

Archaeology and Development

Draft Supplementary Planning Guidance

Checklist

All applicants/developers for schemes with archaeological aspects, or affecting gardens and designed landscapes are required to have regard to this SPG and should utilise the checklist below.

- Carry out early pre application consultation with the Local Planning Authority's Development Management service and Dyfed Archaeological Trust.
- Be aware of how development proposals could affect archaeological resources and the heritage environment (including Gardens and Designed Landscapes)
- Consult the Dyfed Archaeological Trust HER to determine if heritage or archaeological resources are present on potential development sites.
- If considering archaeological work in support of a planning application, ensure that you select competent and skilled expert consultants.
- Ensure all archaeological work in support of the planning process conforms to legislative requirements and follows the guidance set out in this SPG.

1. Introduction

- 1.1 This Supplementary Planning Guidance (SPG) elaborates and develops on the policies and provisions of the Adopted Carmarthenshire Local Development Plan (LDP). In so doing it seeks to protect the archaeological heritage of the County, and its setting, by advising how development proposals can best take account of archaeological issues. Whilst the presence of archaeological remains does not necessarily preclude development it is recognised that they represent an important finite source of information about the past. Consequently their investigation and, where appropriate, preservation is important in its own right and can provide an invaluable educational and tourism resource.
- 1.2 This SPG will provide detailed information and guidance on the handling of archaeology in the planning process. It will also identify national policies as contained within Planning Policy Wales and Welsh Office Circular 60/96 – Planning and the Historic Environment: Archaeology, as well as local policy considerations.
- 1.3 It also provides further detailed information on the Authority's development management requirements and procedures and will upon adoption be a material consideration in the determination of planning applications.
- 1.4 As applicants/developers will be expected to meet the costs of archaeological work, this document will assist in guiding non-specialists through the planning procedures and archaeological work that may be involved. Information on professional archaeological contractors may be obtained from the Chartered Institute for Archaeologists (CIfA) or the British Archaeological Jobs Resource (BJAR).
- 1.5 In recognition of Carmarthen Town's special historic significance and high archaeological potential, this guidance provides additional specific information in relation the procedures and requirements of the planning process.
- 1.6 It is an offence, punishable by fine, to do works to a scheduled monument without first obtaining scheduled monument consent. It is also an offence to damage or destroy a scheduled monument. The maximum penalty for this is an unlimited fine and/or a period of two years' imprisonment.

2. The Historic Environment of Carmarthenshire

- 2.1 Carmarthenshire is recognised as an area of special historic significance. Its landscape is diverse, extending from the coastal plains in the south through gently rolling hills, which rise up to the Brecon Beacons and Cambrian Mountains in the north-east. This ancient landscape of natural geological formation has been crafted and exploited over thousands of years by human activity, which has left its indelible signature on the County. All this landscape is therefore historic and significant though some areas, such as the Tywi Valley, have been identified as having special historic value and have been included in the national *Register of Landscapes of Outstanding Historic Interest in Wales* and *Register of Landscapes of Special Historic interest in Wales*.
- 2.2 Carmarthenshire County Council considers that the historic environment of the County has high value not just in its rich historic and archaeological inheritance but also in the benefits it can bring to the present and future. It contributes significantly to our modern lives giving us a sense of place and identity. It also offers significant economic benefit attracting visitors to the county.
- 2.3 In definition the historic environment has been described as follows:
- The past is all around us. We live our lives, whether consciously or not, against a rich backdrop formed by historic buildings, landscapes and other physical survivals of our past. But the historic environment is more than just a matter of material remains. It is central to how we see ourselves and to our identity as individuals, communities and as a nation. It is a physical record of what our country is, how it came to be, its successes and failures. It is a collective memory, containing an infinity of stories, some ancient, some recent: stories written in stone, brick, wood, glass, steel; stories inscribed in field patterns, hedgerows, designed landscapes and other features of the landscape. [The Historic Environment: A Force for Our Future. DCMS 2001]*
- 2.4 The historical and archaeological inheritance of Carmarthenshire is exceptional. Within the landscape evidence survives for early farming and forestry practices, settlements and dispersed farmsteads, mineral exploitation, military conquest, religion and communication. The County is studded with important archaeological sites of all periods, ranging from Palaeolithic cave sites, funerary and ritual monuments and hill-forts of the prehistoric periods, to Roman forts, roads and settlements (including the important town of Carmarthen), and to the castles, monastic sites and nucleated settlements of the Anglo-Normans and post-medieval and industrial and military remains.
- 2.5 Through the land-use planning system, and in accordance with national policy and legislation, the Council will seek to safeguard our historic environment and ensure that sites of historic and archaeological significance are not needlessly destroyed or damaged.

