

SUBJECT: Archaeology in Planning, Planning Advice Note

MEETING: Economy and Development Select Committee

DATE: 10th October 2019 DIVISION/WARDS AFFECTED: All

1. PURPOSE:

1.1 To consider and scrutinise the proposed Draft 'Archaeology in Planning' Planning Advice Note and to provide any comments or changes accordingly. To consider the proposed extensions to existing Archaeologically Sensitive Areas in Abergavenny, Monmouth and Trellech, and consider the designation of a new Archaeologically Sensitive Area in Tintern.

2. RECOMMENDATIONS:

2.1 That the Economy and Development Select Committee provide feedback on the Draft 'Archaeology in Planning' Planning Advice Note, including the proposed changes to the boundaries to existing Archaeologically Sensitive Areas in Abergavenny, Monmouth and Trellech, and the proposed designation of a new Archaeologically Sensitive Area in Tintern, and provide any comments accordingly.

3. KEY ISSUES:

- 3.1 The Monmouthshire Local Development Plan (2011-2021) was adopted on February 2014 to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). This statutory development plan contains a number of policies relating to development in the County's settlements which manage and ensure appropriate development within the County through the planning process. Chapter 4 of Technical Advice Note 24 sets out how archaeology should be considered in the planning process. The conservation of archaeological remains is a material consideration in determining a planning application, this Planning Advice Note sets out how Monmouthshire County Council addresses this duty in exercising its Development Management functions.
- 3.2 Glamorgan Gwent Archaeological Trust (GGAT) provide services to Monmouthshire County Council under a Memorandum of Understanding and so act as the Council's Archaeological Advisor ensuring that the above considerations are properly assessed. Supporting this function GGAT has identified a number of areas within the County that have particular sensitivity in terms of archaeology, referred to as Archaeologically Sensitive Areas.
- 3.3 The need for additional guidance has arisen from experience of managing archaeology during the planning process where potential constraints have been raised late in the process or where there has been an inconsistent approach to protecting and managing underground archaeology when determining applications. Despite these complications

being limited to a small number of applications, it is considered good practice to set out clearly how archaeology should be considered through planning to ensure consistency of approach. The Advice Note aims to set out where particular care and attention should be paid to archaeology in the county identifying the specifically sensitive areas (ASAs) so that this is clear to an applicant or agent much earlier in the process.

3.4 Archaeologically Sensitive Areas are a recognised designation, first being brought in by the Ancient Monuments Act 1979, section 33. However, they remain a non- statutory designation. The Planning Advice Note sets out why these specific areas have particular archaeological sensitivity and how the consideration of these areas will be addressed through the planning process. These areas include;

Abergavenny

Caerwent

Chepstow

Grosmont

The Levels, Magor & Undy, Rogiet and Caldicot

Monmouth

Raglan

Skenfrith

Tintern

Trellech

Usk

Whitecastle

Tintern (proposed new ASA)

3.5 The above areas (with the exception of Tintern) have been designated as ASA's for some considerable time, they are referenced in the Local Development Plan 2011- 2021 (Adopted February 2014) and the preceding Unitary Development Plan. A recent review by GGAT of the ASA's has made changes to some of the designations. The former ASA's of the Gwent Levels and Rogiet, have been combined with Magor and Undy as well as Caldicot to create one ASA. The review also includes changes to the boundaries in Abergavenny, Monmouth and Trellech as well as the formalisation of the Tintern ASA boundary which was not included in the LDP or previous UDP.

3.6 The Gwent Levels.

The amalgamation of Caldicot, Magor and Undy and Rogiet, simplifies a number of smaller adjacent ASA's into one area that is more easily identified and more cohesive. This results in an administrative change rather than wider planning implications.

3.7 Abergavenny

Abergavenny has seen the largest of the boundary alterations, extending the ASA north to include Bailey Park and properties north of Park Crescent and the streets west of the Ross Road and east of Hereford Road. This extension seeks to cover the areas of suspected Roman, Medieval and Post Medieval activity. Given the nature of finds identified in this area and the known archaeological resource in the main town, it is considered that it is likely that a Roman civilian settlement may have existed in this area.

As a result this heightened sensitivity reflects the importance of the high potential for Roman remains. In addition the area north of and including Bailey Park may well have included the wider landscape of the 11th Century Benedictine Priory encompassing medieval and post medieval resources. The area is already densely developed covering two suburbs of the main town and the park. There is an increased potential for applications submitted in these areas to consider the need for additional survey work prior to determination.

