

Burying Archaeology?

End of Year Status (2018)

As 2018 draws to a close the Katharine Warington School development project is, according to its developers, about to move in to a new phase. Kier, the lead contractor, has advised that works will start on the construction of the service entrance link from Common Lane in early January.

Archaeology Investigation

In the course of the legal proceedings that followed the Planning Application for the School a clear fault was found with HCC's Planning in that Officers had failed to identify a need for an EIA (Environmental Impact Assessment) and failed to ensure that one was carried out. An EIA would have addressed many aspects, including Noise, Visual Impact, etc. which HCC did not but the Court focused on the 'Heritage Assets' of the site, in particular the Archaeology. As an Applicant HCC, and agents Vincent & Goring, appeared content for the Planning Authority (also HCC) to require a scheme of archaeological investigation and preservation to be agreed as a Planning Condition. Planning Conditions allow for subsequent sign off by Officers without the need for any public hearing – the archaeological conditions were 2 of nearly 50 conditions that were applied to the application.

The relevant conditions (46 & 47) required a further formal scheme of investigation and preservation for identified archaeology on the site. HCC records suggest the applicants submitted further schemes in early May 2018, although these were not publicly declared until after all evidence for the Court case had to be submitted in June. It appears discussions continued until mid-October when a scheme was signed off by the same County Planning Officers as handled the original application. By this time County had nominated its own Archaeologist as the independent expert observer and the investigation scheme, which appeared to have been extended in scope at the last minute, was declared as a programme lasting approximately 20 weeks by lead Planning Officer.

Preparation for investigation works began at the end of October, by mid-November signs of Archaeologists in the field were rarer than sightings of a County Councillor in Batford and by end of November Kier were moving equipment on to site for the next phase. In mid-December Kier fenced off areas at the top of the site to 'protect' Archaeological assets:



There are two fenced off areas – In the foreground is the area in which the burial ground from Saxon times has been found and to the North of that a farm area of similar significance. The fencing marks no entry areas for construction traffic until ready to cover as part of preservation conditions and landscaping. In practice the development calls for a plateau to be created for a sports pitch which will raise the level immediately beyond the fence by 6 metres (20 ft.) and the preservation calls for between 1 and 2m of additional soil cover over the areas to be preserved, creating a steep slope to the site boundary. The preservation order does not include provision for any retaining walls.

The End of the Archaeology?

The 'preserve in situ' approach is accepted practice for a range of Archaeology assets. The bigger question is are these the only relevant assets? Even the Applicants grudgingly accepted the possibility of further finds (having stated to visitors to their 'exhibitions' that there was no archaeology present) and there is a view that a cemetery usually accompanies a village: the applicants' advisors have indicated that such an asset would be more likely to be deeper into a valley – conveniently pointing to the strip of land the Council didn't purchase, but equally raising the possibility of archaeology closer to Lower Luton Road, which may explain the large scrapings further down the plot.

However this raises further questions, particularly when a 20 week programme is not only completed in a fraction of the allotted time, but is also apparently reported on in sufficient detail to allow the Council Planning Officer to sign off satisfactory completion of the Investigation work. Of course there should be a simple way of establishing what's happening – check the report of the archaeological investigation as at 10 December, no report of investigations had been published by HCC. This was the date when HCC first granted itself permission for works directly related to construction to take place.

Since then HCC has

- Changed its Planning Portal – meaning most records were inaccessible for a few days in mid-December, eventually access to the Condition application (PL\0929\18) being restored 19 December but with fewer documents declared.
- By 31 December some of the previously published documents had been re-added and a further document entitled 'Interim Report of Archaeological Investigations 03 December 2018' had been added – this is under the now familiar cover of CgMs but in reality this is a cover for a stark report by another consultancy group – Cotswold Archaeology – who appear to have undertaken the few days digging on site in early November.
- **NO** formal sign off notice discharging the conditions has been published (at 31 Dec 18)

It appears HCC don't just want to bury the Archaeology but are also keen to bury all traces of the investigation – perhaps in years to come a secret hoard of unpublished reports will be found in Hertford!

What happens next at the site?

RSRP has continued questioning HCC on how it will manage planning enforcement. In keeping with HCC response to date the norm appears to be to ignore anything that they do not wish to answer. Among the more immediate concerns are

- The 'temporary' site access on the Lower Luton Road / Common Lane junction. In October HCC advised this inherently unsafe access was for the sole purpose of allowing

archaeological investigation – Kier appear to have set up a site control compound using the access since.

