

## DEVELOPMENT MANAGEMENT CONSULTATION AMENDED CONSULTATION RESPONSE

From: N Crank, Snr Archaeological Officer	Our Ref: 19/01818/OUT
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**Application no: 19/01818/OUT**

**Proposal: Outline application including access for the development of the site for employment uses, comprising of warehousing and distribution (Use Class B8) floorspace (including mezzanine floors) with ancillary B1a office space, general industrial (Use Class B2) floorspace (including mezzanine floors) with ancillary B1a office space, a small standalone office (Use Class B1) and small café (Use Class A3) to serve the development; car and HGV parking areas, with earthworks, drainage and attenuation features and other associated infrastructure, a new primary access off Brickhill Street, alterations to Brickhill Street and provision of Grid Road reserve to Brickhill Street with appearance, landscaping, layout and scale to be determined as reserved matters (Environment Statement received)**

**At: Land At Brickhill Street, South Caldecotte, Milton Keynes, MK17 9FE**

**PLEASE COMPLETE THE BELOW FORM AND RETURN TO:**



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### CONSULTEE ADVICE

Based on the information provided (please tick one):

Objection\*

\* Where the Consultee believes their objection cannot be overcome by any amendments or additional information.

### RELEVANT PLANNING POLICY

**Town & Country Planning (EIA) Regulations 2017 & Guidance**

**NPPF Ch. 16, in particular 189-198:**

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. **Substantial harm to or loss of:**

b) **assets of the highest significance**, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, **should be wholly exceptional** – footnote 63: **Non-**

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**designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.**

197. 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.

**Plan:MK Policy: HE1:**

D. Granting of permission for proposals that result in substantial harm to or total loss of the significance of a designated heritage asset will only be exceptional or wholly exceptional in accordance with national policy and guidance.

F. Proposals that result in harm to the significance of non-designated heritage assets will be resisted unless the need for, and benefits of the development clearly outweigh the harm, taking into account the asset's significance and importance, and only once all feasible solutions to avoid and mitigate that harm have been fully implemented.

**Plan:MK Policy SD1 (19):** Development should... ensure consideration is given to the historic environment in accordance with HE1.

**Plan:MK Policy SD9 GENERAL PRINCIPLES FOR STRATEGIC URBAN EXTENSIONS:**

Proposals... to be supported by or incorporate: An archaeological investigation (with reference to the Historic Environment Record and further assessment if required)... **to inform the layout of development.**

**Plan:MK Policy SD14 (9):**

**9.** A desktop Archaeological Assessment should be undertaken to understand the likely presence of archaeological remains within the site. The recommendations of the Assessment will be implemented prior to each phase of development commencing. It may be necessary to undertake a field investigation to understand the archaeological potential and significance of this site **and to inform the layout of development.**

### KEY CONSIDERATIONS

1. Proposed development will lead to the total loss of significant buried archaeological remains of probable national significance comprising a metalled Roman street (c.250m in length) and adjacent areas of urban settlement (buildings) forming part of the Roman town of Magiovinium.
2. Heritage Assessment is unsatisfactory in its characterisation of the most significant buried archaeology.
4. No clear and convincing justification for total loss of heritage assets of archaeological interest or adequate consideration of alternative forms of mitigation e.g. by retention of most significant remains within an amended layout.
5. Environmental Impact Assessment methodology is inconsistent leading to conclusion that proposal will not have a significant environmental effect in relation to archaeology.

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### CONSULTEE ASSESSMENT

#### Background

The staged archaeological evaluation and assessment of the application site commenced in 2015 with the production of a desk based assessment which identified the potential for the presence of extensive and significant archaeological remains related to the nearby scheduled *Roman Town of Magiovinium and Roman Fort* (National Heritage List no. 1006943). Magiovinium is named in the 3rd century AD 'Antonine Itinerary' and is the only scheduled Roman town in Buckinghamshire.

The subsequent geophysical survey and trial trench evaluation confirmed the presence of archaeological remains dating from the Iron Age to post-Medieval period. Of particular significance are the remains of a Roman street (c.250m in length) and adjacent areas of urban settlement, craft and industry associated with, or forming part of, Magiovinium located in the southern part of the site – referred to by the applicant as 'Unwins Land' (Area 2 shaded orange on Fig. 1 below).