3.8 Monmouth

The increased boundary includes Chippenham fields to the east of the town extending over the dual carriageway to encompass the fields west of the river. There have recently been finds from between five to eight thousand BC, Neolithic and Bronze Age remains with later Iron Age evidence. In addition the Area has shown physical evidence of Roman activity. Archaeological excavation, undertaken in advance of and during the development works have shown that archaeological remains survive at a relatively low depth occurring up to 2m below the ground surface. These remains date from the Mesolithic period through to post medieval and so are of particular importance. The area in question is mainly covered by fields and separated by the dual carriageway, therefore there is a low potential impact on development.

3.9 Trellech

This includes a proposed extension to the south of the town to encompass the Scheduled Ancient Monument of the shrunken medieval village and fields to the south of the SAM. Archaeological investigations in relation to development and through academic work has provided evidence of the medieval town extending further south than anticipated. Since the boundary was drawn investigations have provided evidence of features along Catbrook Road and Tinkers Lane. The wet nature of this area also provides a high potential for waterlogged remains related to importance of wells and springs closely associated with the church, settlement and as a pilgrimage site of importance. Whilst the development potential in this area is low, being outside of the development boundary, the remains have the potential to be of schedulable quality and so the area is proposed to be included to raise the awareness of such a sensitive site.

3.10 Tintern

The Tintern ASA extends from the fields south of Tintern Abbey, following the river on the eastern side to St Michaels Church to the north. The boundary then includes the developed area around Trellech Road and the main road, tightly hugging the rear of properties to the west of the main road until the junction at the George Hotel. It then extends up the hillside following the Angiddy River up to Hale End Cottage. To the south west of Tintern Abbey the boundary includes fields to the rear of St Marys Church and The Abbey Hotel.

The area is a mix of housing and open and semi-rural spaces. Being a minor Village, Tintern has some potential for residential development of infill and small scale development. Therefore there is an increased potential for applications submitted in these area to consider the need for additional survey work prior to determination.

Tintern's Abbey, precinct and landholdings together with two churches, industrial wire making remains and the 18th century Picturesque Wye Tour all make a significant contribution to the heritage value of the settlement. The potential for important archaeological remains are high. The remains are therefore focussed around the Abbey, and extending under the A466, Tintern Parva and the Angidy Valley.

Draft Archaeology in Planning, Planning Advice Note

- 3.11 The Draft Archaeology in Planning, Planning Advice Note, is attached to this report as **Appendix 1**. The Advice Note is intended to provide clarity for applicants, officers and Members in the interpretation and consideration of archaeology in the planning process.
- 3.12 The Draft Advice Note sets out detailed matters that need to be taken into account with considering proposals that are likely to have an effect on any archaeological resource, especially those within the identified sensitive Areas. The Planning Advice Note provides guidance as to why these specific areas are considered to be especially sensitive.
- 3.13 Selective use of Advisory Notes is a means of setting out more detailed thematic or site specific guidance in the way in which aspects of the planning process can be applied in particular circumstances or areas. This is not strictly a SPG document as it provides generic advice and does not expand on any specific policy in the Monmouthshire LDP. Archaeology is however considered in a number of policies within the LDP, however, and this Advice Note would carry additional weight in future decision making by going through a local consultation and adoption process. In this instance the document aims to encourage proper engagement and early consideration of archaeology in determining applications aiming to make the process more streamline and effective. The document will also be subject to the same level of consultation as a Supplementary Planning Guidance document appropriate consultation has been undertaken.
- 3.14 As referred to above for the document to be given weight in the consideration of planning applications, appropriate consultation needs to be undertaken and any comments received should be taken into account in the Council's decision making process. The Economy and Development Select Committee's comments are now sought to be taken into account and inform the document accordingly. The consultation process will also involve targeted notifications which will be sent to those considered to have an interest in the topic such as local agents and architects and those on the LDP database. All town and community councils will also be consulted. The consultation will be publicised via our Twitter account @MCCPlanning and the corporate Monmouthshire Twitter account. All consultation replies will be analysed and responses/amendments reported for Members' consideration when seeking a resolution for the adoption of any Planning Advisory Note document.

4. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

4.1 Under the Planning Act (2004) the LDP was required to be subject to a Sustainability Appraisal (SA). The role of the SA was to address the extent to which the emerging planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. The LPA also produced a Strategic Environmental Assessment

(SEA) in accordance with the European Strategic Environmental Assessment Directive 2001/42/EC; requiring the 'environmental assessment' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA/SEA, therefore and the findings of the SA/SEA were used to inform the development of the LDP policies and site allocations in order to ensure that the LDP would be promoting sustainable development. This Planning Advice Note is expanding and providing guidance on these existing LDP policies, which were prepared within a framework promoting sustainable development.

Equality

4.2 The LDP was also subjected to an Equality Challenge process and due consideration was given to the issues raised. As with the sustainable development implications considered above, the Planning Advice Note expands on and provides guidance relating to the effective management of archaeology within the planning process, which were prepared within this framework.

5. OPTIONS APPRAISAL

- 5.1 The option in relation to the Draft Planning Advice Note are to:
 - 6. option 1 to scrutinise the PAN and provide comments if applicable, option 2 to decline to scrutinise the PAN
 - 1. Scrutinise the Draft Planning Advice and provide any comments where applicable
 - 2. Decline to Scrutinise the Draft Planning Advice Note
- Option 1: Scrutinise the Draft Planning Advice Note as attached. **This is the preferred option.** The Draft Planning Advice Note sets out the key issues that need to be taken into account when considering planning applications that may have an archaeological resource implication. It is considered that the Planning Advisory Note will provide guidance and clarity to help guide developers, agents and officers in effectively managing archaeology in the planning process. Any comments will be analysed and the document amended as appropriate ensuring that the document is fit for purpose.
- 6.2 Option 2: Decline to scrutinise the Draft Planning Advice Note. This will not provide the clarity and necessary scrutiny to the document which mean that it would not be able to be considered as a Planning Advisory Note. Without the document there is a missed opportunity to improve engagement and management of archaeology within the planning process.

Recommendation:

Based on the reasons above, Option 1 (to scrutinise the Draft Archaeology in Planning, Planning Advisory Note as attached) is the preferred option.

7. EVALUATION CRITERIA

7.1 The purpose of this advice note is to raise awareness of archaeology in sensitive areas at the earliest opportunity. There are no quantitative measures arising from the proposal, for example it is not an objective to increase the number of watching brief conditions imposed. Rather the objective is to improve the customer experience and ensure archaeological resource is safeguarded. Success will therefore be measured via reviewing customer feedback and that from key stakeholders such as GGAT and Monmouth Archaeology, and via colleague feedback.

8. REASONS:

8.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27th February 2014 and decisions on planning applications are being taken in accordance with policies and proposals in the LDP. This draft sets out how archaeology will be managed through the development management process and provides clarity in relation to the particularly sensitive areas of Monmouthshire.

9. RESOURCE IMPLICATIONS:

9.1 Officer time and costs associated with the preparation of the documents and carrying out the required consultation exercises. Any costs will be met from the Planning Policy and Development Management budget and carried out by existing staff.

10. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING):

The are no significant equality impacts identified in the assessment (Appendix C). .

11. CONSULTEES:

- MCC Development Services Manager and team colleagues responded stating that document provides clearer guidance for agents and sets out the reasons for the identification of particularly sensitive areas.
- Heritage Team responded providing some comments in terms of the Heritage Designations and their Policy Context.
- Planning Policy Team- responded stating the document cannot be formal Supplementary Planning Guidance due to the lack of a specific archaeology related policy in the LDP.
 Therefore the document was changed to a Planning Advice Note.
- Cabinet and Senior Leadership Team have been consulted on this proposal.
- Colleagues in MonLife have been informed due to ongoing projects relating to Bailey Park and Chippenham Fields in particular.
- The Planning Advice Note will be presented to Planning Committee for comment during the consultation period.