3. National and Local Policy

- 3.1 In the United Kingdom, the protection of ancient monuments and archaeological remains of national importance is statutorily governed under the provisions of the **Ancient Monuments and Archaeological Areas Act 1979**. In Wales Cadw, on behalf of Welsh Government, maintains a schedule of nationally important sites, which meet strict criteria for inclusion and protection. It is an offence under law to demolish, damage, alter or fly-tip on these scheduled sites without the written consent of Welsh Government through Cadw, the Welsh Historic Monuments Directorate of the Welsh Government.
- 3.2 The protection of other non-scheduled ancient monuments or archaeological remains, which may have national or regional significance, is required by Government legislation, notably the provisions of the **Town and Country Planning Acts** and the national planning policy framework in Wales. In Carmarthenshire these historic sites are officially identified in the databases of the regional Historic Environment Record (HER), held and maintained by Dyfed Archaeological Trust (DAT) and have been adopted by resolution of Carmarthenshire County Council in fulfilling its statutory planning function.
- 3.3 For certain types of development (listed in Schedules 1 and 2 to the **Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999**) formal environmental impact assessment (EIA) may be necessary. Where EIA is required, the developer must provide an environmental assessment setting out the information specified in Schedule 3 to the Regulations about the site and the likely significant effects of the proposed development on the environment. This should include information relating to any significant effects on material assets and the cultural heritage, such as archaeological features and other human artefacts, and the measures envisaged to avoid, reduce or remedy such adverse effects.
- 3.4 It is noted that the **Historic Environment (Wales) Bill** is progressing through the National Assembly for Wales with a view to receiving Royal Assent in the spring of 2016. The Bill forms part of a suite of legislation, policy, advice and guidance that seek to make important improvements to the existing systems for the protection and sustainable management of the Welsh historic environment. In broad terms, the Bill gives more effective protection to listed buildings and scheduled monuments, enhances existing mechanisms for the sustainable management of the historic environment, and introduces greater transparency and accountability into decisions taken on the historic environment.
- 3.5 The outcomes of the respective stages towards the Royal Assent will be monitored with the content of the final Act and secondary legislation etc reflected in future iterations of this SPG.

Planning Policy Wales (Edition 7, July 2014),

- 3.6 Planning Policy Wales (PPW) provides the overarching context for sustainable land use planning policy in Wales, states that:

“6.1.1 It is important that the historic environment encompassing archaeology and ancient monuments, listed buildings, conservation areas and historic parks, gardens and landscapes – is protected. The Welsh Government’s objectives in this field are to:

.....• *protect archaeological remains, which are a finite and non- renewable resource, part of the historical and cultural identity of Wales, and valuable both for their own sake and for their role in education, leisure and the economy, particularly tourism;.....”*

“6.1.2 Local planning authorities have an important role in securing the conservation of the historic environment while ensuring that it accommodates and remains responsive to present day needs.”

*“6.5.1 The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application, whether that monument is scheduled or unscheduled. Where nationally important **archaeological remains**, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. In cases involving lesser archaeological remains, local planning authorities will need to weigh the relative importance of archaeology against other factors, including the need for the proposed development.”*

Welsh Office Circular 60/96 – Planning and the Historic Environment: Archaeology

- 3.7 Circular 60/96 sets out detailed advice on legislation and procedures relating to the handling of archaeological matters in the planning process. Applicants and developers are required to discuss their preliminary plans with the Local Planning Authority (LPA) at an early stage and to undertake, as part of their research into the development potential of a site, an initial appraisal of the site to establish whether it is known to, or likely to contain archaeological remains. Further detail in relation to the content of Welsh Office Circular 60/96 is set out within Appendix 2 of this SPG.

Welsh Government Circular WGC 016/2014 - The Use of Planning Conditions for Development Management

- 3.8 This circular updates the information and guidance to be used by local planning authorities when drafting planning conditions. In this respect, Welsh Office Circular 35/95 gave advice about the use of planning conditions. Much of that advice remains relevant, but it contains a number of references to legislation and guidance which have either been replaced or amended since the circular was published. Circular WGC016/2014 takes account of Court decisions and includes references to current case law examples as well as an expanded appendix containing ‘model’ conditions. It also brings outdated references up to date and incorporates additional policy advice and guidance issued since 1995, for example, in Technical Advice Notes.
- 3.9 Regard should be had to its content in relation to Archaeology and its model conditions 22 to 24 in relation to ‘**Archaeology (watching brief)**’ and ‘**Archaeology (archaeological investigation)**’.

Carmarthenshire Local Development Plan

- 3.10 The LDP is the statutory development plan for the County (excluding that area covered by the Brecon Beacons National Park) and provides the local policy framework against which proposals for development will be considered. The importance of the built and

historic environment is a central theme within the LDP running through from the Plan's Vision and Strategic Objectives into the strategic and specific policies.

- 3.11 The LDP provides a policy framework which seeks to reconcile the need for development with the interests of conservation, including the historic environment. In this strategic aim it provides key policies for the understanding, protection, enhancement and preservation of sites of archaeological interest and their settings. The LDP does not seek to unduly repeat national policy statements. The Council will therefore where applicable utilise primary legislation and national policy to assist in determining development proposals. Such policies also underpin the implementation of this SPG.
- 3.12 The LDP contains the following policies in relation to the protection of the historic environment of the County:

SP13 Protection and Enhancement of the Built and Historic Environment
Development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets (outlined below), and, where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- a) Sites and features of recognised Historical and Cultural Importance;
- b) Listed buildings and their setting;
- c) Conservation Areas and their setting;
- d) Scheduled Ancient Monuments and other sites of recognised archaeological importance.

