

# Archaeology & Archaeologically Sensitive Areas

Supplementary Planning Guidance



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**Mae'r ddogfen hon ar gael yn Gymraeg / This document is available in Welsh**

## 1 Introduction

- 1.1 This Supplementary Planning Guidance (SPG) provides guidance on the city's archaeological heritage within the planning process.
- 1.2 Welsh Government support the use of SPG to set out detailed guidance on the way in which development plan policies will be applied in particular circumstances or areas. SPG must be consistent with development plan policies and national planning policy guidance. Before it is adopted, an SPG undergoes a period of public consultation and must be approved by the council. Upon adoption, SPG becomes a material consideration in the determination of relevant planning applications.
- 1.3 This document provides further guidance on how Policies KP17 and EN9 of the Cardiff Local Development Plan (LDP) 2006-2026 are to be implemented and to set out how archaeology will be addressed within the planning process. It details relevant national and local policies; how the known archaeological resource is registered and the data managed; how the planning process deals with archaeology and historic assets and defines the Archaeologically Sensitive Areas and the nature of archaeology.
- 1.4 Cardiff Council's area includes a wide variety of many historic and archaeological remains. These vary in age, extent and importance, but all are a finite resource. In some areas where there is a greater potential for archaeological remains to survive, Archaeologically Sensitive Areas (ASA) have been delineated.
- 1.5 All data is correct at the time of compilation (July 31<sup>st</sup> 2017). It is normal for figures to change on a regular basis and therefore for an up to date dataset of figures, GGAT HER should be contacted.
- 1.6 When adopted, this document will replace the existing SPG approved in 2006.

## 2 Defining Archaeology

- 2.1 Archaeological remains are an important finite source of information about the past. Their investigation and, where appropriate, preservation is important in its own right and can provide an invaluable educational and tourism resource. It is important to preserve this resource and to ensure that remains that maybe present are not destroyed through ignorance of their location and importance or through careless development. The effect of many types of development on these can be mitigated by a variety of means, and depend both on the type of development and the type of archaeological resource.
- 2.2 Archaeology means the study of human history through its physical remains; these remains include both above ground as well as below ground features. These remains tell how people in the past lived, worked, ate and drank, travelled and died. Evidence of this past activity can be represented by large or small scale remains; buildings, ruins, open landscapes, parks and gardens, single finds, scatters of finds such as at flint working sites.

- 2.3 Buried remains can include often ephemeral artefacts preserved in anaerobic conditions, organic materials such as leather and fabrics, as well as plant material. Identification of these remains can be made by physically intrusive, such as trial trenching, open excavation, sampling of soil, plants and archaeological finds, or non-intrusive intervention, such as geophysical survey, LiDAR, reviewing aerial photographs, historic maps regression, walk-over surveys, 3D laser scanning and modelling.

### 3 Roles and Responsibilities

- 3.1 In Wales, where local planning authorities do not have in house archaeological planning expertise, this is provided by the four regional Welsh Archaeological Trusts. In south east Wales, Glamorgan Gwent Archaeological Trust provide planning advice relating to non-designated archaeological remains.
- 3.2 Cadw, the Welsh Government's historic environment service gives advice on the protection and conservation of designated and statutorily protected sites such as scheduled monuments, listed buildings, historic landscapes, parks and gardens, World Heritage Sites, and battlefields.

### 4 Archaeology in Cardiff

- 4.1 The variety of archaeological remains in Cardiff's local authority area encompasses dates that range from the Palaeolithic period, the period prior to the end of the last ice age, Neolithic, the era of settled farming c5,000 to 2,500 years BC; through to modern 20th century military, and industrial sites. The nature of the remains differs hugely with Mesolithic and Neolithic finds scattered across the area, but with concentrations of activity at the Levels, with little evidence of structures or settlement, to extensive and heavily landscaped sites with large structures such as those around the docks and the 20th century civic centre and planned formal open areas.
- 4.2 Some sites such as the munitions works cannot be examined in isolation, forming part of a wider war effort. The same is important for the interlinked industrial infrastructure, dating from the late 18th century, with mineral extractive and metallurgical landscapes in the valleys to the north being transported to the docks by canal and rail. These latter systems are representative of and contributed to south Wales becoming a world leader in metallurgical industries such as iron, steel and copper, with international links for the export of coal and finished metals around the world.
- 4.3 Dense clusters of settlement such as in the centre of Cardiff city represent continuous settlement for over two thousand years, from the Roman period, and the archaeological resource will be a combination of upstanding buildings and deeply stratified (layered) below ground evidence of earlier settlement. Villages, including those now included in the urban area, with Medieval origins such as St Fagans, Llanishen and Llanederyn may also have shrunken in size following plague an economic decline, leaving buried remains of settlement.
- 4.4 Areas of greater archaeological potential or sensitivity may, therefore, have numerically few data points. For example, Medieval granges (farms owned by monastic communities and farmed by lay people) which were extensive in area of land, would have had relatively few buildings and are now preserved as place names, such as Grangetown, although Llystalybont, and Roath also had granges.

