Historic Environment in Chester.....	12
Introduction .....	12
Guidance Note 1: Guidance for the Submission of Development Proposals with Implications for Archaeology .....	13
Guidance Note 2: Guidance on Development Proposals in Primary Archaeological Character Zones.....	16
Guidance Note 3: Guidance on Development Proposals in Secondary Archaeological Character Zones.....	17
Guidance Note 4: Guidance for the Consideration of Archaeological Issues as Part of the Planning Process .....	18
Guidance Note 5: Professional Standards in Archaeology .....	24
Guidance Note 6: Archaeological Implications of Built Heritage Assets .....	25
Special Considerations .....	26
Area of Archaeological Importance (AAI) .....	26
General Permitted Development.....	26
Ecclesiastical Exemption .....	26
Scheduled Monument Consent .....	27
Conservation Areas.....	27
Listed Building Consent.....	27
Research Investigation.....	27
Terms Used .....	28
Appendix 1: National Legislation and Policies .....	30
Legislation Protecting Designated Heritage Assets.....	30
Civic Amenities Act (1967) .....	30
The Ancient Monuments and Archaeological Areas Act (1979).....	30
National Heritage Act (1983) .....	30
Planning (Listed Buildings and Conservation Areas) Act (1990).....	30
Town and Country Planning (General Permitted Development) Order 1995 (as amended) .....	30
Enterprise and Regulatory Reform Act (2013).....	30
The Planning Framework .....	31
National Planning Policy Framework (2012).....	31
Local Development Framework (2013).....	31
Additional Considerations and Guidance.....	32
Localism Act and Neighbourhood Plans (2011) .....	32
National Heritage Protection Plan (2013).....	32
Appendix 2: Contact Information .....	33

# Chester Archaeological Plan

---

Cheshire West and Chester.....	33
Planning and Development Control.....	33
Planning Archaeologist .....	33
The Historic Environment Records Office.....	33
Conservation and Design Team .....	33
Statutory Consultee .....	33
English Heritage (North West) .....	33
Finding Specialist Contractors.....	34
Professional Standards.....	34
Useful links.....	34

## Acronyms

**AAI:** Area of Archaeological Importance

**ALGAO:** Association of Local Government Archaeological Officers

**CAPAS:** Cheshire Archaeology Planning Advisory Service

**CWaC:** Cheshire West and Chester Council, also referred to as 'the local authority' and 'the Council'

**DBA:** Desk-based Assessment

**HER:** Historic Environment Record

**IFA:** Institute for Archaeologists

**LDS:** Local Development Scheme (outlines the planning policies and strategic development for the local authority)

**NPPF:** National Planning Policy Framework, produced by the Department for Communities and Local Government

**NHPP:** National Heritage Protection Plan, produced by English Heritage

**PAS:** Portable Antiquities Scheme Plan

**UAD:** Urban Archaeological Database, part of the Historic Environment Record held by Cheshire Archaeology Planning Advisory Service

**WSI:** Written Scheme of Investigation

## Introduction

### The Chester Archaeological Plan

1. The Chester Archaeological Plan is a key evidence base document for the Cheshire West and Chester (CWaC) Local Plan. It will be used as a material consideration for development planning purposes and will underpin the advice provided by the [Planning Archaeologist](#). It provides guidance for managing archaeological [Heritage Assets](#) and is aimed at all those involved in master planning, the preparation of development proposals and those responsible for development management. It also provides guidance for the wider community to enable planned change that is in harmony with the city's historic identity.
2. The archaeological resource, consisting of both above- and below-ground remains, forms part of the historic environment, together with historic landscapes and the built environment. The Plan encourages the enhancement and protection of the historic environment in a way that complements and supports sustainable, planned development and will result in substantial benefits to the cultural and economic future of the community.
3. Chester is one of England's major historic centres with a rich archaeological and historical heritage that is a source of pride among its residents. Its significance is reflected in its statutory designation as an Area of Archaeological Importance (AAI), one of only five in England. It contains 740 [Designated Heritage Assets](#)<sup>1</sup> and 12 Conservation Areas. The amphitheatre, the castle, the ruins of the church of St John the Baptist and the City Walls are just some of Chester's Scheduled Monuments, afforded the highest level of protection that the law allows in recognition of their national significance.
4. Equally important are the archaeological deposits, up to 4m deep in places, which survive beneath the buildings, spaces and streets in the modern city centre. These deposits preserve a unique and irreplaceable record of human occupation over the last 2,000 years, encapsulating a full sequence of evidence from earliest times to the present day. Chester's archaeology can therefore be seen as a single large, complex and vulnerable heritage asset that requires careful, long-term stewardship.
5. This document summarises the approach that the local authority will take in determining applications that may affect heritage assets and shows how proportionate archaeological responses to development proposals are supported by national and local government planning policy. After outlining the significance of the archaeological resource in Chester, the document provides guidance for developers and applicants on the role of archaeology in planning and development management.

### The National, Regional and Local Context

6. Designated heritage assets are protected by a number of Acts of Parliament, principally the Ancient Monuments and Archaeological Areas Act (1979), the National Heritage Act (1983) and the Planning (Listed Buildings and Conservation Areas) Act (1990), recently amended by the Enterprise and Regulatory Reform Act (2013) (see [Appendix 1: National Legislation and Policies](#) for further details). In addition, the National Planning Policy Framework (NPPF) was introduced in 2012 to manage sustainable development within the planning system, and includes a positive strategy for the enhancement, conservation and management of both designated and non-designated heritage assets.

---

<sup>1</sup> Further information on the current extent and location of all designated heritage assets is available *via* the Cheshire West and Chester website (<http://maps.cheshire.gov.uk/CWAC/interactivemapping/>)

## Chester Archaeological Plan

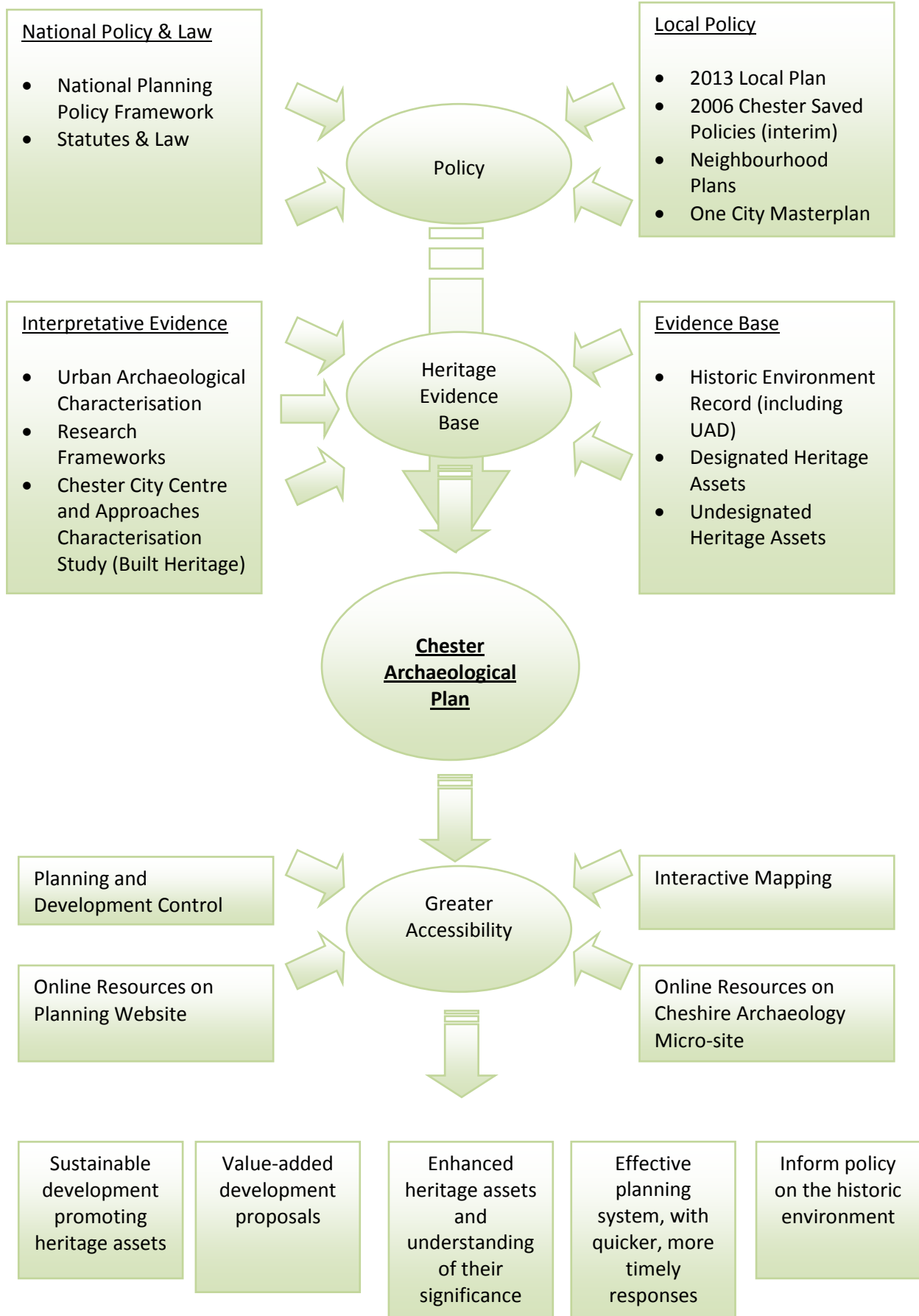
---

7. The Local Plan (Part One): Strategic Policies outlines the higher level policies relating to the historic environment under ENV5 and to the growth agenda for Chester under STRAT 3 (see [Appendix 1: National Legislation and Policies](#) for further details). The function of ENV5 is to ensure that new development is of a sustainable and high-quality design that respects heritage assets, local distinctiveness and the character and appearance of the landscape and townscape. The Local Plan also presently includes a number of saved policies set out in the 2006 Chester City Council Local Plan; these will, however, be replaced in Part Two of the Local Plan (Development Management Policies).



