
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/03/16

**gan Clive Nield BSc(Hon), CEng,
MICE, MCIWEM, C.WEM**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13/04/16

Appeal Decision

Site visit made on 14/03/16

**by Clive Nield BSc(Hon), CEng, MICE,
MCIWEM, C.WEM**

an Inspector appointed by the Welsh Ministers

Date: 13/04/16

Appeal Ref: APP/E6840/A/15/3140244

Site address: 10 Abergavenny Road, Usk, Monmouthshire, NP15 1SB

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Matthew Hamar against the decision of Monmouthshire County Council.
 - The application Ref DC/2015/00263, dated 26 February 2015, was approved on 30 June 2015 and planning permission was granted subject to conditions.
 - The development permitted is the excavation of a car parking area to the front of the house, the removal of wall and earth, and construction of a retaining wall/car port area.
 - The condition in dispute is No. 5 which states: "The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Field Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist."
 - The reason given for the condition is: "To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the condition meets the 6 tests prescribed in the conditions circular (Welsh Government Circular 016/2014, The Use of Planning Conditions for Development Management), the most relevant to this appeal being that conditions should be: necessary; and reasonable in all other respects.

Reasons

3. Mr Hamar is concerned that the watching brief and report would cost at least £600 and would appear to be unnecessary as many of the houses along this stretch of
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Abergavenny Road have had similar parking areas constructed over the years and no archaeological remains have ever been found. He explains that the excavation would be quite modest covering an area only 3.5 metres by 5 metres into the bank at the same level as the road. He says this condition has not been imposed on any similar developments along the road and that his research, both anecdotal from neighbours and from whatever archaeological records he has been able to find, do not indicate any remains having been found along this stretch of road. A neighbour has also confirmed this.

4. The Council applied the condition on the recommendation of the Glamorgan Gwent Archaeological Trust, which advises the Council on such matters, and the Trust has explained why it made the recommendation. It says the site is alongside a Roman road connecting the fortress of Usk to the fort at Abergavenny and that in 1933 during the construction of these houses Roman remains were discovered on both sides of the road and that further investigations revealed an extensive Roman cremation cemetery on both sides. Thus it is of the opinion that there is a good chance further archaeological material might be uncovered when the appeal site is excavated. It also commented that artefacts may not have been found when similar excavations were carried out at other houses along the road because no archaeological watching briefs were in force.
5. I consider this explanation of the Roman cemetery to be a convincing argument to support the need for some sort of archaeological investigation. The question remains as to whether the terms of the condition are reasonable, bearing in mind the cost involved. Mr Hamar says he would be keen to inform the appropriate body when he proposes to carry out the excavation work but he considers the watching brief requirement to be too onerous. However, the Glamorgan Gwent Archaeological Trust has said this form of condition is the least onerous it recommends, and that is my experience too in circumstances such as these where there is a real chance something might be unearthed. Thus I consider it to be a reasonable requirement even though the development itself is fairly modest.
6. In conclusion, I consider the disputed condition meets the tests prescribed in the conditions circular, and for the reasons explained above I conclude that the appeal should be dismissed.

Clive Nield

Inspector