Proposals will be expected to promote high quality design that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

Policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance

Proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.

Policy EQ2 Enabling Development

Proposals for enabling development that are essential to securing the long term future of a historic feature or building will only be permitted where:

- a) The benefit to the community from the continued existence of that building or feature outweighs the disadvantages of allowing permission;
- b) There is clear evidence that all other options have been proven not to be viable, including availability of financial subsidy;
- c) It does not materially harm the building or feature it is seeking to assist or its setting or the area in which it lies;
- d) The amount of enabling development and its scale is kept to the minimum necessary.

Proposals will be subject to an agreed programme of works. The condition or state of restoration of the building or feature must be in accordance with the programme of works prior to the enabling developments occupation.

4. Archaeology and the Planning Process

Local Planning Authorities (LPA) Role

- 4.1 Welsh Office Circular 60/96 – *Planning and the Historic Environment: Archaeology* - emphasises the key role played by LPA's for the protection of the Welsh historic environment. It states:-

“the key to the future of the great majority of archaeological sites and historic landscapes lie with local authorities, acting within the framework set by central government” [Section 7].

- 4.2 LPA's have a number of key responsibilities in relation to archaeological sites and monuments within their areas. For instance, they may have major remains, buildings or sites in their care; they may acquire ancient monuments and grant aid their preservation and can help to present and manage historic sites which contribute to the local landscape, amenities and economy of their area; finally they have a crucial role in safeguarding the archaeological heritage through their development control functions.
- 4.3 Currently Carmarthenshire County Council has no in-house archaeological expertise and therefore works closely with the DAT.
- 4.4 Where planning applications affect scheduled ancient monuments, or their setting, the Council will consult with Welsh Government through Cadw. (Para. 6.5.6 PPW)

The Role of Dyfed Archaeological Trust

- 4.5 Dyfed Archaeological Trust Limited is one of the four Welsh Archaeological Trusts. The Trust is both a Limited Company (No.1198990) and a Registered Charity (No 504616). The Trust is established to advance the education of the public in archaeology. It is committed to working to help protect, record and interpret all aspects of the historic environment. DAT DM provides comprehensive archaeological planning services on behalf of four Authorities (including Carmarthenshire County Council) and others engaged in development and land-use change, in both the private and public sectors.
- 4.6 It provides comprehensive archaeological services including information and advice as part of the planning process. The trust provides information from the HER, which provides guidance on whether there is an identified archaeological dimension and constraint to development. Advice on the course of action required to protect archaeological interests is also provided. The trust in working with the Council will seek to liaise with LPA officers and applicants/developers, monitoring archaeological work required as part of the planning process.

Scheduled Ancient Monuments and Cadw

- 4.7 A small proportion of the ancient monuments and archaeological sites in Carmarthenshire have statutory protection as Scheduled Ancient Monuments (SAM) under the Ancient Monuments and Archaeological Areas Act, 1979. Any works that affect these monuments will require scheduled monument consent from Welsh

Government. The setting of a SAM and its physical preservation are material considerations in the determination of any planning application.

- 4.8 Scheduled monument consent is separate from planning permission, and any work carried out to a SAM without consent is a criminal offence and is liable to prosecution under the 1979 Act. The granting of planning permission does not confer scheduled monument consent nor vice versa. For a site which is both scheduled and listed, scheduled monument legislation takes precedence over listed building requirements. In most cases the LPA would expect a planning application which affects a SAM to be accompanied by the necessary scheduled monument consent from Cadw. Where the provisions of the 1979 Act apply, their effect should also not be duplicated by planning conditions, although LPA's granting planning permission in such circumstances are advised to draw the attention of the applicant to the relevant provisions of the 1979 Act.
- 4.9 It should be noted that the LPA is required by law to consult with Cadw on any application likely to affect a SAM or its setting.
- 4.10 Further information on these protected sites can be obtained from Cadw or DAT.

The Historic Environment Record - Obtaining Early Information

- 4.11 Prospective applicants and developers are encouraged within Circular 60/96 (S.11) to seek early information and advice on their proposals prior to drawing up detailed designs or arranging finance. In their own interests developers should make an initial appraisal of whether a site is known or likely to contain archaeological remains. With this early information both the interests of archaeology and development can normally be reconciled through appropriate consideration and mitigation.
- 4.12 This information is available through the HER, which is maintained by the DAT. These records currently contain over 50,000 sites of known archaeological and historical interest across South West Wales.