**Figure 1: The complexities of urban archaeology in Chester: the Listed weir in the foreground, the Scheduled City Walls, the 18th-century riverside promenade and the designated historic buildings in the background. These features provide direct evidence for Chester's past, and provide a link to some of its former citizens. Their aesthetic value creates a strong and attractive sense of place that is of communal and economic importance and contribute to a strong sense of place and identity (Cheshire HER)**

# Chester Archaeological Plan



**Figure 2: The Relationship of the Chester Archaeological Plan to Heritage Policy**



## Chester's Archaeological Resource

8. Chester has a rich archaeological resource and evidence of the city's evolution and of significant events affecting it can be seen in the surviving heritage assets, as well as in documentary sources.

### *Prehistory*

9. For most of prehistory (including the Palaeolithic, Mesolithic, Neolithic Periods and Bronze Ages), occupation in Chester is represented by isolated objects, found by chance during ground disturbances. A handful of Mesolithic (8000–4000 BC) and Neolithic (400–3500 BC) objects including ground stone axes and chipped stone flakes, blades and microliths have been found throughout the city centre, including at the amphitheatre, at Bache Pool to the north and near the Wrexham Road business park to the south. A smaller number of Bronze Age (3500–700 BC) finds have also been found, including bronze axes (palstaves) and a mace head.
10. By the Iron Age (700 BC–AD 43), however, permanent settlement was established: buildings, fence lines and evidence of intensive farming have been found on the site of the amphitheatre, at Abbey Green and along Frodsham Street, and pottery and other finds dating to before the arrival of the Romans have been discovered throughout the city centre.

### *The Roman Period*

11. The fortress of *Deva* was established around AD 74 and, together with York, was one of the two most important centres for the Roman military in the north of Britain. Many of its buildings are preserved below ground, and some of its principal features remain visible within the modern city. Roman masonry is preserved along the north and east sides of the City Walls and the roads passing through the city gates follow their ancient alignments. The fortress underwent several phases of modification and saw fluctuations in the intensity of occupation throughout the Roman period. There remain significant gaps in our knowledge of its layout and form, however, while particular features, such as the Elliptical Building (behind the Town Hall) are unique in the Roman Empire and are of international archaeological significance.
12. Archaeological works, particularly those led by development, continue to reveal important, previously unknown aspects of Chester at this time. The civilian settlement that grew up outside the fortress is a good example. Recent work at the site of the HQ building at Nicholas Street revealed a formerly unknown part of this settlement, with substantial industrial and residential remains. Increasing evidence of the rural-urban fringe is also being identified on sites to the north and east of the fortress at Tower Wharf, the Northgate Arena and along Boughton, highlighting the importance of adequate archaeological investigation. Further afield, two Roman farmsteads at Lache were also identified in the first half of the 20<sup>th</sup> century. However, outside the fortress, as inside, there are significant gaps in our knowledge, for example concerning the harbour below the Roodee and the extent of the cemeteries that surrounded the community.



Figure 3: Iron Age Pottery from the amphitheatre (Historic Environment Team)



Figure 4: Roman well from development-led archaeological investigations at Tower Wharf (SLR)

# Chester Archaeological Plan

## ***The Saxon Period***

13. Although the early Saxon period is difficult to trace in the archaeological record, it is thought that St John's church was founded around AD 689, and the remains suggest that Saxon settlement was concentrated in this area. Numismatic (coin) evidence and metallurgical analyses demonstrate that a mint was established at Chester in the 9<sup>th</sup> century, although its precise location is unknown.
14. A *burh* (fortified town) was founded in AD 907 by Aethelflaeda of Mercia in response to a growing threat from Hiberno-Norse settlements on the Wirral, and there is evidence of Saxon re-fortification along the southern and western Roman defences. Archaeological evidence of settlement in Chester appears to date to the 10<sup>th</sup> century, with buildings scattered throughout the former fortress and along Lower Bridge Street, particularly around St Olave's church, where a Scandinavian settlement may have been established. Several churches are thought to date to the 10<sup>th</sup> century including the former church of St Peter and St Paul, later re-dedicated as St Werburgh's minster.

## ***The Medieval Period***

15. The medieval city of Chester was the largest and most prosperous in the north-west and was the region's principal port. It developed a diverse economy, with trade, gold-smithing and leatherworking among its important commercial activities. The town was re-fortified by the Normans who built a new castle in the south-west corner of the city in the late 11<sup>th</sup> century, re-founded the Saxon minster as a Benedictine abbey in 1092 and extended and improved the city walls in the mid-12<sup>th</sup> century. A nunnery and a number of friaries were built, mainly to the west of the former Roman fortress, protected by the extended City Walls. Perhaps one of the most intriguing aspects of the medieval city, however, was the development of the Rows, an unusual arrangement of two levels of commercial properties with domestic housing above, from the 12<sup>th</sup> century onwards.

## ***The Post-Medieval and Industrial Periods***

16. The post-medieval period can be taken to begin with the Dissolution of the Monasteries around 1539, marking a gradual shift away from a life influenced by Catholic culture and belief. The nunnery and friaries were forcibly disbanded and their lands and wealth confiscated by the King. St Werburgh's abbey was also initially disbanded, but later became a cathedral under the new institution of the Church of England in 1541, while the formerly important collegiate church of St John the Baptist was reduced to a parish church in the same year.
17. Significant changes in international trade arising from the opening up of new trade routes to the East and Africa and the establishment of overseas colonies affected society and economy as the period progressed. The Civil War and Interregnum in the mid-17<sup>th</sup> century violently divided the country and society. Chester as a Royalist stronghold was subject to several periods of siege between 1643 and 1646, resulting in the construction of significant defensive and artillery earthworks surrounding the city as well as the systematic razing of the suburbs in advance of the Parliamentary army. In the Georgian and Regency periods Chester flourished as an administrative and social centre, with its economy increasingly based on luxury crafts and retailing.
18. The Shropshire Union Canal opened in 1779, with the railways following in the mid-19<sup>th</sup> century. Improvements in transport and technology ultimately led to the expansion of industrial and utility companies, along with large areas of Victorian and Edwardian suburban development. The



Figure 5: Early 20<sup>th</sup> century tramlines still surviving in the modern street surface (Castlering Archaeology)

# Chester Archaeological Plan

---

19<sup>th</sup> century also saw an increase in dense, overcrowded courts in the historic core; notorious for poor living conditions, they were largely demolished during the 20<sup>th</sup> century, leaving few surviving examples. Nevertheless, Chester escaped the dramatic changes that created the great cities of the north and the midlands, continuing as a retailing centre and becoming a major tourist destination. The city's military traditions continued as the castle remained the headquarters of the Cheshire Regiment with barracks and grounds nearby in the 19<sup>th</sup> century, whilst during World War II the Western Command HQ and its underlying bunkers were integral to the defence of Britain.

## **Chester Urban Archaeological Database Project**

19. The Chester UAD Project was funded by English Heritage, providing an enhancement of the records within the Cheshire [Historic Environment Record](#) relating to the city. The project has three parts:

- The Urban Archaeological Database (UAD) synthesised all available information on the archaeological resource from investigations, research projects, building surveys, published sources and maps spanning more than 200 years of research in Chester ([Figure 2](#)). The UAD forms a subset of the Cheshire Historic Environment Record. The results of this project represent a key resource of documented heritage assets and provide the foundation for the following stages.
- The Archaeological Characterisation, where period-based maps were synthesised into zones defined by their predominant archaeological character, together with the Research Framework, to inform future work in the city.
- The Chester Archaeological Plan, to inform the management of the archaeological resource.

## **Characterisation of Historic Chester's Built Environment**

20. In 2011, a characterisation study of the built environment of Chester's Conservation Areas was completed, forming part of the evidence base for the emerging Local Plan.<sup>2</sup> The study assessed the character of the buildings, structures and spaces within Chester's main Conservation Areas and identified 16 General Areas, with 113 Sub-Areas. In many cases, the boundaries of the built character assessment correspond to those of the archaeological characterisation, largely due to the surviving legacy left by elements such as the City Walls or the Roman street grid within the fortress.

21. Where the boundaries between these two studies differ, it is because the Archaeological Character Zones extend beyond the limits of the Conservation Areas, or because the extents of individual Zones have been defined by the predominant below-ground archaeology. As Chester benefits from a number of standing buildings (the cathedral, the castle, The Rows and the City Walls) that also represent a significant archaeological resource, the built environment and archaeological characterisation studies complement each other. The characterisation of the built environment should be viewed alongside the archaeological character, providing advice and guidance to inspire innovative design proposals that work with an area's identity.

## **An Introduction to Chester's Archaeological Character Zones**

22. The Archaeological Character Zones were created by consolidating a period-based characterisation of Chester from prehistory to the Industrial Period in terms of the predominant archaeological remains and their significance. A summary statement for each zone highlights its archaeological significance and potential as well as key considerations for any potential future development.

---

<sup>2</sup> Taylor Young, 2011. *Characterisation Study of Chester City Centre and Approaches* (two volumes)

## Chester Archaeological Plan

	<b>Nationally Significant</b>	<b>Regionally Significant</b>	<b>Locally Significant</b>
<b>Period/ Rarity</b>	May contain heritage assets that characterise a period and are rare or unique. These monuments are easily recognisable by all.	May contain heritage assets that represent a category or period, and are unusual.	May contain heritage assets that represent or characterise a period, are common, and particularly significant at a local level.
<b>Group Value</b>	May contain heritage assets that have a significant group value at a wider level or are part of an unusual character class.	May contain heritage assets that have a group value at a wider level or are part of an unusual character.	May contain heritage assets that have a group value at a wider level or are part of an unusual character.
<b>Documentation</b>	May contain heritage assets that are well understood as a result of archaeological work or documentation.	May contain heritage assets that are understood through archaeological work or documentation.	May contain heritage assets that are understood through archaeological work or documentation.
<b>Survival/ Potential</b>	May contain well preserved heritage assets either above or below ground or have the potential for further remains.	May have the potential for further archaeological remains above or below ground.	May have an uncertain potential for heritage assets due to limited information.
<b>Vulnerability</b>	Within the historic core there may be a higher vulnerability to change due to pressures of the urban environment.	Re-development may affect previously unknown or more ephemeral forms of heritage assets.	Re-development may affect previously unknown or more ephemeral forms of heritage assets.
<b>Character</b>	May contain areas of nationally significant archaeological character as determined by the characterisation.	May contain areas of regionally significant archaeological character as determined by the characterisation.	May contain areas of locally significant archaeological character as determined by the characterisation.