- 4.5 The nature of the remains differs hugely with the prehistoric pollen remains dated from deeply stratified deposits at Trident Park, scattered evidence of Mesolithic and Neolithic flint tools, and no evidence of structures, to extensive and heavily landscaped sites such as Cardiff Docks, and modern rail and canal infrastructure.

## 5 Processing of Archaeological Planning Enquiries

- 5.1 **Consultation with GGAT** archaeological planning, as the archaeological planning advisors to the local planning authority, **at the earliest stage of a development proposal is strongly recommended.**
- 5.2 If archaeological work is required, **it is important for the developer to employ an archaeological consultant or archaeological contractor at an early stage** to ensure work is undertaken to standard, avoiding delays.
- 5.3 Early consultation will help to determine if there is a significant constraint that may prevent development, or if there is an archaeological impact to a development. Supplying a red line outline boundary of the development area, to include any access tracks or roads, utilities connections and site compounds, plus a brief written description of the proposed development will be the first step. It is important to provide either an accurate grid reference or a georeferenced plan; also to quote any planning reference number.
- 5.4 The planning team will consult the Historic Environment Record, and where archaeological remains are known to exist or there is a potential for them to survive, there are initially two ways to proceed: pre-determination work, or post-determination as a condition.

## 6 National Policy Context

- 6.1 National Planning Policy for Wales is set out in Planning Policy Wales (Edition 9, November 2016): this is the land use policy for Wales and includes the historic environment, and is supplemented by Technical Advice Notes (TANs), and particularly in respect of the historic environment TAN 24: The Historic Environment.

### **Historic Environment (Wales) Act 2016**

- 6.2 The Historic Environment (Wales) Act 2016 makes important improvements to the existing systems for the protection of the Welsh historic environment; giving more effective protection to listed and scheduled structures and enhancing existing mechanisms for the sustainable management of the historic environment.
- 6.3 New measures include the creation of a statutory register of historic parks and gardens and of an independent panel to advise on historic environment policy and strategy; powers for local authorities to act swiftly if listed or historic buildings are under threat and for halting unauthorised works and works that damage scheduled monuments. It also secures a more stable future for the Historic Environment Records in Wales. Link to the Act: [www.legislation.gov.uk/anaw/2016/4/section/1](http://www.legislation.gov.uk/anaw/2016/4/section/1)

## Planning Policy Wales

- 6.4 Chapter Six of Planning Policy Wales, Conserving the Historic Environment, deals with the protection of the historic environment in Wales. Its objectives recognise the importance of the historic environment, archaeological remains and historic buildings as a finite and non-renewable resource, also as a resource for future generations. It notes the importance of the role of local planning authorities in securing this as part of their wider remit, and importance of collaborative and partnership working. The most recent to date (as of 31 July 2017) is Edition 9, published in November 2016. Link to current Chapter Six of Planning Policy Wales: [gov.wales/docs/desh/publications/161117ppw-chapter-6-en.pdf](http://gov.wales/docs/desh/publications/161117ppw-chapter-6-en.pdf)

### Technical Advice Note (TAN) 24: The Historic Environment

- 6.5 This is the Welsh Government TAN which supplements the Historic Environment (Wales) Act 2016, in respect of the historic environment and replaces the two Welsh Office Circulars 60/96 and 61/96. It should be read in conjunction with Planning Policy Wales, and the Welsh Government's Historic Environment Service (Cadw) best practice guides, all of which should be taken into account by local planning authorities in the preparation of their development plans and during the determination of planning applications.
- 6.6 The TAN's purpose is to provide guidance on how the planning system considers the historic environment during both the development plan preparation and decision making on planning and Listed Building consent applications. It provides specific guidance on:
- World Heritage Sites, their Outstanding Universal Value and setting
  - Scheduled Monuments, and their setting
  - Archaeological remains, all of which are a material consideration in determining a planning application, and their setting
  - Listed buildings
  - Conservation areas
  - Historic parks and gardens
  - Historic landscapes
  - Historic assets of special local interest.
- 6.7 In using the TAN for creating development plans via Sustainability Appraisals and Strategic Environmental assessments, the historic environment must be considered. It also contributes to the needs of a modern and accountable system for considering how changes affecting the historic environment are managed through the planning system.
- 6.8 The TAN also includes advice on Supplementary Planning Guidance (SPG) which may be developed and adopted by local planning authorities to assist them in delivering local development plan policies. Specific guidance relating to the historic environment might include:
- World Heritage Sites, and the preservation of the Outstanding Universal Value
  - Archaeologically Sensitive Areas
  - List of historic assets of special local interest
  - Characterisation to inform regeneration or enhancement of town centres
  - Design guidance for development briefs containing significant historic assets
  - Conservation Area management plans

- 6.9 TAN 24 also includes a glossary of terms, explanatory for reference to the historic environment: [gov.wales/docs/desh/policy/170531tan-24-the-historic-environment-en.pdf](http://gov.wales/docs/desh/policy/170531tan-24-the-historic-environment-en.pdf)

