



GUIDANCE:
HEREFORD AREA OF ARCHAEOLOGICAL IMPORTANCE

HEREFORDSHIRE ARCHAEOLOGY, JUNE 2001

The central part of Hereford is protected as an Area of Archaeological Importance under the Ancient Monuments and Archaeological Areas Act, 1979. All persons proposing to undertake any kind of ground disturbance, flooding or tipping within this area should read this document.

The short guidance given here is, however, for information only, and does not purport to be a full discussion of the issues involved or a summary of the law as it currently stands.

Herefordshire Archaeology
Conservation and Environmental Planning
Planning Services
Environment Directorate
County of Herefordshire District Council
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1. What is the Hereford Area of Archaeological Importance ?

Under the 1979 Ancient Monuments and Archaeological Areas Act, the relevant Secretary of State, or authorised Local Authorities, can designate "Areas of Archaeological Importance". In 1983, the former Hereford City Council made a Designation Order for the historic core of Hereford, to define it as just such an area, and this is still in force under Herefordshire Council. The Hereford Area of Archaeological Importance (hereafter referred to as "Hereford AAI) encompasses the whole zone within the medieval walls of the city, together with some of the early suburbs and former monastic precincts. The defined extent of Hereford AAI is shown on a map at the end of this document.

2. What is the effect of this designation ?

It is an offence under the Act to undertake any operations within a designated Area of Archaeological Importance which may disturb the ground, or flood any site, or tip upon any site, without giving the administering Authority six weeks notice of the commencement of those operations. This notice must be given using a pair of prescribed forms prescribed by law for this purpose. These forms are the "Operation Notice" and an accompanying "Certificate" (see section 4 and rear of document).

Herefordshire Council is the Administering Authority for the AAI. This means that the council has responsibility for ensuring that everyone living, or working, or otherwise carrying out any activities within the designated Area know of its existence, and complies with the

regulations affecting it. Herefordshire Archaeology, the Council's county archaeological service, is the Investigating Authority. In simple terms, this means that this service is responsible for determining what archaeological works might be required in response to receipt of Operations Notices. It is also the service which, if necessary, is authorised to inspect, to record or to excavate sites. It can also authorise other archaeological organisations to carry out investigations in its place.

3. How do I obtain the forms?

The Operations Notice and Certificate forms are obtainable from the Herefordshire Council Town Hall reception desk, or from the Planning Office (registration officers) also at the Town Hall, or printed out from this website. From January 2002 they will be obtainable from planning reception at Advantage House, Blueschool Street. Alternatively they may also be obtained directly from Herefordshire Council's Archaeological Advisor, Mr. Julian Cotton, who can be contacted by telephone or fax (main switchboard 01432 260000) and also by Email (jcotton2@herefordshire.gov.uk).

4. How do I fill out the forms?

The forms, at first sight, appear complex and potentially somewhat confusing. The main reason for this is that their structure and content are prescribed in law, and there is little scope for making them more "user friendly". In essence, however, the information that needs to be given by these forms is straightforward. The Council and Investigating Authority, Herefordshire Archaeology, need to know, in reasonable detail, who is proposing to commence what operations, where and when these operations are to take place, and how they are to take place. Although forms *should* be correctly filled out, it is better to submit a wrongly filled out set of forms than no forms.

Exactly how the forms are filled out will depend on who it is that is filling them out. In the majority of cases, the forms will be filled out by a "developer", broadly defined as "anybody carrying out or proposing to carry out any operations". In practice this will generally include such people as private builders, landscapers and property developers, and bodies such as utilities companies. Many developers will also be applicants for planning permission. Unless there are good reasons otherwise, *you should always assume that you are classed as a "developer"*.

OPERATIONS NOTICE

INITIAL DECLARATION

Anyone submitting the form should provide their contact details here. If you, as the person submitting the Notice, are doing so on behalf of someone else, you should indicate also, who this is, and where they may be contacted.

PARTICULARS OF PROPOSED OPERATIONS

You should, as "the developer", describe the nature of the site affected by your proposed operations. You should also explain the nature and scope of the operations that are envisaged for the site concerned. If relevant, you should state a date by which clearance of the site will be completed (for instance, for a site requiring above-ground demolition of existing structures). It may also often be helpful to provide supplementary details to accompany the form, such that the Council officers appraising the proposals can achieve a full understanding of nature and scope of the intended works. In some cases, Herefordshire Council will actively seek this further information.

NAME OF AGENT

In submitting this form, you should sign and date where "Signature" is indicated on this part of the form. If the person or organisation intending to commission the works concerned wishes to correspond through an agent, that "agents" details should be given where indicated here

ACCOMPANYING CERTIFICATE

ISSUER OF CERTIFICATE

Anyone intending to carry out works and submitting this form as part of the notification to do so, should fill in their details here. You must also insert the date of the relevant Operations Notice, and the name of the site.