**Table 1: Criteria for the characterisation of the Archaeological Character Zones (Based on English Heritage Scheduled Monument criteria), specific examples are found in Table 2, below**

# Chester Archaeological Plan

	Nationally Significant	Regionally Significant	Locally Significant
<p><b>Specific examples of heritage assets in Chester for each grade of significance.</b> <i>Please note that there are many others, and this information is available via the Chester UAD.</i></p>	<ul style="list-style-type: none"> <li>• Well preserved remains of the Roman fortress and civilian settlement</li> <li>• Saxon structures and features</li> <li>• Cemeteries and burial groups</li> <li>• The Rows, including the backlands</li> <li>• Well-preserved blocks of multi-period stratigraphy</li> <li>• Well-preserved organic remains</li> <li>• Medieval precinct of St Werburgh’s Abbey (cathedral and its environs)</li> <li>• Coherent elements of important medieval stone buildings such as churches or high status houses</li> </ul>	<ul style="list-style-type: none"> <li>• The medieval religious houses and their precincts</li> <li>• Areas of well preserved landscapes (such as The Meadows)</li> <li>• Special/unusual assets from all periods including Saxon ‘dark earth’ and special Post-Medieval and unusual industrial period remains</li> <li>• Poorly preserved remains from otherwise nationally significant assets</li> </ul>	<ul style="list-style-type: none"> <li>• Representative industrial period housing and industry</li> <li>• Bulk soil deposits such as plough and garden soils and riverine deposits</li> <li>• Individual or small groups of burials or unstratified human remains</li> <li>• Very poorly preserved remains from otherwise significant assets</li> <li>• Plot/field boundaries in peripheral zones</li> </ul>

**Table 2: Examples of heritage assets in Chester. The Planning Archaeologist will advise on the grading of significance in each case.**

23. The criteria for assessing significance of these Zones was based primarily on their archaeological significance and potential ([Table 1](#)) using the principles established by English Heritage as part of their Scheduling Criteria<sup>3</sup>, however, they also take into account communal, aesthetic and associative values.<sup>4</sup> [Table 2](#) includes some examples of heritage assets of national, regional and local significance, however, it should be noted that this is not an exhaustive list. The wide variation in heritage assets and their preservation requires a balanced professional judgement on a case by case basis to determine their significance and how they should be managed in the planning process.

24. These statements are aimed at planners, developers, consultants and the wider community and provide an introduction to the extent and nature of the heritage assets in a particular area. They enable an informed consideration of the impact that design and construction techniques may have on the underlying archaeology. The level of significance for each zone should be used by developers to enhance and guide their proposed changes with respect to the heritage assets and their [Setting](#). It also reflects the level of response that the [Planning Archaeologist](#) may have to development proposals in that area, it should be remembered that in cases of national significance the removal of heritage assets should be considered wholly exceptional while in cases of regional and local significance a balanced judgement should be made concerning their management. Most of Chester’s nationally and regionally significant heritage assets are found within the city’s historic core, reflected in the high density of designated assets.

<sup>3</sup> English Heritage. Criteria for National Importance. <http://www.english-heritage.org.uk/caring/listing/scheduled-monuments/faqs/>

<sup>4</sup> For more information on assessing communal, aesthetic and associative significance, please refer to ‘Assessing Heritage Significance’ In English Heritage, 2008. *Conservation Principles: Policies and Guidance*, 35–42. London: English Heritage

## Guidance for the Historic Environment in Chester

### Introduction

25. This section outlines a series of guidance notes for managing archaeological heritage assets as part of the planning process and is structured around the steps involved in the development management process ([Figure 6](#)):

- Guidance Note 1: Guidance for the Submission of Development Proposals with Implications for Archaeology
- Guidance Note 2: Guidance on Development Proposals in Primary Archaeological Character Zones, or areas where there are greater implications for designated heritage assets and a higher potential for deeply stratified archaeological remains
- Guidance Note 3: Guidance on Development Proposals in Secondary Archaeological Character Zones, or areas where the greater weight is on implications for poorly understood archaeological remains
- Guidance Note 4: Guidance for the Consideration of Archaeological Issues as Part of the Planning Process. This outlines the main steps involved in proposals with archaeological implications in the planning process from the pre-determination stage through to post-excavation analysis, publication and archive deposition, as well as advice on unexpected discoveries made during development,
- Guidance Note 5: Professional Standards in Archaeology
- Guidance Note 6: Archaeological implications of Built Heritage Assets
- Special Considerations: Outlines a series of special considerations that applicants should be aware of when planning development in Chester.

## **Guidance Note 1: Guidance for the Submission of Development Proposals with Implications for Archaeology**

26. In accordance with NPPF Section 12, Policy ENV 5 of the Local Plan attaches great weight to the safeguarding or enhancement of both designated and non-designated heritage assets and the character and setting of areas of acknowledged significance. The historic environment adds value to regeneration and attracts businesses to the city, acting as a stimulus for local economic growth. Heritage also strengthens local distinctiveness and sense of place for residents and provides enjoyment for visitors. (see [Appendix 1: National Legislation and Policies](#) for complete text on ENV5). NPPF outlines the importance of good design in development proposals, particularly in town centres with a high significance from a historical or visual perspective.<sup>5</sup>
27. An assessment of the significance of a heritage asset is required by planning officers to determine the outcome of any development proposal.<sup>6</sup> Significance is determined by a careful and considered evaluation of the rarity, preservation or completeness of a heritage asset and its potential to inform perspectives on the history of a place ([Table 1](#)). Although the greatest weight is attached to designated assets of the highest significance, the potential impact on non-designated assets is also a material consideration.<sup>7</sup> Developers who consider the heritage implications of their proposal at an early stage will be in a better position to achieve sustainable development, streamline the planning process and save time and money.
28. The expectation, therefore, is that substantial development proposals will have taken into account:
- consideration of the positive benefits of preservation in situ of below-ground remains through investigation into minimally destructive construction techniques,
  - the positive benefits of reuse or incorporation of heritage assets, taking into account the importance attached to their contribution to a [Sense of Place](#) and city character,
  - the importance of heritage assets at a local level, where they represent established focal points and may be seen as integral to the identity of the local community,
  - diversity or uniformity of style in the surrounding area and how the design of the new development may complement the existing character of the place,
  - the topography and open spaces, and how associative landscapes may contribute to a sense of place, and,
  - the urban grain of an area, considering both current and historic activity.
29. Planning applications for small-scale works, such as home extensions or renovations, may also need to take these factors into account. Archaeological mitigation may be required on small-scale works that affect the historic environment including above- and below-ground archaeological remains, historic landscapes and the historic built environment. Early consultation can provide applicants with the best information to enable them to establish the appropriate archaeological mitigation.<sup>8</sup> Mitigation will always be at scale proportionate to the development and the significance of the archaeological resource.

---

<sup>5</sup> Great Britain. Department for Communities and Local Government, 2012. *National Planning Policy Framework*, Paragraph 56.

<sup>6</sup> Great Britain. Department for Communities and Local Government, 2012. *National Planning Policy Framework*, Paragraphs 128 and 129

<sup>7</sup> Great Britain. Department for Communities and Local Government, 2012. *National Planning Policy Framework*, Paragraphs 128 and 133

<sup>8</sup> English Heritage. 2010 (Rev 2012). *PP55 Planning for the Historic Environment*. Paragraph 65. London: English Heritage