### **Wales Spatial Plan 2008**

- 6.10 The Wales Spatial Plan (2008 Update) provides a shared strategic direction, a plan upon which investment and development can be considered; it states and recognises that Wales as a whole and each of the regions is rich in archaeology and history, which is an integral part of its cultural identity. It provides context and direction for Local Development Plans and therefore for the management of the historic environment. Link to the 2008 Update: [gov.wales/docs/desh/publications/130701wales-spatial-plan-2008-update-en.pdf](http://gov.wales/docs/desh/publications/130701wales-spatial-plan-2008-update-en.pdf)

### **Well-being of Future Generations (Wales) Act 2015**

- 6.11 The Well-being of Future Generations (Wales) Act 2015 places duties on public bodies that include promotion and protection of heritage for sustainable futures. To enable this, it sets out seven goals for a sustainable improvement to the well-being of Wales' population, which are: a prosperous Wales, a resilient Wales, a healthier Wales, a more equal Wales, a Wales of cohesive communities, a Wales of vibrant culture and thriving Welsh language, and a globally responsible Wales.
- 6.12 Within this, it is acknowledged that the contribution made by understanding of the historic environment, the protection and promotion of culture to the well-being of Welsh life. As part of the Act, the Public Bodies listed are required to produce measurable outcomes relating to objectives and culture and historic assets re part of this. Link to the Act: [www.legislation.gov.uk/anaw/2015/2/pdfs/anaw\\_20150002\\_en.pdf](http://www.legislation.gov.uk/anaw/2015/2/pdfs/anaw_20150002_en.pdf)

## **7 Cardiff Local Development Plan 2006-2026**

- 7.1 Local policies complement the national and in the case of historic assets further set out how the local planning authority will address archaeology within the planning process.

### **Cardiff Council Local Development Plan 2006-2026**

- 7.2 The Local Development Plan acknowledges the importance of the built heritage and the archaeological heritage within Cardiff, and briefly expands on the range in date and type of the protected areas that give distinctiveness to Cardiff. The council seeks to address the issues of pressure or impact upon these by having two thematic policies within the Local Development Plan which relate to archaeological and heritage, and this Supplementary Planning Guide (SPG) which focuses on Archaeologically Sensitive Areas and containing measures to protect, manage and enhance the area's heritage assets and historic environment.

### **Policy KP17: Built Heritage (paragraphs 4.173 to 4.179)**

*Cardiff's distinctive heritage assets will be protected, managed and enhanced, in particular the character and setting of its Scheduled Ancient Monuments; Listed Buildings; Registered Historic*

*Landscapes, Parks and Gardens; Conservation Areas; Locally Listed Buildings and other features of local interest that positively contribute to the distinctiveness of the city.*

#### **EN9: Conservation of the Historic Environment (paragraphs 5.152 to 5.168)**

*Development relating to any of the heritage assets listed below (or their settings) will only be permitted where it can be demonstrated that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.*

- i. Scheduled Ancient Monuments;*
- ii. Listed Buildings and their curtilage structures;*
- iii. Conservation Areas;*
- iv. Archaeologically Sensitive Areas;*
- v. Registered Historic Landscapes, Parks and Gardens; or*
- vi. Locally Listed Buildings of Merit and other historic features of interest that positively contribute to the distinctiveness of the city.*

## **8 Historic Environment Records**

- 8.1 The Historic Environment Record (HER) is a national Wales database containing information on all known archaeological and historical sites. Provision for HERs and their maintenance is detailed in the Historic Environment (Wales) Act 2016, Part 4, Sections 35-37.
- 8.2 Cardiff Council does not have its own in house specialists to curate and maintain a HER itself, but has adopted the HER curated by Glamorgan Gwent Archaeological Trust. The HER is not, and will never be, a complete register as new sites, finds and archaeological information is being added regularly, ranging in date from the Neolithic through to Modern civic, military and industrial.
- 8.3 HER data concerning sites and find spots may occur in clusters, although this is dependent on period and type, some may be more widespread and related to landscape use and current understanding. A data point may refer to a single find or a building, but also to a larger area, for instance, scatters of flint tools, a Roman fort, a burial ground, or a linear feature such as a road, canal or railway.
- 8.4 Currently, recorded within the HER there are **28** Scheduled Ancient Monuments within Cardiff Council's administrative area, and **857** Listed Buildings and in excess of **1293** archaeological sites, including 298 events, which is information on archaeological work that has been undertaken.
- 8.5 However, it must be emphasised that the absence of a record on the HER does not mean that no archaeological interest exists in an area and Glamorgan Gwent Archaeological Trust will continue to monitor planning applications and advise the planning authority where proposed development could have an impact on unrecorded archaeological sites. The HER page on the Glamorgan Gwent Archaeological Trust website is at [www.ggat.org.uk/her/her.html](http://www.ggat.org.uk/her/her.html)