Getting Early Planning Advice

- 4.13 Applicants/developers are advised to obtain early historic environment advice by consulting with the LPA and the Dyfed Archaeological Trust. Applicants/developers who do not consider historic environment issues at an early stage can be faced with unexpected and unnecessary delays and financial expense during the course of development. Managing this risk by obtaining early advice is considered vital to all parties concerned in the planning process.
- 4.14 Applicants/developers should also be aware that the LPA has commenced a new way of working in relation to the processing of planning applications. One of the main outcomes of these changes is the need to ensure that any submitted application is "clean" before it can be formally registered and go out to consultation. In order to achieve this, the LPA will seek to identify all issues before the formal registration of the application e.g. whether the scheme is acceptable or not, whether more information is required and whether there are any inaccuracies in the details applicants submit. Applicants are not required to agree to this approach, consequently applications which do not reflect the

benefits of “front loading” will be registered, but are at risk of refusal early in the determination period.

Requirements prior to the determination of applications

- 4.15 Early consultations will provide prospective applicants with advance warning of the archaeological sensitivity of their site. However, there will be occasions when insufficient information is available on the potential archaeological resource and the LPA will require further information before the application can be properly considered. Where insufficient information has been provided, the LPA may decide not to register a planning application, defer determination or can refuse to grant planning consent.
- 4.16 Planning Policy Wales, paragraph 6.5.2 and Welsh Office Circular 60/96, paragraphs 12, 13 and 14 state that, where important remains are thought to exist at a development site, applicants should provide further information on the archaeological resource prior to the determination of the application. This is required to ensure the LPA is fully informed of the archaeological potential and that appropriate mitigation to protect significant archaeological interests has been formulated and agreed in determining any application for planning permission.
- 4.17 The type of pre-determination archaeological work that may be required is varied ranging from desk-based assessment through to intrusive field evaluation or a combination of many techniques. These methodologies are elaborated on in Appendix 1.

Requirements following the determination of applications

- 4.18 When the LPA is satisfied that it has sufficient information on the historic environment, a planning application can proceed to determination. At this stage the LPA, with advice from DAT, can weigh the relative importance of the archaeological resource against other factors, including the need for the proposed development.
- 4.19 At this stage two main options, cited in paragraphs 17 and 18 of Welsh Office Circular 60/96 – *Planning and the Historic Environment: Archaeology*, are open to the Planning Authority. They are ‘*preservation in situ*’ and ‘*preservation by record*’.

Preservation of Archaeological Remains *in situ*

- 4.20 Where nationally important archaeological remains, whether scheduled or not, and their settings are affected by proposed development there will be a presumption in favour of their physical preservation *in situ*, i.e. a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. In these instances it may be appropriate for the LPA to refuse planning applications which would have a significant adverse impact on the historic environment.

Mitigation

- 4.21 In certain circumstances, the Planning Authority may require appropriate mitigation to be agreed in order to ensure the preservation *in situ* of significant archaeological remains. Applicants may therefore consider forms of mitigation designed to protect archaeology *in situ* whilst enabling their development.
- 4.22 Appropriate design solutions and construction techniques may allow archaeological remains to be sealed beneath buildings or through careful landscape design within development areas. Although the remains may remain inaccessible for the time being, they are effectively preserved for the future, when archaeological techniques of excavation and scientific analysis will undoubtedly be improved. In these instances, the LPA may seek assurances that buried archaeological material will remain secure after development through on-going monitoring procedure, or, in certain circumstances, the removal of permitted development rights.
- 4.23 Applicants intending to minimise the impact of their development on a known archaeological resource through mitigation proposals are advised in the first instance to seek the advice of DAT.

Preservation of Archaeological Remains by Record

- 4.24 Where remains of lesser importance are known to exist, the LPA may decide that the significance of the archaeological remains is not sufficient, when weighed against all other material considerations, including the need for development, to justify their physical preservation *in situ* and that the proposed development can proceed.
- 4.25 In such cases, the attachment of an appropriate planning condition may require the developer to make satisfactory arrangements for the excavation, recording, archiving and publication of the archaeological resource. This work, which may often be time-consuming and expensive, is generally considered a 'second-best' option and must be carried out prior to the commencement of the development.
- 4.26 Other conditions may require the applicant to carry out building recording prior to and during the course of development or arrange for an archaeological watching brief to be carried out by a professional archaeologist during development.
- 4.27 DAT on behalf of the LPA will consider the applicant's submitted archaeological scheme and advise the Authority. Where archaeological work is allowed to commence, DAT will monitor all the stages of the work to ensure compliance with planning conditions and the maintenance of appropriate archaeological standards as laid down by the ClfA.

Planning Conditions

- 4.28 Welsh Office Circular 60/96 addresses the use of planning conditions in respect of archaeology. Where a planning permission is granted for development which might affect land which is in an area considered to be of archaeological interest, the LPA may wish to impose conditions designed to protect the archaeological resource or ensure that reasonable access is provided to an archaeologist. DAT will be able to offer advice to

the LPA with regards to the location and extent of the known resource and make suggestions to reduce the potential conflict between development and preservation of archaeological remains. Conditions usually require that either a watching brief or archaeological investigation is undertaken. These conditions help to ensure that the archaeology is preserved and recorded.