# Chester Archaeological Plan

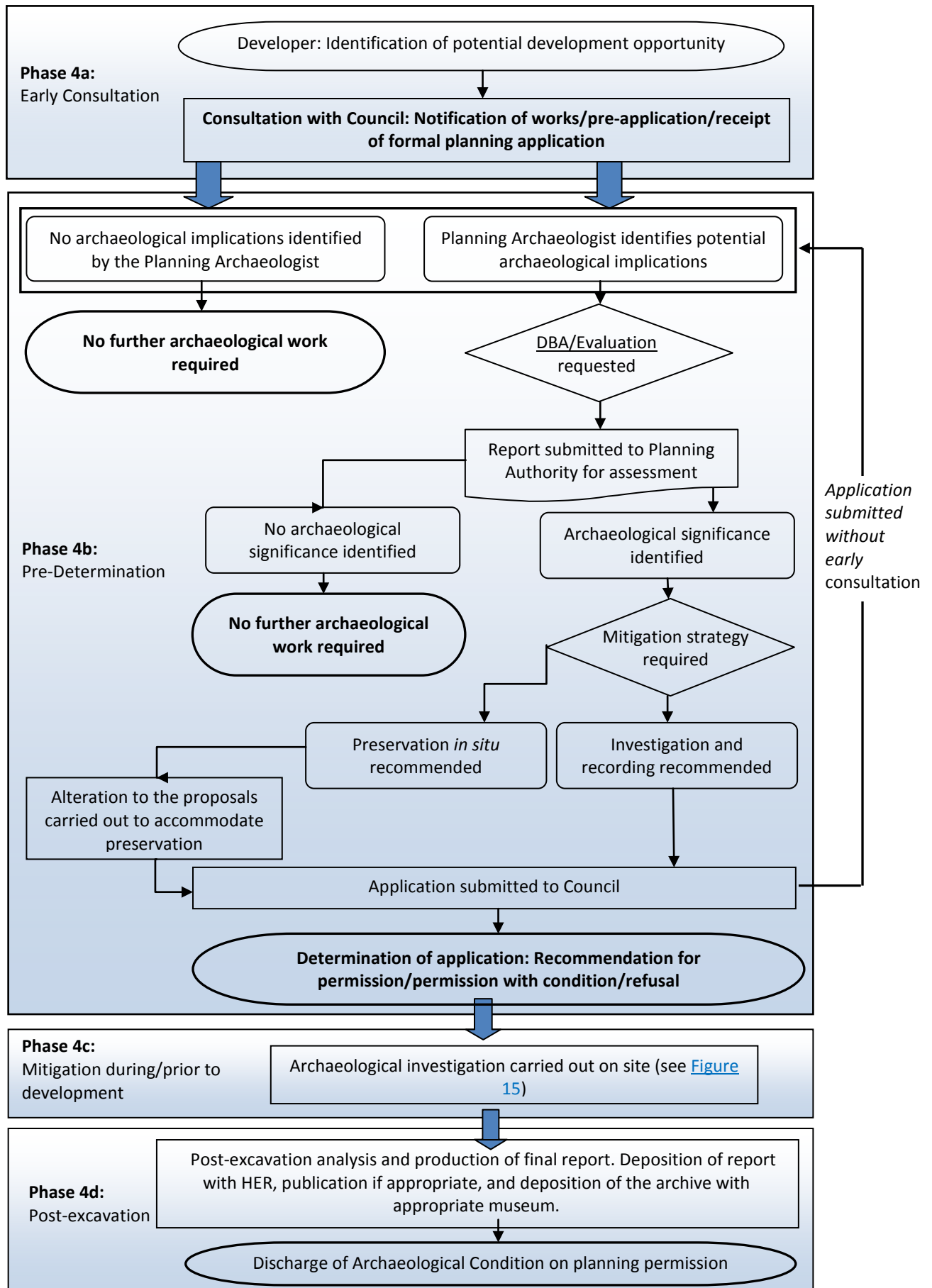


Figure 6: The Role of Archaeology in the Planning Process



# Chester Archaeological Plan

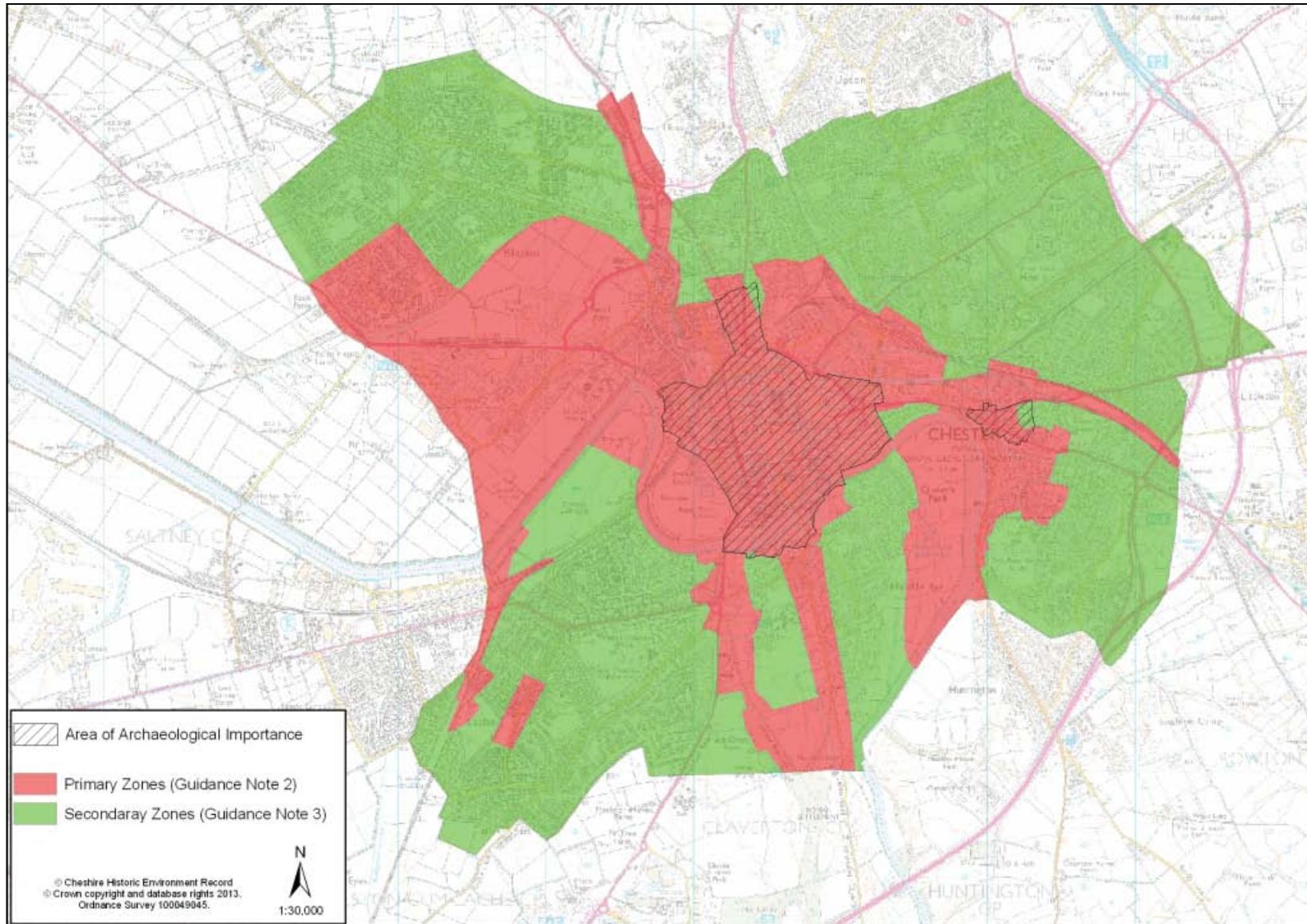


Figure 7: Spatial Basis for Guidance Notes 2 and 3 (for a more detailed map of the Zones please visit <http://maps.cheshire.gov.uk/CWAC/interactivemapping/>)

## **Guidance Note 2: Guidance on Development Proposals in Primary Archaeological Character Zones**

30. Primary Zones are those Archaeological Character Zones that contain the greatest density and complexity of archaeological deposits, including those of national and regional significance ([Figure 7](#)). They include, but are not limited to, the extent of the AAI in Chester as designated in 1979 (see [Special Considerations](#) for more information on the AAI). The completion of the UAD project has highlighted significant heritage assets beyond the AAI, along Eaton Road, Foregate Street, Tower Wharf and the Roodee, for example.



**Figure 8: Development-led archaeological investigations at Chester (Earthworks Archaeological Services)**

31. It should be noted that the significance level will vary within these zones at a site-specific level and that certain discoveries, such as human remains, made during the course of archaeological investigation may require specific procedures to be followed. Not all heritage assets are of equal significance or have the same sensitivities to planned change and some may be more capable of accommodating change than others.
32. Developers should be aware that an assessment (desk-based assessment and/or an evaluation) of the full archaeological impact of a development proposal in these Zones **will be** required. The assessment should include a consideration of the significance of the known heritage assets and detail the impact that the proposed development will have. This will allow the formulation of an appropriate mitigation strategy by the Planning Archaeologist, which takes into account the need to enhance the heritage assets affected by the proposal (see [Guidance Note 4: Guidance for the Consideration of Archaeological Issues as Part of the Planning Process](#)).
33. The Local Plan (Part One) recognises the national significance of the historic city of Chester and its setting. It states that proposals should enhance and preserve the area and its setting, and those developments that are likely to have a significant adverse impact on heritage assets of national and regional significance and their settings **will not be permitted** unless that impact can be avoided and the archaeological remains are preserved *in situ*.<sup>9</sup>

---

<sup>9</sup> This is supported by saved policy ENV31 of the 2006 Chester District Local Plan (adopted). This policy is an interim statement in the 2013 Local Plan (Part One) and will be replaced.

## **Guidance Note 3: Guidance on Development Proposals in Secondary Archaeological Character Zones**

34. Secondary Archaeological Character Zones are generally characterised by Zones of Local Significance, although there is a good potential for nationally or regionally significant heritage assets ([Figure 7](#)). Not all heritage assets are of equal significance or have the same sensitivities to planned change and some may be more capable of accommodating change than others. Yet again, there will be variation within these Zones at a site-specific level, and individual heritage assets of national and regional significance may lie within them.
35. The importance of heritage assets is determined by their degree of preservation, their representation of a locally significant variation in style, form or function and their communal and social value. Some heritage assets may not immediately be appreciated as such: the NHPP identifies key themes that are currently poorly understood, including early 20<sup>th</sup> century suburban development, the growth of public or social housing, designed open spaces and public, civic and communal buildings as well as the potential for pre-industrial rural activity including field systems, agricultural activity and small farmsteads.
36. Further assessment of these forms of heritage assets can greatly improve our knowledge of local significance and can in turn improve the value of development proposals through an enhanced sense of place.
37. Developers should be aware that proposals that affect heritage assets or their setting **will only be considered** where adequate provision has been made to conserve the heritage asset *in situ*, or where this is not feasible, by archaeological mitigation.<sup>10</sup> The Planning Archaeologist will ensure that archaeological mitigation is proportionate to the development proposal (see [Guidance Note 4: Guidance for the Consideration of Archaeological Issues as Part of the Planning Process](#)).



**Figure 9: Bridge over the Dee at Queen's Park suburb. This bridge represents an important heritage asset contributing to the sense of place and character of suburban settlement (Cheshire HER)**

---

<sup>10</sup> This is supported by saved policy ENV34 of the 2006 Chester District Local Plan (adopted). This policy is an interim statement in the 2013 Local Plan (Part One) and will be replaced.

## **Guidance Note 4: Guidance for the Consideration of Archaeological Issues as Part of the Planning Process**

### **4a. Early Consultation**

38. The NPPF strongly recommends early consultation between developers and the Council prior to the submission of a planning application, and this policy is supported by English Heritage.<sup>11</sup> Pre-application discussions on development proposals in Chester will require the involvement of the Planning Archaeologist to ensure that the significance of heritage assets is properly considered. Chester's national and international importance as a historic walled city is recognised through policy STRAT 3 of the Draft Local Plan.<sup>12</sup>



**Figure 10: Archaeological recording of a Roman drain in the fortress (Earthworks Archaeological Services)**

39. Proposals requiring separate Scheduled Monument Consent are discussed below (see [Special Considerations](#)).

40. Pre-application consultation allows the potential opportunities and constraints of a site to be discussed as early as possible, allowing for a timely determination of the application and ensuring sustainable development.<sup>13</sup> It also allows for the conservation of heritage assets proportionate to the nature and scale of the development proposal.<sup>14</sup> Conversely, where the significance of heritage assets has not been considered at the pre-application consultation stage, delays may arise or an application may be deferred.