PARTICULARS OF SITE

Tick one of the two statements concerning interests in the site. In almost all cases the first statement only should be ticked. The second statement should only ever be ticked on behalf of a body with compulsory purchase powers (for example, a Highways Authority).

SIGNATURE OF DEVELOPER

Anyone intending to carry out works within the AAI and submitting this Certificate should sign and date this part of the form. You should give details of agents acting for you, if appropriate.

SIGNATURE OF OWNER OR EQUIVALENT

This should not be signed by the person intending to carry out the works ("the developer"), or acting as agent of the same. Rather, this part of the form is reserved for anyone who has title over the land concerned, and who is submitting the Certificate, but is not intending to carry out the works specified on the Operations Notice.

IF YOU ARE NOT A DEVELOPER, you might still need to fill in the forms **on behalf** of one. It will often be the case for example that intermediaries (e.g. architects, engineers or consultants) will fill in forms on behalf of developers, or on behalf of their clients, where they have agreed to be responsible for these matters. In such cases the intermediaries should fill in their own details in the opening part of each form. They should also sign and date under the "Signature" section of each form. Intermediaries should also make it clear on whose behalf they are signing.

In some other cases, developers will be proposing to conduct developments for which they require prior authorisation from some other body or individual. This may be a client or intermediary, but may also be the landowner where the land is not owned by the developer. If the developer does require authorisation, a person qualified to give such authorisation should sign the relevant (final) section of the Certificate, referencing again, the date of the Operations Notice.

5. How do I return the forms?

When completed the forms should be returned without delay to the Herefordshire Council Planning Office at Hereford Town Hall, or sent directly to the Archaeological Advisor. You should check to make sure that the forms have been received before commencing the intended operations.

6. Does everybody have to notify?

There are a limited number of *specific* exceptions to the notification procedure. If anyone claims an exemption, they should give their reasons for making such a claim to Herefordshire Archaeology in writing. The exemptions are:

1. Agricultural or horticultural (principally in the case of Hereford, gardening) operations in which the ground disturbance is less than 60 centimetres(0.6m);
2. Deep tunnelling and mining operations carried out under the industry code of practice;
3. Repair, renewal maintenance and emergency works carried out by drainage or navigation authorities;
4. Repair, maintenance or relaying or resurfacing of highways and footpaths and railways, provided that the operations do not disturb below 0.6m, or the existing foundations if deeper.
5. Operations for the repair, maintenance or renewals of mains, pipes or other existing apparatus of statutory undertakers or transport authorities – or new apparatus if required within six months: and
6. Operations for the erection or repositioning of street lighting columns where the maximum depth of excavation does not exceed 1.5m. there are no other exceptions, apart from cases where the works are already covered by Scheduled Monument Consent.

Except in the case of ordinary gardening operations, **exemption should not be assumed.** Whether or not an operation requires planning permission, if it involves intrusion into the ground below 60cm, you **must** make a formal notification by submission of an Operations Notice for the intended works. *This applies to domestic residents as well as to owners of commercial properties.*

7. What if I already have planning permission?

Whether you have planning permission, or any other permission, is irrelevant. Unless you are specially exempted (see ", above) you *must* in all cases properly notify Herefordshire Council by means of, and only by means of, the prescribed forms.

8. What happens after notification?

Herefordshire Archaeology (the county archaeological service of Herefordshire Council) has the power, within four weeks of an Operations Notice being served (and provided it has notified the relevant Secretary of State), to enter a site and archaeologically excavate it for a period not exceeding four months and two weeks. This would generally only happen, however, where there was considered to be an unusually severe threat to archaeological remains that could not be addressed by other means (for instance, by the developer adopting satisfactory mitigatory measures, including in some cases the commissioning of an archaeological project from an archaeological contractor).

Far more commonly, Herefordshire Archaeology will simply inspect and record small-scale site works that do not also require planning permission. In many cases archaeological projects will be commissioned by developers to help them comply with archaeological conditions attached to planning permissions. In all cases, persons who have served operations notices should await a clear response (normally, but not always, in the form of a formal receipt document) from Herefordshire Archaeology before assuming they can proceed. Development works should not take place within the six-week notification period.

9. Are some things prohibited within the AAI?

It is not permitted to use metal detectors within the AAI, unless you have the specific written consent of the Secretary of State.

10. Where can I find further information?

The ancient Monuments and Archaeological Areas Act (1979) is the Act of Parliament which deals in detail with Archaeological Areas. Statutory Instruments 1285-1286 (1984) deal with forms of notice required and the exemptions to the normal procedure that may be invoked.

In the event of any remaining queries concerning the forms, or any of the procedures described in this document, do not hesitate to contact either the Archaeological Advisor, or the County Archaeologist (Dr. Keith Ray) for assistance (via the Council switchboard 01432 260000, or via e-mail: jcotton2@herefordshire.gov.uk; kray@herefordshire.gov.uk).