- Despite promises of a project plan identifying what disruption can be expected to local residents none has been advised and Kier's communications are effectively limited to telling residents they are part of the 'Considerate Contractor' scheme.
- The original construction plan (presented with the application) called for a number of activities in the first 4-6 weeks – these include construction of both sets of entrances so that construction traffic can be largely routed in from Lower Luton Road; construction of the drainage lagoon in the south west corner and diversion of overhead services in north of site (across part of archaeological preservation area). No provision has been announced for these measures and Kier have created the impression they are simply going to adopt the current entrance and compound which will prevent adequate flood protection and perpetuate road safety issues at the Common Lane / Lower Luton Road junction.

These points have been raised with HCC Planning as potential enforcement issues over the past 6-8 weeks but no answers have been received.

What can / is being done?

RSRP is committed to continuing to represent the interests of local residents – all the more so given HCC's continued total disregard of its residents' interests. HCC has a legal responsibility as a Planning Authority to ensure any development under its jurisdiction is delivered in accordance with planning conditions – individually you raise any matter of concern with Spatial Planning at County (E: Spatial.Planning@hertfordshire.gov.uk).

The Judicial Review in summer 2018 was concerned with the handling of the Planning Application and HCC's role as a Planning Authority. A number of faults were highlighted during that process and RSRP is acutely aware that HCC appear to have learnt nothing and remain willing to treat their residents with contempt by keeping them in the dark.

RSRP is committed to holding HCC to account for its actions and will make further announcements in the New Year.

Other Education Matters

One of the main considerations in the 4th Harpenden Secondary school saga was the question of who was able to get allocations to Harpenden's existing schools. The core case put forward by parents was one based on lack of guarantee of places for Harpenden pupils. Concern has been repeatedly expressed about the inequities resulting from people moving, either temporarily or permanently, to have an application address close to their preferred school.

The Scholars Education Trust – who are the relevant body for Sir John Lawes School – are currently consulting about a change to their admissions rules. They propose introducing a new rule into their oversubscription criteria – these are the rules used to decide who is allocated places when there are more applicants than places. The core element is a proposed new 'Rule 5' – under which pupils attending Harpenden Academy will be classed as a 'Priority' primary school and will be allocated places ahead of pupils in the current rule 5 which is those in the (County) priority area for whom it is the nearest (qualifying) school.

This would mean that Siblings (rule 3) continue to have greater priority, along with smaller specific groups including children of staff, but that the Harpenden Academy pupils would have priority over the majority of potential first time entrants from local resident families. In practice about 90 pupils a

year enter SJL through this rule – with Harpenden Academy having capacity for 60 pupils a year the remaining number for local pupils could be less than one form of entry. It is highly likely that parents wishing to get their children into SJL will give serious consideration to switching to Harpenden Academy prior to secondary application. This would inevitably be open to remoter pupils, including out of area. In practice HCC's website suggests Harpenden Academy is 5th distant primary from SJL – the closest being Manland and Sauncey Wood (both 1 FE schools, although Sauncey Wood pupils are likely to be split between SJL and KWS as nearest in future), followed by 2FE Crabtree then The Lea.

In practice Harpenden Academy has been the greatest sufferer from the trend of reduced numbers of applicants at Primary level in the Town recent years – typically running at less than half their capacity according to School Census data. The School has been operated by Scholars Education Trust as part of the SJL family since 2016 and clearly one motivation of the Trust will be to increase financial viability – however with many local schools having space (including some of the consistently highly patronised local schools) any attempt to grab pupils will likely have one of two outcomes – increase pressure on other local schools by removing their pupils or bringing in external pupils with all the incumbent travel sustainability issues and future allocation of secondary places in the town to others from outside.

In essence this is a recipe for recreating the very problems that led to the calls for KWS and more besides. If you wish to comment the Trust's consultation is open until 6th January (1700) at admin@scholarseducationtrust.co.uk or you can write to the Admissions Officer at SJL. RSRP recommend that you consider whether you wish to object to creating this type of priority generally or if you believe that last minute switching is a concern then suggest the criteria is amended to include only those pupils who have a full school attendance at the Academy (i.e. 6 years +).

Thank You

On behalf of the Committee and myself I would like to thank all of those who have followed and supported us through the journey so far. In particular we have had a taxing year in many senses, and I am particularly grateful for those who have funded our legal campaign, one which we were obliged to take against a Council and Councillors that refuse to recognise their accountability to their constituents. In the course of the year we received support from thousands of people, we saw that the Council was publicly identified as failing in its duties and individually you will each have views on how well and how equitably you consider your County Council and representatives have and continue to represent your interests. It is our intention to continue to bring them to account.

David Cairns, Chairman

31 Dec 2018