## 9 Archaeology in the Planning Process

### A: Early consultation at pre-planning stage

- 9.1 Early consultation regarding archaeology from the applicant/prospective developer to the local planning authority is encouraged within the planning system. In areas that are designated as ASAs or where archaeological material is suspected, early consultation and discussion with Glamorgan Gwent Archaeological Trust Archaeological Planning is recommended, who will make an initial search. Dependent on the results of this, a desk based assessment or field evaluation may be required to be undertaken prior to submitting a planning application (Planning Policy Wales, Chapter Six, Paragraph 6.5.6, TAN 24: The Historic Environment, Paragraphs 4.7 and 4.8). The results of these should be submitted as part of any planning application. Developers should note that the failure to submit information on the archaeological resource with the application could lead to significant delays in determining the application.
- 9.2 At this stage, any archaeological implications can then be identified and the appropriate mitigation strategy considered, if necessary, early within the consideration of the planning application. Planning Policy Wales (Paragraph 6.5.5) and TAN 24: The Historic Environment (Paragraphs 4.2 and 4.11) stress that there should be a presumption in favour of the physical preservation in situ of archaeological remains. However, if this is not justified given the circumstances of the case (PPW, Paragraph 6.5.7; TAN 24: The Historic Environment Paragraphs 4.12 to 4.15) then the developer should make appropriate and satisfactory provision for archaeological investigation and recording of the remains, and the results made available to the public.
- 9.3 They may also wish to submit details of any measures that have been incorporated into the design of the development in order to preserve the archaeological resource and any other strategies that will be in place to protect it. This will assist in the determination of whether an archaeological interest exists and, if so, whether the remains merit preservation *in situ* or “by record” (i.e. excavation) prior to development.
- 9.4 The local planning authority may require the applicant to commission a suitably qualified archaeologist to prepare an archaeological assessment of the site and/or to carry out an *archaeological evaluation* of the area (see Glossary of Terms for more details). The archaeologist should be either a Registered Organisation with the Chartered Institute of Archaeologists (CIfA) or have Member level membership (MCIfA); this ensures the appropriate experience, competence and expertise in dealing with complex archaeological projects. [www.archaeologists.net/regulation/organisations](http://www.archaeologists.net/regulation/organisations).
- 9.5 If it is necessary to undertake an *archaeological or historic environment desk-based assessment* (see Glossary of Terms for more details), the work (both the project design and final assessment report) should meet the Standards and Guidance for Archaeological Desk-Based Assessments set by the Chartered Institute for Archaeologists [www.archaeologists.net/sites/default/files/CIfAS%26GDBA\\_3.pdf](http://www.archaeologists.net/sites/default/files/CIfAS%26GDBA_3.pdf). A desk-based assessment may provide sufficient information to preclude the need for field work prior to the submission of the planning application and it is recommended that GGAT are consulted on this. If sufficient information has been gathered, then an appropriate site strategy should be prepared for submission.

- 9.6 The results of an assessment, or initial search may show that a field evaluation involving intrusive trenching or open area excavation is required (Planning Policy Wales, Chapter 6, Paragraph 6.5.7, and TAN 24: The Historic Environment, Paragraph 4.8). This provides information on the depth and nature of any archaeological remains if there is insufficient information on the archaeological resource for the impact of the development on it to be determined.
- 9.7 Field evaluations should be undertaken to a brief supplied by Glamorgan Gwent Archaeological Trust Archaeological Planning; the evaluation should not be undertaken until a detailed specification prepared by the archaeological contractor undertaking the work has been approved by Glamorgan Gwent Archaeological Trust Archaeological Planning. The brief outlines the required works, and the specification details how the required works will be achieved.
- 9.8 All fieldwork and reports on the work will be monitored by Glamorgan Gwent Archaeological Trust Archaeological Planning and details of the monitoring policies can be found at [www.ggat.org.uk/archplan/monitoring.html](http://www.ggat.org.uk/archplan/monitoring.html). **It should be noted that work that has not been undertaken in accordance with an approved project design and which has not been monitored may be rejected.**
- 9.9 Other field survey and recording elements that are usually undertaken as part of pre-planning to inform either further intrusive archaeological works or to fulfil recording of features are earthwork surveys (for example, field boundaries or ridge and furrow), field walking (either as part of the assessment or to record the extent and nature of finds scatters), and geophysical survey, which can allow intrusive trenching to be targeted on potential features, but it is important to note that results vary with differing geology.
- 9.10 Once the field work has been carried out the results will need to be analysed by the archaeological contractor and a report on the works produced. The information contained in the report should be sufficient for the importance and nature of the archaeological resource and its extent to be determined, and an appropriate mitigation strategy to be produced. This may be attached to a consent as a condition, but also may require further pre-determination field work.
- 9.11 *Regulation 4 of the Town and Country Planning (Applications) Regulations 1988 (SI 1812)*, allows the Council to require the submission of necessary details to allow a planning application to be determined. If the necessary information is not provided then permission can be refused. This would include failure to provide adequate archaeological information. If this were to be the case Glamorgan Gwent Archaeological Trust Archaeological Planning may recommend refusal or that a decision be deferred, an approach upheld by the Planning Inspectorate in appeals against non-determination.

## **B: Planning permission and attached conditions**

- 9.12 The impact of the proposed development on the archaeological resource will be one of the material issues that the Authority will consider when they are determining the application, and whether or not the archaeological resource can be preserved in-situ on the site and be protected in the development. In cases involving less significant archaeological remains, the relative importance of the archaeological remains and their settings will be weighed against other factors, including the need for the proposed development.