12. BACKGROUND PAPERS:

See appendix A – Draft 'Archaeology in Planning' Planning Advice Note

13. AUTHOR:

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14. CONTACT DETAILS:

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Equality and Future Generations Evaluation

Name of the Officer completing the evaluation Mark Hand	Please give a brief description of the aims of the proposal
Phone no: 01633 644803 E-mail: markhand@monmouthshire.gov.uk	The Local Development Plan (LDP), adopted on 27 February 2014, sets out the Council's vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over the ten year period to 2021. Planning Advisory Notes (PAN) sets out detailed guidance on the way in which the policies of the LDP will be interpreted and implemented. The Archaeology PAN has been prepared to provide further clarification as to how Archaeology is considered throught the planning process. The PAN also skees to extend the boundaries of the designated Archaeologically Sensitive Areas in Abergavenny, Monmouth and Trellech to take into account recent finds and pressuses. It also formalises the ASA around Tintern.
Name of Service area	Date
Planning and Housing	20/09/2019

1. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	The Archaeology in Planning, Planning Advice Note should bring positive benefits to Monmouthshire's residents of all ages, particularly through providing more clear guidance when engaging with the planning system.	None	Ensure that the relevant guidance, as set out in the PAN, is accurately interpreted and implemented.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Disability	None.	None	N/A.
Gender reassignment	None	None	N/A
Marriage or civil partnership	None	None	N/A
Pregnancy or maternity	None	None	N/A
Race	None	None	N/A
Religion or Belief	None	None	N/A
Sex	None	None	N/A
Sexual Orientation	None	None	N/A
Welsh Language	None	None	N/A
Poverty	None	None	N/A

2. Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal. There's no need to put something in every box if it is not relevant!

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	Positive: Promoting effective management of the historic environment enhances the opportunities for learning and understanding of the historic environment. Negative: None.	Better contribute to positive impacts: Ensure that guidance is accurately interpreted and implemented.
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	Positive: Potential for development proposals to conserve and enhance existing ecological networks/ landscape in accordance with LDP policy framework through survey work. Negative: None.	Mitigate Negative Impacts: Ensure that biodiversity, landscape interests etc. are appropriately considered in assessing any planning application and that good standards of design, landscaping etc. are achieved.
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	Positive: The effective management of the historic environment can have a significant positive impact on wellbeing and mental health. Negative: None.	Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the PAN, is accurately interpreted and implemented.
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	Positive: The historic environment plays an important role in contributing to Wales's cultural identity. Effective management of the resource supports and distinctive and viable communities. Negative: None.	Better contribute to positive impacts: Ensure that the relevant guidance, as set out in PAN, is accurately interpreted and implemented.

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	Positive: The effective management of the archaeological resource contributes to the social and environmental well- being of Wales. Negative: None.	Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the PAN, is accurately interpreted and implemented which will include consideration of social, economic and environmental wellbeing.
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	Positive: The PAN has a direct positive impact on Welsh culture, heritage and language through enhancing understanding and appreciation of the social and economic history of Wales. Negative: None.	Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the PAN, is accurately interpreted and implemented.
A more equal Wales People can fulfil their potential no matter what their background or circumstances	Positive: None. Negative: None.	Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the PAN, is accurately interpreted and implemented.

3. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development	Does your proposal demonstrate you have met this	Are there any additional actions to be taken to
Principle	principle? If yes, describe how. If not explain why.	mitigate any negative impacts or better
•		contribute to positive impacts?

Sustainable Development Principle		Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better	
	loipic	principle: If yes, describe new. If not explain why.	contribute to positive impacts?	
44	Balancing short term need with	The LDP covers the period 2011-21. The PAN supports the implementation of the LDP. By its nature, therefore, it cannot look beyond this period but the SA/SEA of the LDP would have ensured consideration of the impact on future generations.	Ensure that the relevant guidance, as set out in the revised SPG, is accurately interpreted and implemented. The LDP and its policies have been subject to SA/SEA. The replacement LDP will be subject to SA/SEA.	
Long Term	long term and planning for the future	The LDP strategic policy framework seeks to preserve and enhance the cultural heritage and historic environment of Monmouthshire. The PAN seeks to balance the long term need to preserve the finite historical resource against the short term need to process applications effectively and efficiently.	LDP AMRs will provide both an annual evaluation of plan performance and year by year comparison from which emerging long term trends may be identified and reported on. This will help inform the evidence base for the replacement LDP.	
	Working together with other partners to	The PAN has been produced in liaison with the Council's Archaeological Advisors, Glamorgan Gwent Archaeological Trust following discussions regarding planning applications. It has been subject to further internal consultation with the wider Heritage Team. Public consultation will be targeted to those who were considered to have a specific interest in the topic but also including all town and community councils. The consultation will also publicised via our Twitter account	The PAN supports LDP strategic aims and policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP.	
Collaboration	deliver objectives	@MCCPlanning, as well as the corporate Monmouthshire Twitter account.	LDP AMRs will provide both an annual evaluation of plan performance and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for the replacement LDP. The Replacement LDP will be taken forward through extensive community and stakeholder engagement, expanding on the methods used previously.	