- 4.29 These conditions should meet the criteria of being necessary, relevant to planning, relevant to the permitted development, enforceable, precise and reasonable. Advice notes may be provided to assist applicants on how to meet these conditions and successfully discharge their planning obligations.
- 4.30 Only when it is demonstrated that the conditions have been properly and fully met will the LPA consider discharging planning conditions. In cases where it is clear that applicants have not implemented the requirements of planning conditions, the Authority will consider the need for enforcement action.
- 4.31 In some areas, the exercise of permitted development rights can pose a risk to the archaeological resource and so when granting permission for certain developments the LPA may decide to remove these rights.

Monitoring

- 4.32 DAT on behalf of the LPA will normally monitor archaeological work to ensure compliance with planning requirements and the maintenance of high archaeological standards in the county. All archaeological work will be subject to monitoring from inception and project design, through fieldwork and the post–excavation processes, to the deposition of the resulting archive in an agreed repository and final publication.
- 4.33 The LPA will be advised by DAT on whether conditions can be discharged either in full or partially as the successive stages of the agreed archaeological programme of work are satisfactorily completed.

5. Procedures for Undertaking Archaeological Work

Responsibility for Costs

- 5.1 Archaeological work, particularly intensive excavation, can be time-consuming and expensive and meeting these costs is solely the responsibility of the developer. As part of a planning requirement, this work can involve not just fieldwork but also post excavation analysis, archiving and publication. There may also be costs relating to the conservation of artefacts, archiving and the storage of excavated archaeological finds.
- 5.2 Because of these potential costs, it is recommended that applicants for planning permission should seek early archaeological advice by discussing their proposals with relevant officers of the Authority and DAT. With good information on historic environment issues and constraints at an early stage in the formation of development proposals, applicants may be able to lessen the likely financial impact of their development through mitigation and avoidance of sensitive archaeological material.

Quality Control

- 5.3 It is the responsibility of applicants or developers, or their agents, to commission archaeological contractors to carry out work on their behalf and they will need to satisfy themselves of the ability of their chosen archaeological contractor to undertake this work.
- 5.4 The archaeological work must be undertaken by the staff of a competent and professional body. Appointed archaeological contractors should have appropriate experience, and should be managed by a Member of the Institute of Field Archaeology (MIFA), who is appropriately validated. The archaeological contractor must adhere to the Institute of Field Archaeologists' Code of Conduct and the Code of Approved Practice for the Regulation of Contractual Arrangements in Field Archaeology and to the relevant Standards and Guidance.
- 5.5 It is also recommended that, in the best interest of those commissioning archaeological work, that they ensure that contractors have appropriate professional indemnity or other insurances.

Human Remains

- 5.6 Where human remains are encountered as the result of archaeological work developers must adhere to legislation and best-practice procedures for handling this sensitive material. When discovered, human remains must always be left *in situ*, covered and protected sensitively. No further investigation should be undertaken and the local Coroner, the Council and Dyfed Archaeological Trust must be informed immediately.
- 5.7 If removal of the remains is essential a licence must be obtained from the relevant Secretary of State in accordance with Section 25 of the Burial Act 1857. These issues and further advice are currently contained in Annexe S3 of English Heritage's Guidance for Best Practice for Treatment of Human Remains Excavated from Christian Burial Grounds in England: 2005.

Historic Parks and Gardens Register

- 5.8 Carmarthenshire contains a large number of important historic gardens and parklands, many of which are contained within the Carmarthenshire section of the *Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales*, published by Cadw. The Register provides information, to help ensure that the historic character of the landscape is sustained, and that where change is contemplated, it is well-informed. Reference should be had to the companion good practice guide which explains how the Register should be used in assessing the effect of major developments on the historic landscape.
- 5.9 For planning applications that may affect sites of Grades I and II*, and their essential settings, the Council will actively seek the advice of Cadw when assessing the suitability of proposals. For Grade II sites and other non-registered sites of local interest, the views of DAT, the Garden History Society and the Welsh Historic Gardens Trust will where appropriate be considered.

Historic Landscapes Register

- 5.11 Parts 2.1 and 2.2 of the non-statutory *Register of Landscapes of Historic Interest in Wales* contain information on historic landscapes of outstanding or special historic interest. These landscapes have been recognised as areas of “*the nation’s most valuable cultural assets, and as special, often fragile and irreplaceable parts of our heritage*”.
- 5.12 In Carmarthenshire seven historic landscape areas have been recognised and registered namely:
- Black Mountain and Mynydd Myddfai
 - Tywi Valley
 - Dolaucothi
 - Taf and Tywi Estuary
 - Drefach and Felindre
 - Lower Teifi Valley (part)
 - Preseli (part)
- 5.13 Paragraph 6.5.24 of PPW states that: “*Local planning authorities should protect parks and gardens and their settings included in the first part of the ‘Register of **Landscapes, Parks and Gardens** of Special Historic Interest in Wales’. Cadw should be consulted on planning applications affecting grade 1 and II* sites and the Garden History Society should be consulted on all parks and gardens on the Register. Information on the historic landscapes in the second part of the Register should be taken into account by local planning authorities in considering the implications of developments which are of such a scale that they would have a more than local impact on an area on the Register (see Para 6.4.9). The effect of proposed development on a park or garden contained in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, or on the setting of such a park or garden, may be a material consideration in the determination of a planning application.*”