- 9.13 As Paragraph 6.5.7 and 6.5.8 of Chapter 6 of Planning Policy Wales, and TAN 24: The Historic Environment Paragraph 4.12 state, where a local planning authority decides that physical preservation in situ is not justified, and development should proceed, in order to secure the appropriate archaeological investigation and recording, negative conditions may be imposed to prohibit the development being undertaken until the works and other actions, including organisation and deposition of the archive into an approved repository, have been carried out.
- 9.14 TAN 24: The Historic Environment, has replaced the two WO Circulars 60/96 and 61/96, and does not include conditions.
- 9.15 Conditions relevant to archaeology are included in WO Circular 16/2014: The Use of Planning Conditions for Development Management, described in Paragraphs 5.46, 5.47 and 5.48, and annexed as Sections 22, 23 and 24.

**Section 24** is a negative condition:

*No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.*

**Section 22** is the condition for an archaeological watching brief:

*No development or site clearance shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development areas so that a watching brief can be conducted. No work shall commence 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.*

***Prior to implementing any planning permission, the developer must prove that suitable provision has been made for the archaeological investigation of the site, the recording of archaeological remains, and publication of the findings of the archaeological work as necessary.***

- 9.16 The negative archaeological condition may also include provision for differing types of written scheme, which may include, for example, building recording, or from a watching brief to full excavation. In normal circumstances Glamorgan Gwent Archaeological Trust Archaeological Planning will outline the programme of work that they envisage being carried out in their letter recommending that the condition is attached to the planning permission. In general the applicant should engage an archaeologist to inspect their proposed development plans and devise a suitable written scheme. Glamorgan Gwent Archaeological Trust Archaeological Planning will not prepare this but are willing to discuss its contents with the appointed archaeologist in order to ensure that a suitable scheme is devised and proposed. Occasionally, a programme could include contingency arrangements in case complex archaeology, or, for example, human remains, is discovered.
- 9.17 The implementation of the archaeological works may also be secured occasionally by legal agreement.

The archaeological investigation will normally be carried out in order to meet a condition; but in appropriate cases a Section 106 Agreement (Town and Country Planning Act, 1990, Section 106) may be entered into to formalise any voluntary agreements, thus making them legally binding, made between the applicant and the Authority. These agreements regulate development and may include provision for funding; means of investigation, i.e. excavation; and the subsequent recording of the site in question and the publication of results.

- 9.18 All the resultant archaeological information should be deposited with the appropriate HER for public use, which is in accordance with TAN 24: The Historic Environment, Paragraph 4.12, which requires the publication of results when archaeological remains are preserved by record. To ensure this all discussions with the developer/applicant must include an agreement to place copies with the HER.

### **C: Discharge of planning conditions**

- 9.19 In most instances this requires the formal submission of details to the Local Authority. Recent case law (Henry Boot Homes v. Bassetlaw DC, 2002) has ruled that in most cases development which commences prior to the discharge of relevant planning conditions, is not lawful. Any development carried out in breach of condition **constitutes a breach of planning control**. As such, any enquiry received as a result of a local search relating to the property will show the development is unauthorised.

#### Partial discharge of planning conditions

- 9.20 A condition requiring a watching brief to be undertaken is partly met when the applicant informs the Council of the name of their appointed suitably qualified archaeologist. It is fully discharged once the watching brief has been carried out and a report on the work has been submitted and approved.
- 9.21 Discharging a condition requiring an archaeological programme of investigation is more complex. In the first instance, the programme of archaeological work designed by the applicant's archaeologist needs to be submitted to the Council. Once this has been approved the on-site works outlined in the document will need to be undertaken. On completion of these works, either a final report can be produced or, in the case of excavations, a post-excavation assessment will be produced. In the latter case the works outlined in the assessment will need to be undertaken and then the final report produced. This process can take some time and it is recommended that the applicant should submit information at the end of each of the above stages to the Council (and through them Glamorgan Gwent Archaeological Trust) in order for a partial discharge of condition notice to be issued. Only when the final report is submitted and, if deemed necessary, the publication of the results in a suitable medium has been agreed will full discharge of the condition be possible (TAN 24: The Historic Environment, Paragraph 4.14).

### **D: Breaches of planning condition; enforcement**

- 9.22 **The discharge of conditions should be addressed early in the development process and serious consequences, including formal enforcement action by the Council, can result from undertaking work in breach of condition.**
- 9.23 The Council has powers under Section 187A of the Town & Country Planning Act 1990 to issue a Breach

of Condition Notice requiring steps to be taken to remedy this breach of planning control. Failure to comply with the requirements of a Breach of Condition Notice is a criminal offence, against which prosecution proceedings may be taken at the Magistrates' Court.

- 9.24 Further information is available from the Welsh Government's website and the documentation within *The Planning Series 7: Enforcement* and *Welsh Office Circular 24/97: Enforcing Planning Control: Legislative Provisions and Procedural Requirements*.
- 9.25 The maximum penalty for breach of enforcement notice is £20,000 and for a breach of condition is currently a fine of £1,000 or, upon conviction on indictment, an unlimited fine. The Historic Environment (Wales) Act 2016 Part 2 also includes details of enforcement action that can be taken, temporary stop notices and powers of entry.