This buried archaeology survives particularly well as it is overlain by a substantial area of well-defined ridge and furrow earthworks representing part of the former medieval open fields of Bow Brickhill parish. This indicates that, unlike the majority of the nearby scheduled monument, this area of the Roman town has not been subject to potentially damaging modern ploughing.

Key points regarding this area of well-preserved remains are:

1. The remains date from the 1<sup>st</sup> to the 4<sup>th</sup> centuries AD with indications of underlying earlier Iron Age activity.
2. A roman road / street comprising a cambered metalled surface of between 4.5m and 10.7m in width survives to a length of c.250m.
3. There is evidence for substantial buildings including some of brick construction with tiled roofs.
4. High status pottery is present including regional wares and imported decorated Samian wares (France) and amphorae (Spain), as well as indications of pottery kilns, iron working and other craft activities.

This amended application includes a Supplementary Heritage Assessment (SHA) as the previously submitted assessment was regarded as inadequate. An Environmental Statement (ES) containing a chapter on 'Heritage and Archaeology' (Ch. 5) has also been included in response to an EIA Screening Direction from the Secretary of State which considered that the development is:

Likely to have significant effects on the environment, in particular the potential to impact on heritage assets which are either of national importance, or potentially of national importance.

The development proposal will result in the total loss of buried archaeological remains within the site boundary.

#### Assessment

As evidenced below:

1. I do not accept the assessment of the archaeological remains of the Roman Street and adjacent areas of urban settlement, craft and industry associated with, or forming part of,

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Magiovinium as being of regional or medium significance (Area 2 shaded orange on Fig. 1 below).

2. I do accept that the remainder of archaeological remains within the site outside of this area are of regional or lower significance.

The assessment provided by the applicant unhelpfully combines all the Iron Age and Roman buried archaeology together when making its conclusions, to the detriment of the most significant, complex and well-preserved remains, namely the Roman street and adjacent areas of urban settlement, craft and industry located in in the southern part of the site – referred to by the applicant as ‘Unwins Land’ (Area 2 shaded orange on Fig. 1 below).

In relation to these most significant remains the assessment briefly characterises the Roman street and associated remains but fails to acknowledge their complexity, degree of preservation, and the presence of substantial structural remains.

In contrast the trial trenching report concludes [**bold** here added for emphasis]:

- *Archaeological remains within these trenches were **generally complex**, and there were indications that some areas at least had been previously quarried and backfilled prior to the establishment of the enclosures. At least one **possible post-hole building** was identified, together with other discrete features and internal divisions. **A further building with a tiled roof** is indicated by the recovery of imbrex in trenches 8, 14 and 25. The pottery assemblage included a number of **high status** vessels including decorated samian wares.*
- *Evidence for **substantial structural remains** was present, as has been seen in the main parts of the Roman town.*
- *The results of the evaluation indicate that **the most significant area of archaeology** relates to the **settlement evidence flanking a short street** leading away from the core area of Magiovinium.*

The assessment also downplays the artefactual evidence, in particular the pottery recovered, failing to note the substantial size of the assemblage (31.9 kg), and failing to fully recognise the significance of the regional and continental elements by noting the presence of regional wares but not properly highlighting the presence of Gaulish Samian wares (France) and Baetican amphorae (Spain) which demonstrate continental links. Instead the ‘local character’ of the pottery is emphasised.

In contrast the trial trenching report concludes [**bold** here added for emphasis]:

- *The pottery assemblage represents a **substantial collection and range of wares**. The size of the assemblage is no doubt due to the presence of substantial occupation in the area, including the Roman street (p.44).*
- *The proportion of Samian represented in the assemblage is **moderately high** (p.47).*

Unusually, the remainder of the material culture is characterised as unexceptional, though it is not clear why this should be the case, particularly when in relation to the brick and tile recovered the trial trenching report (p.53) states:

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- *This quantity of Roman tile and brick, found in over 30 separate contexts is **significant**. This amount of brick and tile is **not usual for an evaluation** and suggests that there are Romanised building(s) in the vicinity of the evaluation trenches and close to the street constructed with tiles and brick.*

Further consideration of the evidential value of these remains is provided in sections 2.42 & 2.47 of the SHA which assesses their survival/condition. This correctly notes that the remains on the 'Unwins' site have a higher level of survival than those on adjacent areas as the area has not been subject to modern ploughing. However, the assessment then goes on to suggest that, other than the intact Roman street surface no other areas of buried floors or surfaces will survive due to truncation from the overlying ridge and furrow (the street itself surviving only because it coincides with a ridge).