- 5.14 To assist applicants for planning permission, Cadw, Natural Resources Wales (in the guise of the former Countryside Council for Wales) and the four Welsh Archaeological Trusts have prepared the *Guide to Good Practice on Using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process* (Revised 2007). This document includes a Technical Annex – *Assessment of the Significance of the Impact of Development on Historic Landscapes Areas*, otherwise known as the ASIDOHL methodology.
- 5.15 ASIDOHL provides guidance on the application of the process and on the technical steps involved in assessing the impact of development on Carmarthenshire’s historic landscapes. In the first instance it is recommended that applicants should seek the advice of DAT on whether their development is of such a scale to warrant an ASIDOHL assessment and on what steps they should take in preparing their documentation for the purposes of the planning process.

Historic Landscapes of Regional or Local Importance

- 5.16 Not all historic landscapes in Wales are considered to be of national importance or are currently contained within the *Register of Landscapes of Historic Interest in Wales*. Many other, discreet landscapes of regional or local importance exist and are significant for the historical, archaeological, cultural or intrinsic value they bring to their communities.
- 5.17 Where such historic landscapes are recognised and an Environmental Impact Assessment is necessary, applicants/developers will be required to undertake an assessment of the impact of the proposed development on the historic landscape. This requirement is established through the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 [SI 1999 No 293] as amended, and as set out within Welsh Office Circular 11/99 *Environmental Impact Assessment*.
- 5.18 In the first instance applicants are recommended to consult with DAT on whether their development is likely to impact on a non-registered historic landscape and what course of action may be required to assess and mitigate this impact.

Other Environmental Considerations

- 5.19 Archaeological site work, which has been commissioned by an applicant prior to the determination of an application or as part of a consented development, may impact on other environmental interests, such as habitat, hedgerow, ground water, fauna and flora, etc. It is the responsibility of both those commissioning intrusive archaeological work and those carrying out the work that they consider whether there may be other environmental impacts resulting from their activities. Further advice should be sought from the LPA and DAT.

6. Carmarthen Town

- 6.1 In terms of its historical and archaeological importance, Carmarthen, as the oldest continually inhabited town in Wales, has exceptional value. Since its foundation by the Roman military in the 1st century AD, Carmarthen has been continuously occupied up to the present time. Each period of the town's past has left its own distinct legacy or imprint, which survives in the layered record of archaeological remains. Excavations over the past 40 plus years have demonstrated the excellent survival and richness of this valuable resource, which, in most instances, is the only information now available to us to understand the origins and complicated development of the town and the lives of its former inhabitants.
- 6.2 The buried remains of Roman Carmarthen, a town some 33 acres in extent, are nationally important, as is the evidence for later occupation in the Early Medieval Period (so-called 'Dark Ages'), Medieval and Post-medieval periods. Where Roman military and urban deposits have been encountered in Carmarthen, the quality of the surviving archaeological material, protected beneath later deposits, has proved to be extremely high. Much still needs to be understood about the Roman street plan and structures, including the main administrative, civic and religious buildings of the early town.
- 6.3 Although little is known about the period following the collapse the Western Roman Empire, it is highly probable that some form of occupation continued at Carmarthen between the 5th and 11th centuries during the period of the emergence of a distinct Welsh language and culture. The archaeological information, which will illuminate this largely unknown period of Carmarthen's history, may survive in distinct areas in and around the former Roman town, such as on the cult site of Llanteulyddog, later occupied by the medieval Priory. The Norman Conquest of West Wales in the late 11th century brought with it the erection of a strategically important Royal castle at Carmarthen around which developed a substantial town and inland port. The Post-medieval period witnessed an extension of the town's defences during the 17th century Civil War and the phased enlargement of the residential and commercial areas of the town.
- 6.4 Because of Carmarthen's known historical and archaeological significance, Carmarthenshire County Council, together with Cadw, commissioned the *Carmarthen Historic Town Survey*, a report that draws together current information on the historical development of the town and provides a framework for sustainable development within the planning process. This report provides guidance for applicants seeking planning permission. Consequently potential developers in Carmarthen are recommended to consult this document before drawing up any proposals.
- 6.5 Derived from the 'Urban Historic Character Areas', Planning Advice Zones have been defined. These are intended for everyday use by planning officers to provide information and support, particularly during discussions relating to pre-planning applications with potential developers. Where applicable, developers will be expected to provide the results of archaeological field evaluation and information on foundation design in support of their planning applications.