### **E: Archaeological material discovered once development has commenced**

- 9.26 It is a rare occurrence that archaeological remains only become apparent when a development has commenced. If it does occur, the policy advice for preserving archaeological material in situ stands (Planning Policy Wales, Paragraph 6.5.5 and TAN 24: The Historic Environment, Paragraphs 5.32 and 5.33) and as such the Authority will seek this outcome. Therefore if previously unrecorded and unexpected archaeological remains are discovered in an application area once development has commenced, the impact of the development upon it will be a material consideration in the planning process.
- 9.27 The preservation of material in situ does not necessarily preclude development as such deposits may be sealed or incorporated in to the design of a structure, as a mitigation strategy. If a developer will not accommodate important remains within their plans the Authority will have to consider refusing the proposal, but this would depend on the merits of the case, taking account of the importance of the remains and other material considerations. In exceptional circumstances, this may mean that the proposed development is inappropriate on a site and permission will be refused.

## **10 Statutorily Protected Sites**

- 10.1 The protection of statutorily protected sites, which include scheduled ancient monuments, listed buildings, parks, gardens and landscapes, is required by legislation and the planning policy framework.
- 10.2 In Wales, these are given statutory protection under the provisions of The Historic Environment (Wales) Act 2016 Part 2 and Part 3, as well as nationally important archaeological sites currently given as scheduled ancient monuments under the Ancient Monuments and Archaeological Areas Act 1979.
- 10.3 A scheduled ancient monument is defined in Section 61(7) of the Ancient Monuments and Archaeological Area Act 1979 as:
- a) *any building, structure or work, whether above or below the surface of the land, and any cave or excavation;*
  - b) *any site comprising the remains of any such building, structure or work or of any cave or*

*excavation; and*

- c) any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other movable structure or part thereof which neither constitutes nor forms part of any work which is a monument within paragraph (a) above;*
- d) any machinery attached to a monument shall be regarded as part of the monument if it could not be detached without being dismantled.*

- 10.4 The Historic Environment (Wales) Act 2016 Part 2; Planning Policy Wales Chapter 6, Paragraph 6.5.5 and TAN 24: The Historic Environment Paragraph 4.2 and 4.9 state that a monument and its setting, irrespective of it being scheduled or not, is a material consideration in determining an application for planning permission. When considering development proposals that affect scheduled monuments, or other statutorily protected or other nationally important remains there should be a presumption in favour of their physical preservation.
- 10.5 If works to a scheduled site, or which affect the setting of a monument, are considered, Cadw must be consulted. Works that directly affect scheduled sites require scheduled monument consent, the prior consent of Welsh Ministers, in addition to any planning permission required for development; an application for consent must be made to the Welsh Ministers via Cadw.
- 10.6 There are also ten class consents in place that allow specified types of work at scheduled sites; these are listed in the Cadw publication Scheduled Monument Consent ([cadw.gov.wales/docs/cadw/publications/Scheduled\\_Monument\\_Consent\\_EN.pdf](http://cadw.gov.wales/docs/cadw/publications/Scheduled_Monument_Consent_EN.pdf)) and the TAN 24: The Historic Environment, Annex A.8.

## 11 Archaeologically Sensitive Areas

### Defining Archaeologically Sensitive Areas

- 11.1 The designation as Archaeologically Sensitive Areas (ASA) highlights the archaeological significance of these areas, the need for potential developers to seek professional archaeological advice to ascertain the archaeological significance of a site, the possible impact of the development on the archaeological resource and how that effect might be mitigated.

**ASAs are not the only areas within the city's boundary where archaeology will be a factor in the determination of planning applications, but show the most likely areas where this could occur.**

- 11.2 ASA designation is not intended to introduce new policies or restrictions to development but to indicate to developers those areas where it is more likely that the effect of the development on the archaeological resource could become an issue prior to or during the determination of a planning application. Identification enables the developer, the LPA and its advisors, to identify where additional information may be required prior to the submission of a planning application, or is required to be submitted with a planning application, in order to establish the importance of the archaeological resource and the effect of the proposed development.
- 11.3 **Archaeological remains are not confined to the ASAs; the boundaries illustrate a core or cluster of data points and it should not be taken that areas outside a designated ASA do not contain archaeological**

**and historical sites of importance and that these could be a factor in the determination of any planning application.** It is strongly recommended that the archaeological advisors to the local planning authority, Glamorgan Gwent Archaeological Trust, are consulted early in the design process of any proposed development in Cardiff Council's area to check whether or not any archaeological sites are present or suspected of being located in the development area, and to check whether mitigation pre-determination or post-determination is necessary.