41. The early identification of heritage issues is therefore beneficial to the applicant as they can greatly enhance the suitability of the proposal, reduce overall costs and contribute to a timely determination of the application.

### **4b. Pre-Determination**

42. Applicants may be required to provide further information on the character, significance and extent of above- and below- ground archaeological remains and the potential impact of the proposals on those remains prior to the determination of any application, which it will inform. Two common types of work are recommended at this stage, often in sequence, and are detailed below. This work would usually be undertaken by an archaeological consultant ([Figure 14](#)).

- *Desk-based Assessment*

43. The applicant commissions a qualified consultant or archaeological contractor to produce an assessment that collates existing written, graphic, photographic and other information in order to identify potential heritage assets and their significance and the character of the study area. This should include appropriate consideration of the settings of heritage assets and the nature, extent and quality of the known or potential archaeological, historic, architectural and artistic interest.<sup>15</sup> This process will require consultation of, but not be limited to, the Cheshire HER, containing the Chester UAD. In some instances, the Planning Archaeologist may direct the applicant to progress directly to Evaluation.

<sup>11</sup> English Heritage. 2013. *The National Heritage Protection Plan*, Section 6A2

<sup>12</sup> Cheshire West and Chester. 2013. *Draft Local Plan (Part One) Strategic Policies*, STRAT 3

<sup>13</sup> Great Britain. Department for Communities and Local Government, 2012. *National Planning Policy Framework*, Paragraph 191

<sup>14</sup> Great Britain. Department for Communities and Local Government, 2012. *National Planning Policy Framework*, Paragraph 192

<sup>15</sup> The definition of a Desk-Based Assessment is based on Guidance provided by the Institute of Archaeologists (available at <http://www.archaeologists.net/codes/ifa>)

- *Evaluation*

44. Typically informed by the previous phase, evaluation to determine the character, significance and extent of above- and below- ground archaeological remains may be required. This can include a range of non-intrusive (e.g. geophysical survey) and intrusive techniques proportionate to the specific circumstances of the application. This may include small-scale excavation (commonly referred to as trial trenching or test pitting) as a sample of the development area. This provides detailed information on the character, significance and extent of archaeological remains and provides critical information for the development of a mitigation strategy (if required). The Planning Archaeologist may supply a brief to the archaeological consultant or contractor and agree a Written Scheme of Investigation (WSI) for the work. Such an evaluation is effectively a sampling exercise, and is not a substitute for full-scale excavation that may be required at a later date.



**Figure 11: Medieval cobblestones recorded during conservation at Morgan's Mount; they were subsequently protected and preserved below the walkway surface (Earthworks Archaeological Services)**

45. A properly executed evaluation need not be a time-consuming or costly process and will ultimately benefit the applicant by providing vital information on the sustainability, the opportunities and the level of harm that a proposal may have. It provides the applicant with the opportunity to modify their proposals to reduce their impact and enable sustainable, and potentially more cost effective, mitigation.

- *Preservation In situ*

46. Where an assessment demonstrates that the development would cause substantial harm to heritage assets of high significance, preservation *in situ* will be recommended at the pre-determination stage. This can be accommodated through design modification or the use of specific construction techniques in order to minimise the impact of the development on the heritage assets.
47. Specific building solutions will be dependent on the circumstances of a particular development or setting. The Planning Archaeologist will work with the applicant to ensure that sustainable development takes place through best practice, in line with the NPPF. It should be noted, however, that the excavation of cellars is by its nature incompatible with preservation *in situ* and would not normally be considered appropriate where significant archaeology survives.
48. Sites that should be preserved *in situ* may include non-designated heritage assets that are demonstrably equivalent to designated sites. Such remains may be found within areas that are thought to be significant only on a local level, and includes blocks of stratigraphy with known, well preserved, multi-period deposits of any description, a cemetery of any period, or archaeological deposits that preserve very rare remains, such as waterlogged organic materials.
49. Best practice for preserving archaeology *in situ* will change over time in keeping with technological innovations, but current approaches include use of different piling solutions, the reuse of existing foundations, and thinning or reducing foundations and floorslabs. A protective membrane and buffer layer is also frequently used where archaeological remains interface with development impacts. Further information and a series of guidance notes are produced by English Heritage.<sup>16</sup>

---

<sup>16</sup> Nixon, T 2004. *Preserving Archaeological Remains in situ*. Museum of London Archaeology Service, London

- *Conditions to Secure Preservation In Situ*

50. Full details of any arrangements for preservation *in situ* are normally secured by a condition attached to the approved application.

#### 4c. Archaeological Conditions to Secure Investigation and Recording

51. Where assessment demonstrates that the development contains assets of lower significance, or in wholly exceptional circumstances, where assets of high significance cannot be preserved *in situ*, preservation by investigation and recording will be secured by condition involving some, or all, of the approaches detailed below ([Figure 15](#)).

52. Excavation and recording of archaeological deposits can range in scale from targeted excavation to a full-scale excavation strategy proportionate to the scale of the proposed development.



Figure 12: Archaeological excavation at the HQ Building carried out as part of a phased programme of mitigation. Construction has begun in those areas signed off by the Planning Archaeologist (Historic Environment Team)

53. Where an Evaluation was not undertaken as part of the pre-determination process, an archaeological condition may be attached requiring limited evaluation with scope for further work as necessary.

54. Detailed Survey (typically referred to as building recording) will normally be required for any proposal affecting standing heritage assets.

55. A Watching Brief may be required on specific stages or areas of a development, in areas where the development has a minimal potential impact, usually covering the initial ground-works and minimal foundations, infrastructure works or in areas where archaeological remains are believed to be limited.

56. Occasionally, different areas of a development site will require different, specific strategies. If full excavation is warranted, development cannot normally proceed on any part of the site until this work has been completed, although phasing of the investigation may be possible in some circumstances. Early consultation by the applicant will mitigate or remove any potential delays to the development schedule.

#### 4d. Post-Excavation

57. As part of the investigation and recording conditions, a post-excavation programme will be required; provision for this programme should be made in the WSI.



Figure 13: Post Medieval pottery curated and ready for display or archiving (Earthworks Archaeological Services)

58. The results of any archaeological excavation will only benefit the wider community and inform the future management of heritage resources if those results are made available. The applicant should be aware, and budget for the expectation that, depending on the results of the excavation, post-excavation archaeological programmes (assessment, analysis and publication if appropriate) may extend well beyond the on-site works.

59. Not all sites will warrant post-excavation analysis, but as a minimum a report should be produced within an agreed timescale following completion of on-site work and submitted to the

## Chester Archaeological Plan

---

Cheshire HER, and the archive deposited with the appropriate museum, again within an agreed timescale. Archaeological conditions will not be discharged until the archive has been deposited.

60. Conditions are only considered complete when discharged by the Development Management Planning Officer following advice from the Planning Archaeologist.

### **4e. Unexpected Discoveries**

61. Unexpected discoveries are, by their very nature, exceptional circumstances that could not be predicted either through currently available information nor through investigation requested in preliminary stages of a development proposal. While the compilation of the UAD has identified a substantial body of evidence on which to base decisions and it will be continually updated, there currently remain parts of the urban landscape where the archaeological potential is essentially unknown. In these areas there is the potential for the discovery of previously unknown remains of archaeological significance; these can ultimately enhance a development by providing it with an increased social and communal value that may contribute to a sense of place.
62. Unexpected discoveries can fall into two broad categories: the first is the unexpected discovery of previously unknown heritage assets (or additional elements of known heritage assets) identified during planned archaeological mitigation. On these occasions, the developer and archaeological contractor should work with the Council to seek a satisfactory solution that incorporates the new discovery, so far as is practical, within the existing scheme. Developers may wish to incorporate the potential for unexpected discoveries into their risk-management strategies.
63. The second category relates to entirely unexpected discoveries of significance during a development where there is no archaeological mitigation strategy in place; this may include the unexpected discovery of human remains or treasure, for which there are specific procedures in place, or the discovery of archaeological features of significance. The Council, in these cases, would encourage the developer to seek advice from the Planning Archaeologist with regard to taking adequate measures for the preservation or recording of the new discovery.
64. Where human remains are discovered, work must cease and consideration be given to informing the police. The requirements of the Burial Act (1857) must be followed, which means that a licence will be required from the Ministry of Justice before any remains are exhumed. Different provisions will apply where human remains are uncovered in ground consecrated according to the rites of the Church of England, in which case a faculty will be required from the relevant diocese. In this case, a Ministry of Justice licence will also be needed if the remains are not to be re-interred in consecrated ground. Further guidance on the complexities of this matter may be found on the Ministry of Justice website.<sup>17</sup>
65. In addition, the discovery of human remains that were not anticipated and addressed in the project design is likely to require further discussion with the Planning Archaeologist in order to agree an appropriate methodology to excavate and record them.
66. The Treasure Act of 1996 outlines the duty of the finder to report the discovery of gold or silver objects, groups of coins and assemblages of prehistoric base metal to the local coroner. The Portable Antiquities Scheme (PAS) can provide advice on the Treasure Act and the reporting of items.

