

SUBJECT:	Archaeology in Planning, Planning Advice Note
MEETING:	Individual Cabinet Member Decision (Enterprise)
DATE:	8th July 2020
DIVISION/WARDS AFFECTED:	All

1. PURPOSE:

- 1.1 This report seeks the Cabinet Member for Enterprise's endorsement of the changes to the Draft Archaeology in Planning, Planning Advice Note (PAN) and to formally adopt the document as a Planning Advisory Note following a formal and public consultation period.

2. RECOMMENDATIONS:

- 2.1 To endorse the following:
- Adopt the Archaeology in Planning, Planning Advice Note
 - Adopt the boundary changes to Abergavenny, Monmouth and Trellech
 - Adopt Tintern Archaeological Sensitive Area (ASA)

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 aim to manage and ensure appropriate development through the planning process. Chapter 4 of Technical Advice Note 24: Historic Environment and Construction 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 act as the Council's Archaeological Advisor ensuring that the above considerations are properly assessed. Supporting this function GGAT have identified a number of areas within the County that have particular sensitivity in terms of archaeology, referred to as Archaeologically Sensitive Areas (ASAs). All the archaeological areas within the PAN have been designated as such by our archaeological advisors (GGAT). Following extensive research and surveys from development works, they have designated the following ASAs. The areas will be subject to ongoing revision and reassessment.

- 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 issues being limited to a small number of applications, it is considered good practice to set out clearly how archaeology should be considered through the planning application process, to ensure consistency of approach. The Planning Advice Note aims to set out where particular care and attention should be paid to archaeology in the County, identifying the specifically Archaeologically Sensitive Areas (ASAs) so that this is clear to an applicant or agent early in the planning and development 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 With the exception of Tintern, the above areas 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 2006-2011. 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 and 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. The changes to the ASA's is included in the Individual Cabinet Report for consultation (10th October 2019 and the PAN (**Appendix A**).

Draft Archaeology in Planning, Planning Advice Note

- 3.6 The Planning Advice Note is intended to provide clarity for applicants, officers and Members in the interpretation and consideration of archaeology in the planning

process. It 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.

- 3.7 This is not strictly Supplementary Planning Guidance 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, and whilst not forming Supplementary Planning Guidance, the PAN would carry additional weight having gone through a public consultation process. In this instance the document aims to encourage beneficial engagement and early consideration of archaeology in determining applications aiming to make the process more streamline and effective.
- 3.8 An updated version of the Draft Archaeology in Planning, Planning Advice Note, is attached to this report as **Appendix A**. This version sets out suggested changes to the PAN following consideration of the comments received. Further details on this are set out in paragraphs 3.14 – 3.19. The updated version attached at Appendix A may be subject to further formatting changes prior to publication including the inclusion of photos to add interest to the document and add a visual aid of the different areas and the complete mapping of the boundary lines for the amended ASAs (rather than having existing and proposed).

Consultation Process and Responses

- 3.9 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. Following a resolution to consult on the Draft Archaeology in Planning PAN at the Economy and Development Select Committee held on 10th October 2019, the document was advertised widely through public engagement from the 18th December 2019 to the 10th January 2020. Targeted notifications were sent to those considered to have an interest in the topic such as local agents and architects. All town and community councils were also consulted directly. In terms of the boundary revisions, all residents affected by the changes were informed in writing and notices were put up in key areas that were affected by boundary changes. The consultation was publicised via our Twitter account @MCCPlanning and the corporate Monmouthshire Twitter account. All consultation replies have been collated and are attached in Appendix B.
- 3.10 The consultation received 11 responses from, Tintern Community Council, GGAT, Monmouth Field and History Society, Monmouth Civic Society, Monmouth Archaeological Society, Cllr Treherne, Cllr Dovey The Royal Commission for Ancient and Historical Monuments Wales, Abergavenny Local History Society and two members of the public. The responses have been addressed individually in Appendix B, however are summarised as follows.

- Consideration of additional areas for designation, such as Bulwark Camp in Chepstow, Parc Glyndwr and Kings Wood Gate, Overmonnow where significant finds were discovered, e.g. The Lost Lake.
- Clarification as to whether members of the public can be involved in the designation of any new Archaeologically Sensitive Areas.
- That the financial burden of preparing reports etc is now on the applicant to provide additional survey work.
- That there was confusion over the approach to applications within ASA's and outside these areas.
- Welcome the inclusion of Bailey Park and the Hereford Road and the extensions to Trellech and Monmouth.
- A strong welcome for the overdue inclusion of Tintern as an ASA.
- Welcome the document and clear statement on Archaeologically Sensitive Areas.
- That the archaeological summary misses out early medieval period and Christian movements, together with the reconsideration of the prehistoric and Roman periods, with suggestions for improvements. Especially in reference to Monmouth.
- Request that the role of the Royal Commission needs to be clearer and emphasis on the historic environment records that are held by them and their contact details added to the document.
- GGAT highlight some factual errors and inconsistencies and suggest improvements especially in the archaeological terminology and descriptions. Some alterations to the planning processes and submission of survey work is also suggested.
- Some comments relate to specific planning applications.