- 11.4 The ASAs have been designated following appraisal by the archaeological advisors to the local planning authority, Glamorgan Gwent Archaeological Trust, to define the most likely areas in which archaeology may become a component in the determination of planning applications and give potential developers early indications of such factors.
- 11.5 Core data refers to the number of sites and finds recorded on the HER from a variety of sources; event data relates to recorded archaeological intervention, for example, non-intrusive works such as archaeological or heritage assets assessments, appraisals, building recordings and geophysical surveys, and intrusive works such as excavations, field evaluations, and monitoring of intrusive development works, test-pits and sampling. Data points register the information within The Historic Environment Record and indicate the existence of remains but not necessarily their physical extent. Larger areas that form designed landscapes such as Registered Parks and Gardens; or Registered Landscapes and their constituent character areas, are delineated by polygons, as are scheduled ancient monuments.
- 11.6 Minor alterations to the boundaries have been made to all four of the Archaeologically Sensitive Areas; these are primarily due to updates and changes to the digital base mapping, but also have been made with the ability to view historic mapping as a digital layer. The ASAs are now more cohesive as a result.

## ASA 1: The City Centre

**Community:** Castle

### ***Principal Designations***

Scheduled Monuments: GM171 Cardiff Castle and Roman Fort; GM173 Dominican Friary

Listed Buildings: 119, including three Grade I and eight Grade II\*

Conservation Areas: Cathays Park, Queen Street, St. Mary Street, Churchill Way, Charles Street.

### ***Register of Parks and Gardens of Special Historic Interest***

Grade I: Cardiff Castle and Bute Park: GM22

Grade II: Cathays Park: GM26

### ***Historic Environment Record Registers***

Core Entries: 431

Event Records: 67

### ***Significance***

Important series of Roman forts and settlement, 1<sup>st</sup> to 3<sup>rd</sup> centuries; planned Medieval town, founded in the 11<sup>th</sup> century; expanded and received charters from the 12<sup>th</sup> century onwards. Core settlement was around the 11<sup>th</sup> century castle and St John's and St Mary's churches; monasteries of Blackfriars and Greyfriars. Major expansion from 19<sup>th</sup> century as a result of industry; docks, rail, canals and associated social features. Early 20<sup>th</sup> century planned parks and gardens, and civic buildings.

### ***Reasons for Increased Archaeological Potential***

During the second half of the 1<sup>st</sup> century AD, the first Roman fort was built of timber and earth, it had a short life and was replaced at the end of the first century by an auxiliary fort, also of earth and timber, to the north of the first fort. A third fort, built on a differing alignment during the 3<sup>rd</sup> century and a fourth fort, built in the later 3<sup>rd</sup> century was occupied until the later 4<sup>th</sup> century. Following archaeological excavation of some areas, evidence of roads, defensive walls, gatehouses and ditches, buildings, metalworking, bath-houses, and civilian settlements to the north and south of the forts that would also have included cemeteries, have been identified. The full extent of the Roman occupation is not known, although it must be noted that the low lying topography has shown that archaeological remains, particularly finds of organic origin, are well preserved.

During the 11<sup>th</sup> century, following the Norman invasion, the area of south Wales and the fertile coastal lowlands was settled quickly. The castle at Cardiff was established in approximately 1081 AD; the bailey walls followed the defensive lines of the last Roman fort. The motte raised in the north west corner of the castle bailey was the largest in Wales and was surrounded by a moat. The settlement around the castle was defended by a palisade



and later walls and the western side defended by the river Taff, the course of which until the 19<sup>th</sup> century flowed to the east of its current route.

The castle, motte, keep and bailey underwent development as a series of buildings, walls, pits, palisades and bridges were constructed and replaced between the 11<sup>th</sup> century and the 15<sup>th</sup> century. The line of the town defences is noted on 19<sup>th</sup> century Ordnance Survey maps, and the archaeological resource, particularly from this period, will be more concentrated within this area. St John's church is known by 1173 AD and the area was settled more densely in the 13<sup>th</sup> century. St Mary's church was located close to the south gate of the town, on the east side of the river. Noted in 1107 AD, it was abandoned in the 17<sup>th</sup> century.

The monastery of the Blackfriars (Dominicans) lay outside the defences of the town to the north of the castle, in the present Bute Park. The monastery is believed to have been founded by Richard de Clare in 1256 AD, and consolidation work on the remains of the Dominican Priory indicate an early 14<sup>th</sup> century date. The priory included a church, cloister, monastic cells and ranges of buildings. To the east of the castle, outside the town walls, the Greyfriars monastery was located; founded in 1289 AD by Gilbert de Clare, this would also have included a church, cloister cells and ranges.

During the post-medieval period (16<sup>th</sup> to 19<sup>th</sup> century) the town itself expanded beyond the East Gate along the line of Queen Street, as a suburb named Crockherbtown. The origins of this are in the Medieval period and may be related to the monks growing herbs for sale at the town gate. Modern and 19<sup>th</sup> century industrial developments created the significant expansion of the town; this important phase has great socio-cultural relevance as a major factor in South Wales being a world leader in minerals and metallurgy.

As the area has become developed and built up, superficial layers of archaeological material may have been lost or damaged, but deeply situated remains exist and have been encountered by deep enabling and construction works. As the process of redevelopment has occurred over centuries, the result is an area of concentrated, stratified remains where evidence of previous buildings, infrastructure and finds is preserved. The course of the river Taff, having been moved west and partly canalised in the 19<sup>th</sup> century changed the topography and meant that some parts of the area have been subject to alluvial action. Remains are sensitive to development pressures, and it must be noted that the boundary of this area indicates the concentration of archaeological activity, not the extent of historic activity, and that archaeological remains exist outside the boundary.