Sustainable Development Principle		Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?	
Involvement	Involving those with an interest and seeking their views	The PAN has been produced in liaison with the Council's Archaeological Advisors, Glamorgan Gwent Archaeological Trust following discussions regarding planning applications. It has been subject to further internal consultation with the wider Heritage Team. Public consultation will be targeted to those who were considered to have a specific interest in the topic but also including all town and community councils. The consultation will also publicised via our Twitter account @MCCPlanning, as well as the corporate Monmouthshire Twitter account.	The PAN supports LDP strategic aims and policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP. LDP AMRs will provide both an annual evaluation of plan performance and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for the replacement LDP. The replacement LDP will be taken forward through extensive community and stakeholder engagement, expanding on the methods used previously.	
Prevention worse	Putting resources into preventing problems occurring or getting	The PAN has been written to take account of issues relating to archaeological surveys creating delays in the planning process. It is considered that the PAN will provide further clarity to all stakeholders and importantly maximise engagement with archaeology at the earliest opportunity in the planning process to ensure that the resource can be effectively managed.	The future adoption and implementation of the PAN will support appropriate affordable housing development where it accords with the LDP policy framework.	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
Integration Considering impact on all wellbeing goals together and on other bodies	The PAN supports the implementation of the LDP which has been subject to a SA/SEA that balances the impacts on social, economic and environmental factors.	The AMRs will examine the impacts of the LDP over the longer term and evidence the emergence of any trends at different spatial scales. Delivering sustainable development (social, economic and environmental) is central to the LDP. Continue to monitor indicators, including housing policy indicators and targets, to inform future AMRs. The replacement LDP will be subject to a SA/SEA that balances the impacts on social, economic and environment factors.

4. Council has agreed the need to consider the impact its decisions has on the following important responsibilities: Social Justice, Corporate Parenting and Safeguarding. Are your proposals going to affect any of these responsibilities?

	Describe any positive impacts your proposal has	Describe any negative impacts your proposal has	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Social Justice	None	None	N/A
Safeguarding	None	None	N/A
Corporate Parenting	None	None	N/A

5. What evidence and data	has informed the development of your proposal?
Monmouthshire Local	Development Plan (2011-2021)
 Planning Policy Wale 	s Ed 10 (December 2018)
Technical Advice Not	e (TAN) 24: The Historic Environment.
	of completing this form, what are the main positive and negative impacts of your proposal, how have they
Positive: The PAN sets out development proposals on a with the authorities archaeo	clear guidance as to how the Authority will exercise its statutory duty to have due consideration of the impact of ny potential archaeological resource through the development management process. It promotes early engagement logical advisors by identitfying areas within the county that have particular importance and sensitivity and require also supports the understanding of the historic environment and how development can preserve and enhance the
	ology is considered early in the stages and use the information to help and inform future applciaitons providing a ential impact on the resource.
Negative: Potential for some a a time or cost implication to the	pplications to involve additional survey work where they are situated in the extended ASA's or within Tintern. This could cause application.
Future: It is hoped that the ide	ntification of particular areas of importance and early engagement will minimise any potential delay and cost implication.

7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible
Seek Planning Committee endorsement of the PAN with a view to it being formally adopted in connection with the Monmouthshire LDP.	Subsequent to this, engage in the consultation process and present the document to Planning Committee and Cabinet for their endorsement.	Head of Placemaking, Highways, Housing and Flood.

8. VERSION CONTROL: The Equality and Future Generations Evaluation should be used at the earliest stage, such as informally within your service, and then further developed throughout the decision making process. It is important to keep a record of this process to demonstrate how you have considered and built in equality and future generations considerations wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1.0	Individual Cabinet Member (endorsement to issue for public consultation)		Due 9 th October 2019
1.1	Planning Committee (consultation)		Due 5 th November 2019
1.2	E&D Select Committee (scrutiny)		Due 14 th November 2019
1.4	Cabinet (post consultation - adoption)		Due 15 th January 2020