3.11 All respondents' comments were acknowledged and any queries that were raised were answered as best as possible. However, as some queries related to specific applications they are not relevant to the general guidance provided in this document and are better addressed separately on a case by case basis. The remaining issues have been acknowledged, where factual errors were raised in the descriptions of the archaeological types and significance these have been addressed. However, it is important to note that this document is a summary of the archaeological importance aimed at a wide and varied audience and great care has been taken to ensure that this is fit for purpose and user friendly with appropriate terminology. Where factual errors were picked up these have been addressed, however the summaries are intended to be succinct and purposely do not go into excessive details regarding each archaeological stage of an areas development. Full descriptions of the archaeological importance of the areas can be found through GGAT's website and the HER database.

3.12 In response to the requests for the inclusion of additional areas this will also need to be addressed on an individual basis with further consideration and involvement from GGAT. The document addresses concerns raised previously in relation to additional areas for inclusion which have been considered by GGAT and included in this document. It is intended that the document will be periodically reviewed and if further areas are suggested officers will seek guidance from the Council's archaeological

advisors. Any new designations will be subject to a similar process as the one just undertaken and so the public will be invited to comment at that stage. In addition it is important to note that applications in areas outside the designated ASA's are also screened for any potential impact on archaeology by the development proposed as per the Council's statutory duty. The designation helps to highlight very early on that archaeology is highly likely to be a consideration and that additional survey data may be required.

3.13 It was suggested that the designation now places a further burden on the applicant, this is not the case. The duty to consider archaeology through the planning process has been in statute for some considerable time and MCC has been exercising its duty properly. The Guidance simply aims to provide a clear and transparent framework as to why and when survey data is required, making this easier for applicants to plan ahead and avoid unnecessary delays or complications.

3.14 The Role of the Royal Commission has also been clarified within the PAN.

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. SPG 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:

1. Adopt the Draft Planning Advice Note as amended following consultation
2. Adopt the Draft Planning Advice Note prior to the amendments
3. Do not adopt the Draft Planning Advice Note

6. EVALUATION CRITERIA

6.1 The following table sets out the evaluation of the options available:

Option	Benefit	Risk	Comment
<p>Option 1: Adopt Draft Planning Advice Note as amended following the public consultation.</p> <p>As per the original draft document, boundary changes to Abergavenny, Monmouth and Trellech are retained as well as the new Tintern Archaeological Sensitive Area (ASA).</p>	<p>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.</p>	<p>There are considered to be minimal risks to adopting the updated Planning Advice Note.</p>	<p>The document has been amended in light of some of the comments raised through the public consultation, however not all have been taken on board for the reasons above and those set out in the consultation table responses in Appendix B.</p> <p>Option 1 is the preferred option.</p>
<p>Option 2: Adopt the Draft Planning Advice Note without the amendments suggested following the public consultation.</p>	<p>There are considered to be limited benefits to adopting the Planning Advice Note without consideration of the comments received from the public engagement.</p>	<p>The comments received in response to the consultation on the Draft Planning Advice Note would not be taken into account which would result in the Council not fulfilling an appropriate role in making clear, open and transparent decisions. In addition the factual errors in the original document would remain.</p>	<p>Public engagement and consultation on draft documents is an important stage in the formulation of policy documents. It is important that due consideration is given to the comments received and changes made where they improve the document or add further clarity to an issue.</p>
<p>Option 3: Do not adopt the Draft Planning Advice Note.</p>	<p>There are not considered to be any benefits to not adopting the Planning Advice Note.</p>	<p>The option of refusing to adopt the document would miss the opportunity to provide clear guidance to a wide audience regarding the appropriate assessment of archaeology in the planning process.</p>	<p>A decision not to adopt the document would result in the note having limited weight in the decision making process. Archaeology is a material planning consideration and the council should be providing as much guidance to people as</p>

Option	Benefit	Risk	Comment
		Minimal weight would be attached to the document without a formal resolution to adopt it as a Council planning document.	possible to support them during the planning process.

Recommendation:

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

7. REASONS:

7.1 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.

8. RESOURCE IMPLICATIONS:

8.1 Officer time and costs associated with the preparation of the documents and carrying out the required consultation exercises, documentation of the responses, writing reports, and the translation of the document to Welsh. Any costs will be met from the Planning Policy and Development Management budget and carried out by existing staff.

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

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

There may be beneficial impacts economically or to quality of life from quicker decisions in some instances given the wider pool of staff.

The actual impacts from this report’s recommendations will be reviewed regularly with programmed periodic evaluations. The criteria for monitoring and review will include: collating data on numbers of applications, time taken to determine, types of applications/work area pressures and general managerial feedback.

10. CONSULTEES:

- MCC Development Services Manager and Officers - 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.
- Development Plans 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.
- Glamorgan Gwent Archaeological Trust (GGAT) – provide guidance on all archaeological matters for the council.

11. **BACKGROUND PAPERS:**

See appendix A – Amended Planning Advisory Note incorporating changes made as a result of the consultation exercise. These are illustrated as tracked changes for the purposes of clarity in the report process. The final published version will just have the changes incorporate, amended formatting and the amended ASA boundaries defined. See appendix B - Consultation responses and suggested MCC response. See Appendix C – Wellbeing and Future Generations Assessment.

12. **AUTHOR:**

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