---

<sup>17</sup> <http://www.justice.gov.uk/search?collection=moj-matrix-dev-web&form=simple&profile=default&query=human+remains>

# Chester Archaeological Plan

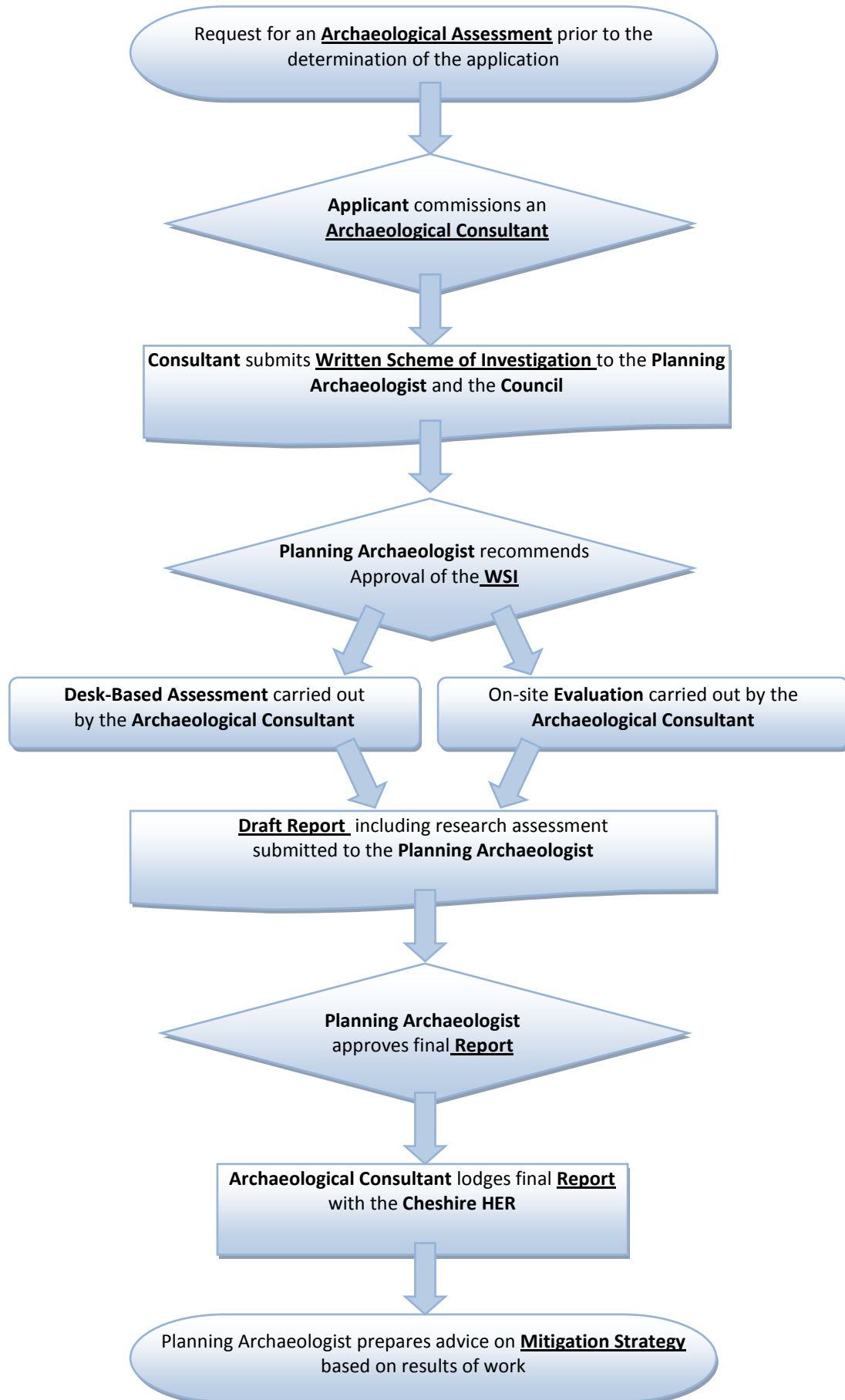


Figure 14: Pre-determination and Archaeological Investigation



# Chester Archaeological Plan

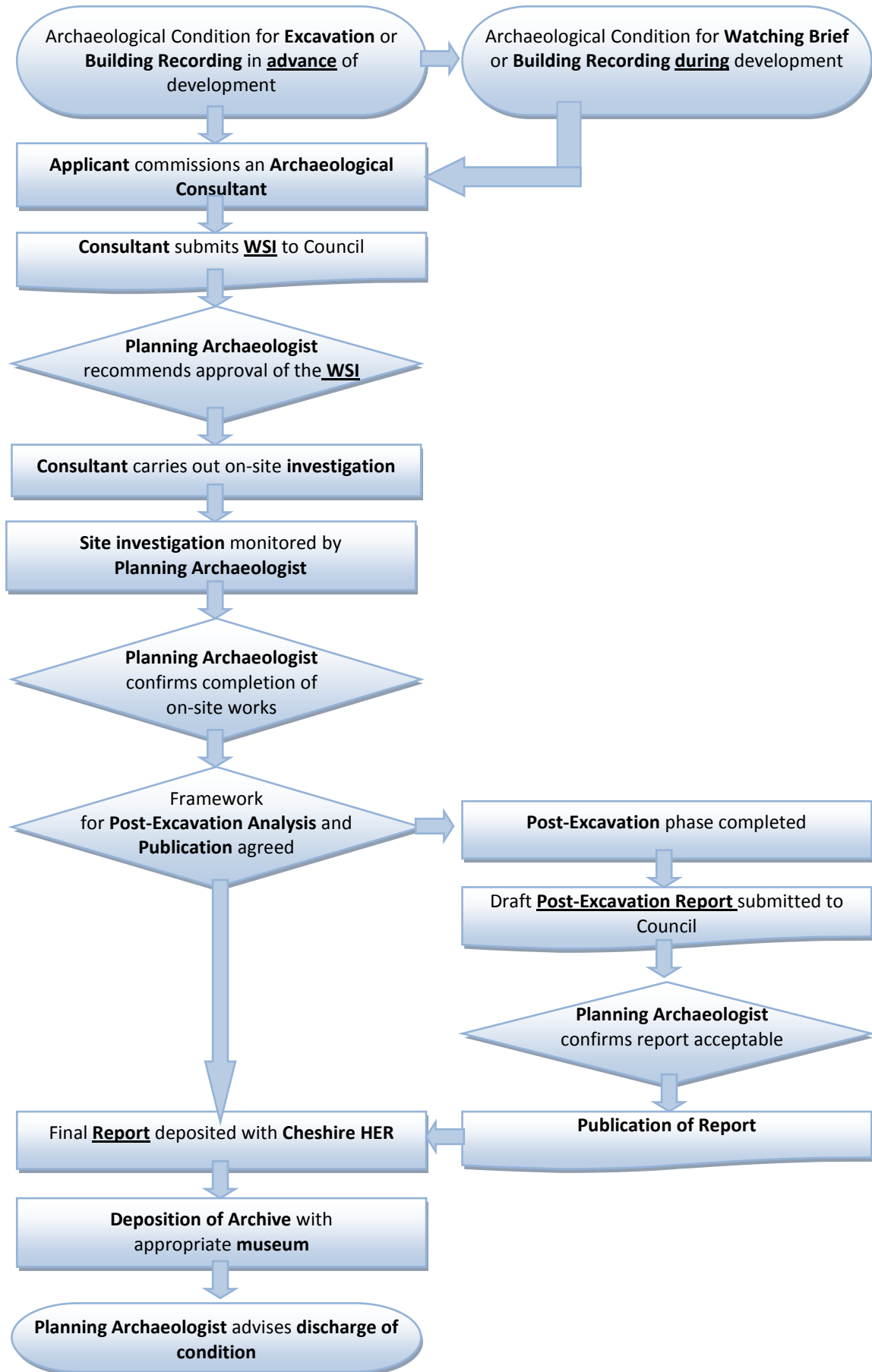


Figure 15: Mitigation Strategies for Archaeological Investigation

## **Guidance Note 5: Professional Standards in Archaeology**

67. All development-led work should be carried out by professional archaeological contractors. The Cheshire Archaeology Planning Advisory Service maintains a list of contractors, many of whom are local and have experience of working in Chester. The document is not, however, an approved list, and developers are welcome to use other sources of information concerning archaeological contractors. In particular, the Institute for Archaeologists (IfA) maintains a Register of Archaeological Organisations (see [Appendix 2: Contact Information](#)).

68. All archaeological work, whether carried out before development takes place or alongside it, must be in accordance with accepted best practice. The archaeological contractor or consultant hired by the applicant should be familiar with best practice standards, and guidance documents produced by the IfA, the Association of Local Government Archaeological Officers (ALGAO) and English Heritage (see [Appendix 2: Contact Information](#))

69. Because of the nature of the urban deposits in Chester, finds assemblages (artefacts, ecofacts, industrial and environmental samples) are important sources of information, and it should be understood that deposits and assemblages are heritage assets as much as structures and features and need to be afforded similar weight. The Planning Archaeologist will expect a consistency of professional standards, and it is in the applicant's best interest to ensure that the archaeological work is satisfactory.

70. Significantly, all mitigation must result in the production of an appropriate, satisfactory report of the works, deposited with the Cheshire HER, and all archives (including finds), must be deposited with the relevant body in accordance with the terms and timescales agreed in the WSI.



**Figure 16: Archaeological Investigation and Recording of industrial features at the Leadworks site (LP Archaeology)**

## **Guidance Note 6: Archaeological Implications of Built Heritage Assets**

71. Where a development proposal may affect a standing building or structure with archaeological implications, the Planning Archaeologist may request an assessment of the significance of the heritage asset. This may take the form of a historic building survey and historic assessment (DBA). The Conservation and Design Team advise directly on matters of Listed Building Consent, and they, in addition to the Planning Archaeologist, may also request surveys and assessments.
72. Built heritage assets with an archaeological interest include standing buildings and structures that may be covered by statutory designations such as Listed Buildings, Scheduled Monuments or Conservation Areas, as well as non-designated heritage assets with industrial, military, religious or social significance. Local Lists are an emerging tool for local authorities to identify and positively conserve heritage assets of local significance.<sup>18</sup>
73. The developer is required to provide an assessment of the significance of designated built heritage assets and the potential impact of the proposal on them. They are part of the archaeological and historical resource and also contribute to a sense of local character and distinctiveness.
74. Proposals affecting designated heritage assets such as Listed Buildings or Conservation Areas are monitored by the Council's Conservation and Design Team (see [Special Considerations](#) below). However, the records for all heritage assets are maintained by the HER and any reports should also be deposited with the HER.



**Figure 17: Archaeological investigation at Chester City Walls in progress. The City Walls represent a form of heritage asset that is at once built heritage as well as an archaeological resource and is covered by multiple designations (Cheshire HER).**

---

<sup>18</sup> English Heritage. 2012. *Good Practice Guide for Local Heritage Listing*

## Special Considerations

### *Area of Archaeological Importance (AAI)*

75. The AAI was established in 1979 under the Ancient Monuments and Archaeological Areas Act. It is a statutory designation in recognition of the special archaeological resource in Chester. Six weeks' notice of all ground disturbances in the AAI must be provided to the Planning Archaeologist under the terms of the Act (1979).<sup>19</sup> This can reduce the potential for unexpected discoveries during the works and can reduce overall costs and delays.