Contacts:

Appendix 1 Development Management – Archaeology within the Planning Application Process

- A1.1 The following sets out the main types of archaeological work which may be required as part of the planning process. The Council may require applicants to provide information in the form of an archaeological evaluation before determining any application. This evaluation may be limited to a desk based study, or may require intrusive investigation of the application site. Failure on the part of the applicant to provide information to the council's satisfaction may result in any planning application being refused. The required archaeological work may need to be carried out prior to the determination of a planning application, or to meet the requirements of post-consent planning conditions. All archaeological work must be carried out by professional archaeologists to the relevant Standard and Guidance of the Institute of Field Archaeologists.
- A1.2 DAT on behalf of the Council will, when requested, provide design briefs for archaeological work in order to ensure that the work undertaken meets the precise requirements of the planning process. These briefs can assist applicants in commissioning archaeological work and providing detailed specifications or written schemes of investigation (WSIs) for the Authority's approval.

Appraisal

- A1.3 An appraisal may be utilised as a lesser form of desk-based assessment (see below) having the single objective of providing an informed answer to the question of whether there is an archaeological dimension to be considered in the determination of an application, and whether this needs to be clarified through further investigation.
- A1.4 The work normally involves the rapid consultation and professional interrogation of readily available information, including early maps and aerial photographs, held in the regional HER. An essential element of the appraisal is a walkover survey of the site and examining available geotechnical data. DAT HM will generally issue a brief with all appraisal recommendations.

Desk-based assessment

- A1.5 In order to understand the archaeological potential of a site, developers should seek to undertake a desk top study in advance of submitting a planning application. Alternatively, such a study may in appropriate circumstances be a condition of planning approval.
- A1.6 A desk-based assessment should identify the known or potential archaeological resource within a specified area or site on land, inter-tidal zone or underwater. It consists of a collation of existing written, graphic, photographic and electronic information in order to identify the likely character, extent, quality, and worth of the known or potential archaeological resource in a local, regional, national or international context as appropriate. A walkover survey is considered an essential element of any desk-based assessment.

- A1.7 The desk top study should assess the site for the type, extent, likely date, nature and depth of archaeological remains and if the archaeology extends off site. It should also assess the potential visual impact of the development on archaeological sites within agreed search areas.
- A1.8 The desk-based assessment should lead to one or more of the following options:
- The formulation of a strategy to ensure the recording, preservation or management of the resource.
 - The formulation of a strategy for further investigation, whether or not intrusive, where the character and value of the resource is not sufficiently defined to permit a mitigation strategy or other response to be devised
 - The formulation of a proposal for further archaeological investigation within a programme of research.
- A1.9 For both appraisals and Desk-based Assessments, the archaeological contractor will be required to agree search areas for the study with DAT DM before any request is made for a HER search. Specifications should also be submitted for the work. Similarly with specifications and WSIs submitted for field investigation – DAT HM will recommend the approval of the submitted documents to the LPA.

Field Investigation – On site

- A1.10 A field investigation or evaluation should be conducted by a professionally qualified archaeologist or organisation with Circular 60/96 making reference to the IFA, now the Chartered Institute of Archaeologists (CIfA). The Council will request a field evaluation where it has good reason to consider that a significant archaeological resource is present on an application site.
- A1.11 An evaluation may take the form of a limited programme of intrusive fieldwork which determines the presence or absence of archaeological features and enables an assessment of their relative worth in a local, regional, national or international context as appropriate. The programme of work will result in the preparation of a report and ordered archive. In certain circumstances, this will be preceded by a programme of non-intrusive work such as fieldwalking, earthwork survey or geophysics.
- A1.12 The work will normally involve rapid trial trenching by means of archaeologically supervised mechanical excavation. The number, location and rationale for these trenches must be agreed with DAT prior to the commencement of the work. The evaluation areas must be cleaned to an appropriate standard to prove the presence, or absence, of archaeological features and to determine their significance. In each area the excavation of the minimum number of archaeological features, to elucidate the character, distribution, extent, date and importance of the archaeological remains is undertaken. In each area sufficient excavation will be undertaken to ensure that the natural horizons are reached and proven. If safety reasons preclude manual excavation, hand auguring may be used to try to assess the total depth of stratified deposits within each area.

- A1.13 The resulting report should be presented to the LPA as further information to inform the determination of any planning application.
- A1.14 Indications of buried human activity can be detected by the non-intrusive means of a variety of scientific methodologies and equipment. The main types of geophysical survey currently being used are magnetic susceptibility, magnetometer survey, earth resistance survey, caesium vapour gradiometers, ground penetrating radar, pseudosection and timeslices and electromagnetic prospection.
- A1.15 Site-specific geological conditions can have a major bearing on the quality of the results from such surveys and the type of survey that is appropriate in each circumstance can only be determined after initial testing of methodologies.
- A1.16 This work can often precede a field evaluation as the results of remote sensing can assist in determining the rationale for the number and location of trial trenches that might be required. It is unlikely that remote sensing on its own will provide the required information on an archaeological resource. Invariably, the results of these non-intrusive surveys will need to be tested ('ground-truthing') through the physical process of trial excavation.

