



Mr David Buckley
Milton Keynes Council

Direct Dial: [REDACTED]

Our ref: P01092270
9 January 2020

Dear Mr Buckley

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND AT BRICKHILL STREET, SOUTH CALDECOTTE, MILTON KEYNES, MK17
9FE**

Application No. 19/01818/OUT

Thank you for your letter of 20 November 2019 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Summary

Historic England objects to this application on heritage grounds, due to the impact on the undesignated archaeological remains within the development site. Paragraph 197 of the National Planning Policy Framework (NPPF) requires impact on undesignated heritage assets to be taken into account. I advise that in determining this application you should consider that the total loss of archaeological remains of high significance is being proposed, partly by downplaying their significance and also without following good practice as to mitigation.

The construction of the development would also cause some harm (certainly less than substantial, and at the minor end of the scale) to the scheduled monument known as Roman Town of Magiovinium and Roman Fort. The harm would arise from the change to the setting of the scheduled monument. In determining the application this harm should be balanced against public benefit, as set out in the National Planning Policy Framework (NPPF) 2019, paragraph 196.

Historic England Advice

The applicant has submitted an Environmental Statement as an amendment to this planning application, to which we previously objected.

In my previous advice letter I advised on the setting of the scheduled monument as follows:



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My preliminary opinion is that the introduction of substantial built structures which will be visible above the hedge line from the scheduled monument (LDVIA Viewpoint 7) will constitute some harm, but certainly less than substantial harm, to the significance of the monument. The more the surroundings of the monument appear as urban, the less easy it is to appreciate the original rural hinterland of the Roman town. However I advise that the applicant be asked to provide a revised assessment of setting, which takes into account my comments above, and which makes use of the LDVIA. I also advise that the LDVIA should be revised to include wireframe montages covering views from the monument. The LDVIA recognises that scheduled monuments are highly-sensitive receptors (LDVIA Table 1), but does not then apply this for the Roman town.

The LDVIA has not been revised. Indeed, it still asserts that the development site is not an archaeological site (LDVIA, 3.35) despite the extensive remains found in the evaluation for this very project. No wireframe montages illustrating views from the monument have been provided to support the visual assessment given for Viewpoint 7, which in any case is summarised as a moderate significance of effect (LDVIA, 5.13) although that conclusion is not quoted in the heritage section of the ES. Otherwise the revised setting assessment in the heritage ES (5.17.19) relies on the comments from the Inspector's report about the general setting of the Greensand Ridge, which are not directly relevant to the setting of the scheduled monument. The assessment then goes on to consider the below-ground Roman and Iron Age archaeological deposits within the development site as part of an 'evidential setting' of the monument. This fundamentally misunderstands the concept of setting which is concerned only with how the monument is experienced. When taken together with other misunderstandings of heritage values (mentioned below), this undermines the credibility of the heritage assessment.

My conclusion on setting is that my original opinion is unchanged, i.e. that there will be some harm to the significance of the scheduled monument as contributed to by its setting. This will be less than substantial harm. There is no formal scale for less than substantial harm but in this case it would certainly be at the lower end.

With regard to the undesignated archaeological remains within the development site, these are of high significance and may be of national significance. I concur with and support the advice provided by the Milton Keynes Senior Archaeological Officer. In particular, please could you note the following points.

The sensitivity of the archaeological remains has been defined by the applicant as 'medium'. I advise that it is likely to be higher - in arriving at the level of medium I note that the applicant has:

considered the archaeological remains as a single entity rather than fully defining the different types for remains present - eg. all are 'characterised as hinterland', when





some are clearly not hinterland, but are the remains of a developed suburb along the Roman road;

downplayed the opinions of the specialist reports. For example, much of the material culture found in the evaluation is described as 'unexceptional' including the Roman brick. This directly contradicts the conclusions of the brick specialist who states that "This amount of brick and tile is not usual for an evaluation and suggests that there is/are likely that there had been Romanised building(s) on site constructed with tiles and brick".

continued to insist that building surfaces will not survive, yet agreeing that ridge and furrow has protected the Roman remains. Given that road surfaces survive, it is very likely that building surfaces will also survive.

The assessment of significance of the archaeological remains, and of the significance of the impact, is flawed and confused (there are multiple matrices for assessment in the ES which do not concord internally or with the DRMB). Associative value of the heritage asset is also confused with evidential value. The ES goes on to conclude that the effect will not be significant, but even using the underplayed assessment of significance in the ES the environmental effect would be significant, due to the major impact. As the remains of the Roman road and neighbouring occupation are more likely to be of high significance (sensitivity), the significance of the effect would be higher still (major or severe).

Finally, good practice in considering mitigation is set out in DMRB (3.2.3), which states:

Environmental assessment and design shall incorporate mitigation measures using a hierarchical system as follows:

- 1) avoidance and prevention: design and mitigation measures to prevent the effect (e.g. alternative design options or avoidance of environmentally sensitive sites);*
- 2) reduction: where avoidance is not possible, then mitigation is used to lessen the magnitude or significance of effects;*
- 3) remediation: where it is not possible to avoid or reduce a significant adverse effect, these are measures to offset the effect.*

There is no evidence in the ES that a hierarchy has been used and mitigation by record (ie removal of the archaeological deposits) is simply assumed. This approach is therefore not good practice. I advise that the applicant should be asked to consider a redesign of the development layout which allows for the Roman road and neighbouring occupation remains to be preserved in situ.

Paragraph 197 of the NPPF deals with undesignated heritage assets as follows: *The effect of an application on the significance of a non-designated heritage asset should*





be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. I advise that in determining this application you should consider that the total loss of archaeological remains of high significance is being proposed, partly by downplaying their significance and also without following good practice as to mitigation.

Please refer to my previous letter for further detail regarding significance of archaeological remains, and assessment of setting impact.

Recommendation

Historic England objects to the application on heritage grounds.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Please contact me if we can be of further assistance.

Yours sincerely

David Wilkinson

Inspector of Ancient Monuments

E-mail: [REDACTED]

cc: Nick Crank, Senior Archaeological Officer, Milton Keynes Council

