

Committee: **Lead Cabinet Member for Transport and Environment**

Date: **14 September 2015**

Report By: **Director of Communities, Economy and Transport**

Title of Report: **Bexhill to Hastings Link Road – Contractual Arrangements for Archaeology Post Excavation Assessment, Analysis, Reporting and Archiving**

Purpose of Report: **To agree alternative arrangements for the completion of the Bexhill to Hastings Archaeology Post Excavation Assessment, Analysis, Reporting and Archiving**

RECOMMENDATION: The Lead Member is recommended to authorise the novation of the Bexhill to Hastings Link Road Archaeology Subcontract over to East Sussex County Council to be overseen by the County Archaeologist.

1. Background Information

1.1 In determining the planning application for the Bexhill Hastings Link Road (BHLR), it was recognised that the Combe Haven Valley was of potential significant archaeological value. The wet areas in the Valley were thought to contain significant archaeological deposits relating to prehistoric activity. The higher ground was also felt to have potential for archaeological deposits relating to Roman, Medieval and later periods. English Heritage (now Historic England) at the time emphasised how critical a satisfactory archaeological investigation would be.

1.2 The planning permission therefore included considerable requirements for archaeological investigation. This approach has now been shown to have been justified due to the enormity of the finds that have emerged from the archaeological investigations. In particular, the numerous flint scatters demonstrated occupation of the area over a period of more than 5,000 years, and each scatter represents specific and potentially unique evidence of how people lived in the area in the past. As a result of this, the archaeological findings are of a magnitude that was not originally envisaged.

1.3 The BHLR contractor, Hochtief Taylor Woodrow Joint Venture (HTWJV), has been managing this archaeological investigation by using Oxford Archaeology (OA) to undertake the detailed work.

1.4 We are now in the position where considerable Post Excavation Assessment is required which will ultimately produce the Post Excavation results. This work will need to be undertaken over several years, and is in excess of current budgetary provision. There is a need, therefore, to manage this situation going forward.

2. Supporting Information

2.1 The National Planning Policy Framework (NPPF) provides the Government's policy for archaeological investigations. The NPPF states that the planning process should conserve heritage assets in a manner appropriate to their significance (paragraph 17). The more significant the heritage asset, the higher the level of mitigation required. Where finds can not be preserved *in situ*, they should be recorded in a manner appropriate to their significance.

2.2 In relation to the planning permission HTWJV submitted Written Schemes of Investigation (WSIs) for the archaeological work. This has guided the archaeological works in the field associated with the construction of the BHLR. The WSIs set out the Post Excavation work which entails scoping the archive, a Post Excavation Assessment (the detailed process of assessing the archive), reporting the outcomes, production of a leaflet / booklet, and, transferring the archive to the Bexhill Museum.

2.3 It is proposed that the management of the next stages of archaeological work should be undertaken directly under County Council control. This would require the novation of the BHLR Archaeology subcontract to the County Council. HTWJV is content with the proposed course of action as they can see that they will not have to tie up a technically competent resource to administer the remaining archaeological works going forward. The County Council would utilise OA to undertake the assessments but under County Council control. OA is considered a suitable organisation to undertake the work. The County Archaeologist is appropriately qualified to manage the work and will aim to achieve a proportionate Post Excavation Assessment that complies with all the planning requirements, and to the satisfaction of Historic England. This might then provide the circumstances whereby the County Council could bid for other match funding, which would then be able to fund the total archaeological work going forward.

2.4 The cost associated with the remaining Post Excavation Assessment will be tracked once the contract has been novated to the County Council.

2.5 Legal advice is that it is possible to novate the contract if:

- The need for the modification for the contract has been brought about by circumstances which a diligent contracting authority could not have foreseen
- The modification does not alter the overall nature of the contract
- Any increase in price does not exceed 50% of the value of the original contract or framework agreement

2.6 In adopting this proposal the County Council would be required to issue a procurement notice in accordance with the Procurement Regulations, but the risks of challenge are considered low.

3. Conclusion and Reason for Recommendation

3.1 The Lead Member for Transport and Environment is recommended to approve the novation of the remainder of the BHLR Archaeology Subcontract over to the County Council, and for the County Archaeologist to oversee the remaining Post Excavation Assessment, Analysis, Reporting and Archiving activities. This will also provide the County Council with direct control of the work which means it can be undertaken at an affordable cost, proportionate to the significance of the findings of the fieldwork, and to spread the cost over a longer period of time during which alternative sources of funding may be sought.

RUPERT CLUBB

Director of Communities, Economy and Transport

Contact Officer: Bob Pape

Tel. No. 07876 878385

Email: bob.pape@eastsussex.gov.uk

LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

None