Watching Brief

- A1.17 An archaeological watching brief is normally carried out during the course of approved development for the purposes of observing, excavating and recording archaeological remains that come to light during operations such as topsoil stripping or cutting foundation trenches. The work requires the presence of a professional archaeologist on site to carry out either an intensive or intermittent watching brief.
- A1.18 Developers should consider the implications of watching brief work, which results in the discovery of significant archaeological remains. Contingency measures should be put in place to meet such unforeseen circumstances which can have delay and cost implications. Where unexpected remains come to light, the watching archaeologist will be required to contact DAT for further advice. Whilst this consultation takes place the development work directly impacting on the archaeological resource will normally be required to cease until arrangements have been put in place for appropriate archaeological recording. A report on the watching brief work, whether it has had positive or negative results, should be submitted to the LPA.

Full Excavation

- A1.19 Full archaeological excavation or 'preservation by record' is normally required where no other form of mitigation has proved practicable. It entails detailed and careful stratigraphic excavation and recording of archaeological deposits by professional archaeologists within a specified area. The work is carried out with defined research objectives and in a controlled manner normally ahead of the commencement of the development programme. The excavation will examine, record and interpret archaeological deposits, features and structures and, as appropriate, retrieve artefacts, ecofacts and other remains. The records made and objects gathered during fieldwork are studied and the results of that study are published in detail appropriate to the project design, as agreed with the LPA.

Monitoring Arrangements

A1.20 All archaeological work carried out within the planning process will be monitored from the inception of the project and fieldwork through to the deposition of a resulting archive and final publication.

A1.21 In general the purposes of monitoring by DAT on behalf of the LPA may be summarised as follows: -

- *To ensure the maintenance of high archaeological standards and best practice based on the Standards and Guidance issued by the Institute of Field Archaeologists.*
- *To ensure compliance with planning regulations and requirements.*
- *To ensure compliance with the brief provided by the planning archaeologist and the specifications submitted by the applicant for the approval of the LPA.*
- *To ensure the relevance of the further information gained by the work to the on-going planning process.*
- *To ensure that any recommendations made by the archaeological contractor are reasonable in planning terms.*
- *To ensure that any further recommendations resulting from the work are founded on detailed knowledge and are reasonable in planning terms.*
- *To help formulate, where required, an archaeological mitigation strategy, which could protect the archaeological resource whilst enabling the permitted development.*
- *To ensure compliance with planning conditions and their satisfactory discharging.*

A1.22 Where a pre-determination archaeological field evaluation is required, DAT will visit the site to ensure that the work being carried out is in accordance with the agreed specification and relevant to the on-going planning process. Notification of commencement, a projected timetable and a copy of the Health and Safety Risk Assessment to be submitted to them no less than 5 working days prior to the commencement of the work.

Appendix 2 Welsh Office Circular 60/96

A2.1 Welsh Office Circular 60/96 is the key policy document of the Welsh Government providing detailed guidance on the handling of archaeology in the legal land-use planning system in Wales. Applicants seeking planning permission are recommended to seek early advice on whether their proposals would have an archaeological dimension and to consult this important document.

A2.1 The key provisions of Circular 60/96 – *Planning and the Historic Environment: Archaeology* are:

“Archaeological remains are a finite and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction.” [Section 3]

“While the Welsh Office (through Cadw) has an important role to play, the key to the future of the great majority of archaeological sites and historic landscapes lies with local authorities, acting within the framework set by central government, in their capacities as planning, highways, education and recreational authorities, as well as with the owners and occupiers of sites themselves.” [Section 7]

“The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or unscheduled.” [Section 10]

“Where early discussions with local planning authorities or the developer’s own research indicate that important archaeological remains may exist, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken.” [Section 13]

“When planning applications are made without prior discussion with the local planning authorities, the authorities should seek to identify those applications which have archaeological implications, and to assess their likely archaeological impact by consulting the local authority Archaeological Officer, National Park Archaeologist or regional Welsh Archaeological Trust.” [Section 15]

“The case for the preservation of archaeological remains must be assessed on the individual merits of each case, taking into account the archaeological policies in development plans, together with all other relevant policies and material considerations, including the intrinsic importance of the remains and weighing these against the need for the proposed development.” [Section 16]

“Once the planning authority has sufficient information, there is a range of options for the determination of planning applications affecting archaeological remains and their settings.” [Section 17]

“Where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there should be a presumption in favour of their physical preservation in situ.” [Section 17].

“From an archaeological point of view excavation [i.e. preservation by record] should be regarded as a second best option... Excavation can be expensive and time-consuming... The preservation in situ of important archaeological remains is therefore to be preferred”. (Section 19)

“Archaeological investigations, such as excavation and recording should be carried out before development commences, working to a project brief prepared by the planning authority (with reference to their archaeological advisers)”. [Section 20]