That this 'widespread truncation' is not mentioned in the trial trenching report is noteworthy, particularly as the report does note significant truncation elsewhere on the site e.g. In the area of the D-shaped enclosure in the north of the site. The SHA also seeks to draw comparison with the archaeology on Neal's site 18 where it claims no surfaces were recorded, and site 17 which it notes as being affected by ridge and furrow. In relation to these assertions I note the following from Neal's report (Neal 1987):

- No reference to truncation of underlying archaeology due to ridge and furrow
- No mention of absence of surfaces in relation to Site 18
- Site 18 is described as containing occupation horizons with hearths in its later phases– This indicates probable surfaces as hearths are often associated with floor surfaces
- Site 17 contained various surfaces from the later phases of archaeology

Excavations on other sites adjacent to Magiovinium e.g. the Bathing Station and Galley Lane sites, also recorded multiple floor layers / surfaces (Neal 1987, 4).

With the above in mind, it seems unlikely that truncation due to ridge and furrow has had a significant negative effect on the buried archaeology in those parts of the site where ridge and furrow earthworks survive (Unwins and Woburn).

The research potential of the Roman period archaeology is also commented on in relation to the regional research frameworks, though there is no evidence that the archaeology was considered in relation to any national research priorities e.g. Historic England's Roman Research Strategy, which contains relevant research topics that relate to Roman small towns, their suburbs, and roads / routeways.

### **Justification for loss of Heritage Assets / Proposed Mitigation / Reasonable Alternatives**

The application fails to explain why the more significant areas of buried archaeological remains (specifically the Roman street and adjacent areas of Roman urban occupation) may not be protected and retained within an amended development layout. Contrary to Plan:MK Policies SD14 (9) & SD9 the archaeological constraints have not informed the layout of the development.



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The area of most significant archaeology, namely the Roman street and adjacent areas of Roman urban settlement within 'Unwins' land at c.4ha comprises at most 7% of the allocated site area, yet the examination of options for preservation in situ in the SHA (4.36) rules out this option on the basis that *all* the archaeological assets within the site (including those of least significance) comprise 20% of the allocated site. The option of just preserving the area of most significant archaeology is not considered.

### **Inconsistencies of Environmental Statement methodology**

The ES does not define what constitutes a 'significant environmental impact', though it does rule out such an impact in relation to archaeology. In determining the significance of effects arising from the development the ES first introduces table 1.1 (p.9, below, Fig. 2) which it states (1.3.6) is to be generally used within the ES. In chapter 5 (archaeology) a similar, yet significantly different table, table 5.3 (p.38, below, Fig. 2) is introduced during the discussion of impacts on archaeology. A further table 5.6 (p.70, below, Fig. 2) is introduced to summarise the effects on archaeology showing that in relation to buried archaeology a 'moderate minor' effect is predicted as a result of a major/high impact on a medium receptor.

However, if this result were based on the matrix in table 1.1 the result would lead to a 'Moderate to Major' impact. If table 5.3 were used the result would be a 'Moderate' impact. Neither matrix would result in the stated and less significant 'moderate minor' impact. It should also be noted that neither of these tables align fully with the matrix recommended in the DMRB Environmental Assessment Methodology, though table 1.1 comes closest. In comparison table 5.3 appears to work well to reduce the significance of environmental effects. It should be noted that DMRB defines significant effects as residual effects within the moderate, large or very large categories.

The above leads to the conclusion that, even if the flawed archaeological assessment is accepted the proposed development would lead to a Moderate to Major impact, constituting a significant environmental effect. If however, the assessment is rejected and the remains of the Roman street and adjacent areas of urban occupation are considered to be of high sensitivity/significance, the impact of the proposed development would lead to a Major impact (Large or Very Large on DMRB scale).