### *General Permitted Development*

76. Under the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) as amended, planning permission is granted for a number of classes of development categorised as 'permitted development'.<sup>20</sup> There are specific exceptions to the GPDO made under [Article 4](#) directions, and early consultation with the Council will provide the applicant with the most up-to-date information regarding their extent and location. Under the Areas of Archaeological Importance (Exemptions) Order 1984 there are similar exemptions to the notification of works required within the AAI.<sup>21</sup>

### *Ecclesiastical Exemption*

77. The 2010 Ecclesiastical Exemption Order provides a system of exemption for certain denominations from Listed Building Consent when undertaking certain types of works or repairs. It is recommended that congregations intending to carry out work on Listed Buildings consult the Council in advance of any work to establish the necessary requirements. All works, alterations and additions to Church of England churches require faculty approval by the relevant diocese. Chester Cathedral lies outside the jurisdiction of the Diocesan Advisory Committee and comes under the provisions of the Care of Cathedrals Measure 2011. By this measure, works that may affect the archaeology or the historic buildings within the defined precinct are subject to the jurisdiction of the Cathedrals Fabric Commission for England as well as the secular planning controls.

78. The Cheshire Archaeology Planning Advisory Service provides advice to Chester Diocese on the archaeological implications of proposals by individual parishes. In many instances these works will require planning permission and archaeological issues will be addressed in a way that mirrors those outlined above, although a parallel faculty on any permission granted by the Diocese is usually advised as well. Where planning permission is not required and the proposals have the potential to damage archaeological remains, an appropriate level of archaeological assessment and, if necessary, mitigation will be advised and the work will be secured by a faculty. The Diocesan Advisory Committee will often identify archaeological issues during its routine consideration of casework and will consult the Service directly. Parishes or their architects may, however, on occasions wish to consult the Planning Archaeologist directly, who remains happy to offer general advice. The Planning Archaeologist will make the Diocese aware of all correspondence *via* the Diocesan Secretary.

79. Whilst close liaison is maintained with Chester Diocese, similar protocols are not in place with regard to other denominations that benefit from Ecclesiastical Exemption. Even where planning permission is not required, however, early consultation with the Planning Archaeologist is still advised as the provisions of the Ancient Monuments and Archaeological Areas Act (1979) may still require the notification of works.

---

<sup>19</sup> Great Britain. *Ancient Monuments and Archaeological Areas Act*. 1979. Section 35. London: The Stationary Office

<sup>20</sup> Great Britain. *Town and Country Planning (General Permitted Development) Order 1995, Revised 2010*. London: The Stationary Office

<sup>21</sup> The Areas of Archaeological Importance (Notification of Operations) (Exemption) Order 1984. Paragraph 2

## **Scheduled Monument Consent**

80. Lists of Scheduled Monuments are maintained by English Heritage. Applicants intending to submit development proposals affecting a Scheduled Monument should contact English Heritage to assess the feasibility of the proposal. Note that any intrusive investigation on a Scheduled Monument, as well as metal-detecting and geophysical survey, requires Scheduled Monument Consent or a license. This is a separate, but parallel process to planning permission. Even if planning permission is not required, Scheduled Monument Consent may be required, depending on the nature of the proposed works. Applicants should discuss all proposals that involve Scheduled Monuments with English Heritage.

## **Conservation Areas**

81. Conservation Areas are a designation applied to a wide area for their special architectural and historical interest. Where alterations are proposed, advice should be sought from the Council's Conservation and Design Team and, where applicable, formal consent should be obtained through the planning process. It should be noted that it is a requirement to notify the Council six weeks in advance of the planned removal of existing trees within a Conservation Area.

## **Listed Building Consent**

82. Listing is a designation applied to buildings and structures for their special architectural and historical or group value. Listed status applies to the complete building (both interior and exterior) and may also apply to other buildings or structures within the surrounding land. Consent for works to a Listed Building should be obtained through the planning process and advice should be sought from the Conservation and Design Team.

83. Developers should also be aware that proposals for alterations to retail premises, particularly along the Chester Rows, including interior fittings, shop-front design and signage should be considered for approval by the Conservation and Design Team. The unique character of the Chester Rows is largely dependent on their visual amenity and early consultation with the Council is recommended. Applicants should see this as an opportunity to submit proposals that are innovative; proposals that complement the historical significance and character of the Rows can enhance the reputation and distinctiveness of the retail space.

## **Research Investigation**

84. Research investigations affecting a heritage asset may on occasion be proposed by private individuals, community groups or institutions. Intrusive investigations should only be undertaken where there would be a public benefit gained that outweighs the potential harm caused and provided the proposal meets professional standards in place for plan-led development.<sup>22</sup> It is recommended that anyone considering carrying out research investigations – whether intrusive or not – contact the Cheshire Archaeology Planning Advisory Service, which can provide the appropriate advice regarding professional standards and publication of the results.



**Figure 18: Research and training excavations in Grosvenor Park by Chester Historic Environment Team in collaboration with Chester University (Historic Environment Team)**

---

<sup>22</sup> English Heritage, 2012a. *PP55: Planning for the Historic Environment Practice Guide*, Paragraph 196

## Terms Used

### **Applicant/Developer**

‘An individual or organisation either applying to a borough for planning consent or to a borough, minister or secretary of state for Scheduled Monument, Listed Building or Conservation Area consent’ (IfA, 2012. Standards and Guidance for archaeological advice by historic environment services).

### **Article 4**

Article 4 directions are made under article 4 of the Town and Country Planning (General Permitted Development) Order 1995 that enables the Secretary of State or the local planning authority to withdraw specified permitted development rights for specific properties or across a defined area (DCMS).

### **Character**

The character of a place is formed by the distinctive elements contained within it, ‘in large measure determined by its inherited features such as streets, hedges, archaeological sites, buildings or place names. Understanding this character is one of the starting points for deciding a place’s future.’ (HELM)

### **Designated Heritage Asset**

‘A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park or Garden, Registered Battlefield or Conservation Area designated as such under the relevant legislation.’ (NPPF: Annex 2)

### **Evidence Base Document**

Evidence base documents represent the ongoing process of research carried out by the authority and other sources (Local Plan: Section 5), they provide an essential input into the preparation of the Local Plan and form a material consideration in the planning process.

### **Heritage Asset**

‘A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.’ (NPPF: Annex 2). Heritage assets ‘hold meaning for society over and above its functional utility’ – and by extension its intrinsic value. (English Heritage, 2012a. *PPS5: Planning for the Historic Environment Practice Guide*, 8)

### **Historic Environment Record (HER)**

HERs are publicly-accessible, dynamic and actively maintained sources of information about the local historic environment. They are an evidence base for plan-making and designation decisions (such as information about designated and non-designated heritage assets, and information that helps predict the likelihood of current unrecorded assets being discovered during development) and also assist in informing planning decisions by providing information about the historic environment to communities, owners and developers as set out in the NPPF. They store and provide data for the public benefit in accordance with national standards and guidance (<http://archaeologydataservice.ac.uk/ifp/Wiki.jsp?page=SectionA.1>).

## **Planning Archaeologist**

The archaeologist appointed by the Council to provide specialist advice on the archaeological implications of planning applications and master-plans in the City of Chester.

## **Significance**

'The value of a heritage asset to this and future generations is because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting' (NPPF: Annex 2).

## **Sense of Place**

Identification with an area, a strong sense of place is inherent to thriving communities. Often used in relation to those characteristics that make a place special or unique.

## **Setting**

'Setting is the surroundings in which an asset is experienced. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.' (English Heritage, 2012a. *PPS5: Planning for the Historic Environment Practice Guide*, 34)

## **Sustainable Development**

NPPF outlines three key themes for sustainable development including the need for it to fulfil an economic role, a social role and an environmental role contributing to protecting and enhancing the natural, built and historic environment. (NPPF, 2)

## Appendix 1: National Legislation and Policies

### Legislation Protecting Designated Heritage Assets

Designated heritage assets, namely Scheduled Monuments, Registered Parks and Gardens and Listed Buildings, in addition to Areas of Archaeological Importance and Conservation Areas are protected by the following Acts of legislation.

#### ***Civic Amenities Act (1967)***

This Act identified the criteria for establishing **Conservation Areas** and outlines the processes involved in applying for authorisation of works within their boundaries. Conservation Areas are subject to national planning policy under the NPPF.

#### ***The Ancient Monuments and Archaeological Areas Act (1979)***<sup>23</sup>

This Act made provisions for the investigation, preservation and recording of matters of archaeological or historical interest and regulated operations and activities affecting such matters. The alteration or development of **Scheduled Monuments** may only take place with the written consent of the Secretary of State, a procedure that is entirely separate from the planning process. Consent for any activity impacting upon a Scheduled Monument must be sought from English Heritage, and the local authority should also be notified. The Act defines **Areas of Archaeological Importance** (AAIs) within which prospective developers must serve notice allowing time and access for archaeological investigation to take place before development begins. Planned development within the AAI is subject to national planning policy under the NPPF.

#### ***National Heritage Act (1983)***<sup>24</sup>

This is one of four Acts of Parliament that determines the way particular heritage assets are managed and protected. The 1983 act was the third, and it established the Historic Buildings and Monuments Commission (now English Heritage) to manage the historic built environment. This Act identified the criteria for designating **Registered Parks and Gardens**, although it does not provide for a separate consent scheme. Registered Parks and Gardens are subject to national planning policy under the NPPF.

#### ***Planning (Listed Buildings and Conservation Areas) Act (1990)***<sup>25</sup>

This Act identifies the criteria for the designation of Listed Buildings and outlines the processes involved in applying for authorisation of works, and clarifies issues relating to the designation of Conservation Areas, and any works taking place within them. Listed Buildings are subject to national planning policy under the NPPF.

#### ***Town and Country Planning (General Permitted Development) Order 1995 (as amended)***<sup>26</sup>

This Statutory Instrument (delegated or secondary legislation) established Permitted Development, where certain development proposals and schemes are exempt from the formal planning system, including work carried out by statutory undertakers (utilities, CCTV and cables, railway and canal work). However, this exemption can be revoked by an Article 4 direction and advice should be sought from the local authority before any work can commence.

#### ***Enterprise and Regulatory Reform Act (2013)***<sup>27</sup>

This Act contains a number of changes to the legal framework protecting heritage in England, making it efficient and effective. The changes relate to more precise listed building descriptions, seeking Certificates of Immunity from listing, the introduction of a system of Listed Building Consent

---

<sup>23</sup> Great Britain. *The Ancient Monuments and Archaeological Areas Act 1979*. Chapter 46. London: The Stationary Office

<sup>24</sup> Great Britain. *National Heritage Act 1983*. London: Stationary Office

<sup>25</sup> Great Britain. *Planning (Listed Buildings and Conservation Areas) Act 1990*. London: The Stationary Office

<sup>26</sup> Great Britain. *Town and Country Planning (General Permitted Development) Order 1995, Revised 2010*. London: The Stationary Office

<sup>27</sup> Great Britain. *Enterprise and Regulatory Reform Act 2013*. London: The Stationary Office



Orders, and the replacement of Conservation Area Consent with a requirement for planning permission.

## **The Planning Framework**

### ***National Planning Policy Framework (2012)***

The NPPF sets out the Government's planning policies for England and outlines how they are expected to be applied to achieve sustainable development. It provides a framework within which it is expected that local government bodies and communities will produce Local Plans reflecting their distinctive needs and priorities. With respect to conserving and enhancing the historic environment, it is expected that development proposals will include a 'positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats'.<sup>28</sup> The NPPF replaces a number of national policies relating to the historic environment including Planning Policy Guidance Notes 15 and 16 (1990–2010), and Planning Policy Statement 5 (2010–2012).

Policies concerning the historic environment are outlined in Section 12 of the NPPF, and considers designated and non-designated heritage assets as 'irreplaceable resource[s] and [seeks to] conserve them in a manner appropriate to their significance'<sup>29</sup>

### ***Local Development Framework (2013)***<sup>30</sup>

The Local Plan (Part One) Strategic Policies was prepared by the Council and sent out for an eight-week consultation period (September–November 2013) after which it will be submitted to the Secretary of State who will then appoint an independent inspector to assess the Local Plan (Part One) through a public examination expected in 2014. The Local Plan sets out the overall vision, strategic objectives, spatial strategy and strategic planning policies for the borough for the period 2010 to 2030. The Local Plan (Part One) will be the starting point when considering planning applications and will be supported by the Local Plan (Part Two) Land Allocations and Detailed Policies Plan in due course.

Historic Environment Policy ENV5 relates to heritage assets and the historic environment including above- and below-ground archaeology, historic landscapes and the historic built environment in the planning process at a strategic level:

#### ENV5 Historic Environment

'The Local Plan will protect the borough's unique and significant heritage assets through the protection and identification of designated and non-designated heritage assets.

Development should safeguard or enhance both designated and non-designated heritage assets and the character and setting of areas of acknowledged significance. The degree of protection afforded to a heritage asset will reflect its position within the hierarchy of designations.

Where development is likely to have a significant adverse impact on designated heritage assets and their settings that cannot be avoided or preserved in situ, it will not be permitted.

Development should respect and respond proportionately to non-designated heritage assets and their settings avoiding loss or damage wherever possible. Where appropriate the Council will support an acceptable level of enabling development to secure the future of heritage assets.

---

<sup>28</sup> Great Britain. Department for Communities and Local Government, 2012. *National Planning Policy Framework*, Paragraph 128

<sup>29</sup> Great Britain. Department for Communities and Local Government, 2012. *National Planning Policy Framework*, Paragraph 126

<sup>30</sup> Cheshire West and Chester. 2013. *Local Development Scheme*. ENV5.

# Chester Archaeological Plan

---

Development in Chester should ensure the city's unique archaeological and historic character is protected.<sup>31</sup>

Additional policies from the Chester District Local Plan (adopted May 2006) have been retained by the Local Development Scheme (LDS) at this stage, including those relating to the evaluation and recording of archaeological sites; to development and alterations that might take place within a Conservation Area; and to specific issues involving Listed Buildings and other designated heritage assets. Part Two of the Local Plan will include revisions and replacements for the 2006 saved policies.

Potential development issues unique to Chester are described by Strategic Policy 3 (STRAT 3),<sup>32</sup> and highlight future planned enhancement of the city's role as an economic and leisure centre for the area.

## **Additional Considerations and Guidance**

### ***Localism Act and Neighbourhood Plans (2011)***<sup>33</sup>

Under the Localism Act, communities are encouraged to organise their own Neighbourhood Plans and guide planning applications in that area.

Neighbourhood Development Plans are community-led frameworks for guiding future development and growth in an area, and are intended to identify policies and plans for a specific area, subject to conforming to national policies. If a Neighbourhood Plan is adopted, planning decisions in that area should be made in accordance with that document. There are exemptions to the remit of the Neighbourhood Plans such as major infrastructure and minerals rights. However, where there are strategic policies set in place by a Local Plan, these take precedence over guidance provided by Neighbourhood Plans. The historic environment is considered a strategic priority and any proposal with the potential to impact the historic environment should be considered under the guidance of the NPPF.

The Localism Act also introduced the Community Right to Build Order empowering any local community organisation with the right to develop a site that may further the economic, environmental and social wellbeing of an area.

### ***National Heritage Protection Plan (2013)***<sup>34</sup>

English Heritage is the lead advisory body for the historic environment to the Government and maintains a statutory role in the planning process. The National Heritage Protection Plan (NHPP) was produced by English Heritage in light of the recent changes to planning and development as a common framework for the historic environment sector. The NHPP aims to ensure the protection of the historic environment and is intended to provide both a framework for determining heritage protection policies and for the delivery of these policies.

The NHPP aims to ensure that the historic environment is not needlessly subjected to risk, is experienced and enjoyed by local communities, contributes to sustainable and distinctive places to live and work, and helps to deliver positive and sustainable economic growth.<sup>35</sup> It proposes a series of eight measures that are deliberately broad in their scope, as both the NPPF and NHPP expect local government and heritage sector bodies to create Action Plans to suit the needs of specific communities. The eight measures relate to building an evidence base of heritage assets, to defining their character and significance, and to managing any planned change while enhancing and preserving the historic environment.

---

<sup>31</sup> Cheshire West and Chester. 2013. *Local Development Scheme*.

<sup>32</sup> Cheshire West and Chester. 2013. *Local Development Scheme*: 23.

<sup>33</sup> Great Britain. Department for Communities and Local Government. 2011. *Localism Act*. Unpublished Document.

<sup>34</sup> English Heritage, 2011. *National Heritage Protection Plan*. London: English Heritage

<sup>35</sup> English Heritage, 2011. *National Heritage Protection Plan*. London: English Heritage

## **Appendix 2: Contact Information**

### **Cheshire West and Chester**

#### ***Planning and Development Control***

Email: [planning@cheshirewestandchester.gov.uk](mailto:planning@cheshirewestandchester.gov.uk)

By post: Development Planning,  
Cheshire West and Chester Council,  
Wyvern House,  
The Drummer,  
Winsford,  
CW7 1AH

#### ***Planning Archaeologist***

The contact for the city of Chester and its immediate environs: 01244 972115

#### ***The Historic Environment Records Office***

Email: [hbsmradmin@cheshirewestandchester.gov.uk](mailto:hbsmradmin@cheshirewestandchester.gov.uk)

Tel: 01244 973667 or 01244 973997

By post: Cheshire Historic Environment Record,  
The Forum,  
Chester,  
CH1 2HS

#### ***Conservation and Design Team***

Email: [conservationanddesign@cheshirewestandchester.gov.uk](mailto:conservationanddesign@cheshirewestandchester.gov.uk)

By post: Cheshire Historic Environment Record,  
The Forum,  
Chester,  
CH1 2HS

### **Statutory Consultee**

#### ***English Heritage (North West)***

Email: [northwest@english-heritage.org.uk](mailto:northwest@english-heritage.org.uk)

Tel: 0161 242 1400

By post: English Heritage  
3rd floor Canada House  
3 Chepstow Street  
Manchester M1 5FW

## Finding Specialist Contractors

It is recommended that the applicant seek several quotations in order to get the best possible contractor in the area. The contractor will require a copy of the development proposal and the archaeological recommendations of the Planning Archaeologist. The contractor will normally deal directly with the Planning Archaeologist on behalf of the applicant regarding specialist advice.

### *Professional Standards*

The Association of Local Government Archaeological Officers (UK)

Home Website: <http://www.algao.org.uk>

Standards and Guidance: <http://www.algao.org.uk/sgt>

English Heritage

Home Website: <http://www.english-heritage.org.uk>

Standards and Guidance: <http://www.english-heritage.org.uk/publications/guidelines-and-standards/>

The Institute of Archaeologists

Home Website: <http://www.archaeologists.net>

Standards and Guidance: <http://www.archaeologists.net/codes/ifa>

### *Useful links*

The Institute for Archaeologists (IfA) maintains a register of organisations for historic environment practices. The IfA requires their members to meet defined levels of competency.

Home Website: <http://www.archaeologists.net/>

Directory Website: <http://www.archaeologists.net/ro>

The Institute of Historic Building Conservation (IHBC) website provides links to several registers of specialist organisations. Members are required to meet defined levels of competency.

Home Website: <http://www.accon-uk.com/>

Directory Website: <http://www.ihbc.org.uk/hespr/>

The Institute for Conservation (ICON) operates a register of accredited conservator-restorers.

Home Website: <http://www.ice.org.uk/>

Directory Website: <http://www.conservationregister.com/>

The Royal Institution of Chartered Surveyors maintains a register of accredited building conservation members.

Home Website: <http://www.rics.org/uk/>

Directory Website: <http://www.rics.org/uk/find-a-member/>

The Institute for Civil Engineers and the Institute for Structural Engineers operate a joint register of engineers that they are capable of producing and implementing a conservation scheme.

Home Website: <http://www.ice.org.uk/>

Directory Website: <http://www.ice.org.uk/Membership/Members-Directory>

Accon Ltd. operates a register of architects accredited in building conservation.

Directory Website: <http://www.aabc-register.co.uk/>