### **Conclusions**

**In my view the assessment put forward by the applicant seeks to reduce the significance of the archaeology within the proposed development site, in particular the Roman street and adjacent areas of urban settlement, craft and industry located in in the southern part of the site – referred to by the applicant as 'Unwins Land' (Area 2 shaded orange on Fig. 1 below). The assessment does not properly highlight the complexity, rarity, research potential, good state of preservation of these remains and their clear association with the nationally significant designated (scheduled) site of Magiovinium. In my view these remains, may be of equivalent significance to the scheduled monument, and therefore should be considered subject to the policies for designated heritage assets.**

**When considering the impacts of the proposed development on buried archaeology and how this may be mitigated, insufficient consideration is given to the conservation of the most significant remains within open space as part of a revised layout.**

**The Environmental Statement does not define what constitutes a significant environmental effect with regard to archaeology and the methodology used is inconsistent, acting to**

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reduce the magnitude of projected impact. Despite these shortcomings it is clear that the proposed development will lead to a significant environmental impact due to the total loss of buried archaeological remains within the site.

To conclude, the lack of a clear and convincing assessment of the significance of the affected heritage assets (in particular the most significant remains, comprising the Roman street and adjacent areas of urban settlement, craft and industry associated with the Roman town of Magiovinium) combined with the lack of a compelling justification for the total loss of these remains or attempt to minimise or avoid harm (e.g. through a revised layout) makes it difficult to support this proposal in its current form.

Furthermore, as the proposals would entail the total loss of non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments they need to be assessed against paragraph 195 of the NPPF. This states that: “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss”.

### *References cited*

DMRB 2019 (Revision 1) LA 104 Environmental assessment and monitoring

DMRB 2019 LA 106 Cultural heritage assessment

Neal 1987 Excavations at Magiovinium, Buckinghamshire, 1978-80, pp.1-124 in *Records of Bucks, Vol. 29*

Hunn et al 1995 Investigations at Magiovinium 1990-91: The Little Brickhill and Fenny Stratford Bypasses, pp3-66 in *Records of Bucks, Vol. 37*

## RECOMMENDATION

**Refuse**, due to unjustified total loss of designated (or of equivalent significance) and non-designated heritage assets of archaeological interest contrary to NPPF 193, 194, 194 & 197; Plan:MK Policy HE1 D & F; Policy SD1 (19); Policy SD9 & Policy SD14 (9).

Date response sent:	7 <sup>th</sup> January 2020
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### Figures



<b>Fig 4 Archaeological Areas</b> Roman period archaeology (beneath ridge and furrow) Iron Age & Roman Endosures Iron Age enclosure		South Caldecott		 London Cheltenham Kettering Newark Birmingham PART OF BPS www.cgms.co.uk Planning & Development Archaeology & Historic Buildings
		Not to scale Illustrative only	Date printed: 11/6/19	

Figure 1: Areas of archaeological interest



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Table 1.1 Matrix for Determining the Significance of Effects

Magnitude	Sensitivity of Receptor/Receiving Environment to Change/Effect			
	High	Medium	Low	Negligible
High	Major	Moderate to Major	Minor to Moderate	Negligible
Medium	Moderate to Major	Moderate	Minor	Negligible
Low	Minor to Moderate	Minor	Negligible to Minor	Negligible
Negligible	Negligible	Negligible	Negligible	Negligible

Table 5.3: Significance of Effects Matrix

Magnitude of Impact/Change	Sensitivity of Receptor				
	Very High	High	Medium	Low	Negligible
Major	Severe	Major	Moderate	Moderate or Minor	Minor
Moderate	Major	Major or Moderate	Moderate or Minor	Minor	Negligible
Minor	Moderate	Moderate or Minor	Minor	Negligible	Neutral
Negligible	Moderate or Minor	Minor	Negligible	Neutral	Neutral
No change	Neutral	Neutral	Neutral	Neutral	Neutral

Table 5.6 Summary of Effects – Heritage

Receptor	Sensitivity of Receptor	Nature of Potential Impact	Potential Effect	Proposed Mitigation	Residual Effect	Significant/Not Significant
<b>Construction Phase</b>						
Below ground Heritage Assets (archaeology)	Medium	Major	Moderate Minor	Investigation	Moderate Minor	Not significant
Above ground Heritage Assets (Ridge & Furrow)	Low	Major	Moderate Minor	Investigation	Moderate Minor	Not significant
<b>Operational Phase</b>						
Above ground Heritage Assets	High	Negligible	Minor	None	Negligible	Not significant

Figure 2: Tables / matrices used in Environmental Statement