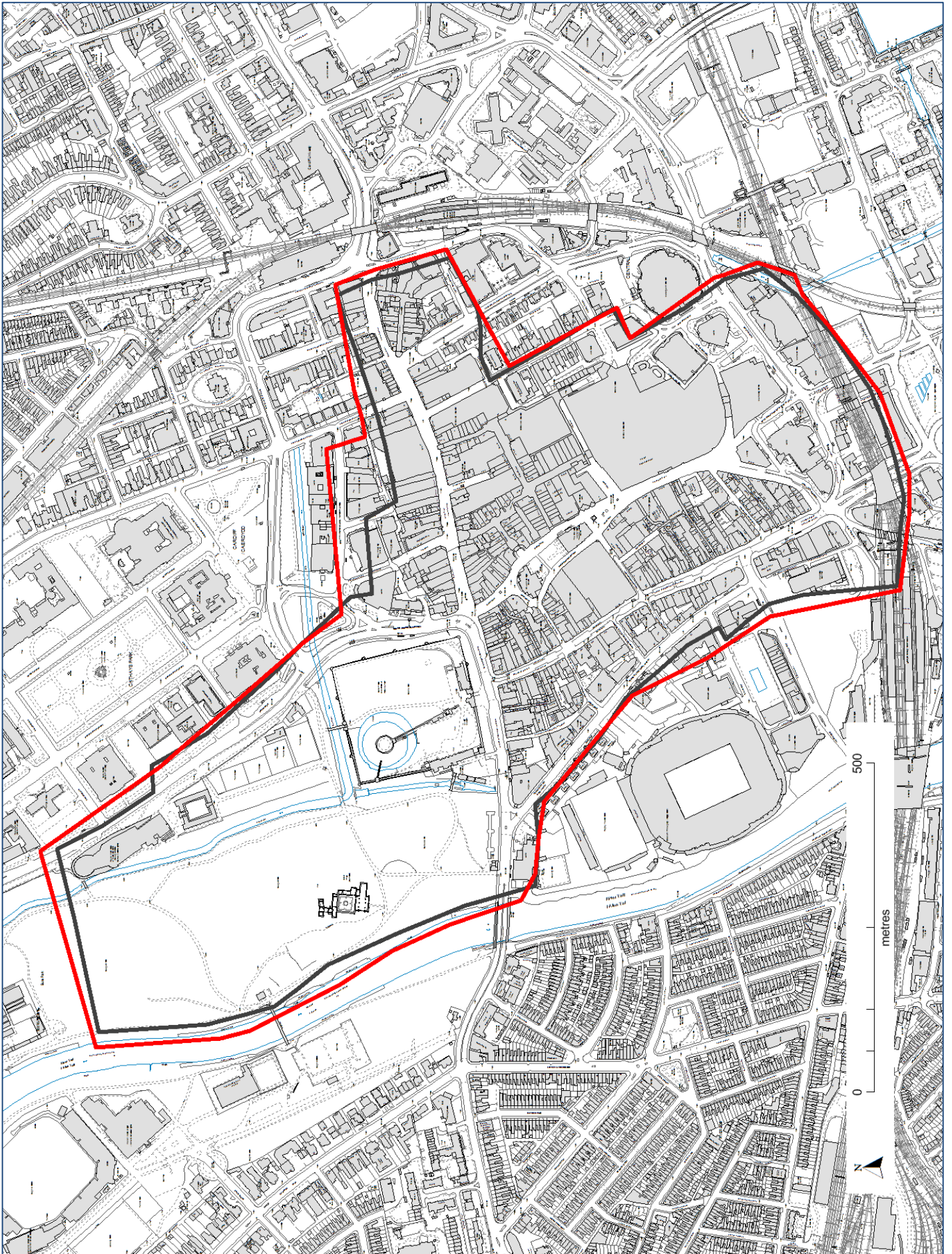


Figure 1: Cardiff City Centre Archaeologically Sensitive Area (existing black line – proposed new red line)

## ASA 2: Llandaff

**Community:** Llandaff

### ***Principal Designations***

Scheduled Monuments: GM115 Cross in Llandaff Cathedral; GM073 Old Bishops' Palace; GM013 Llandaff Cathedral Bell Tower

Listed Buildings: 57, including two Grade I and two Grade II\*  
Conservation Areas: Llandaff

### ***Register of Parks and Gardens of Special Historic Interest***

Grade II\*: Pontcanna Fields and Llandaff Fields GM59

### **Historic Environment Record Registers**

Core Entries: 153  
Event Records: 15

### **Significance**

Important Early Medieval Christian religious foundation, Medieval cathedral, and Medieval and Post-Medieval religious and secular buildings; surrounding settlement. Located at the lowest fordable crossing point of the river Taff, on a rise between the Taff and Ely rivers, potential site of multi-period activity.

### ***Reasons for Increased Archaeological Potential***

The earliest known activity in the Llandaff area relates to a trackway of probable prehistoric origin, reused by the Romans, a route that allowed access across south Wales via the lowest crossing point of the Taff, just below the present cathedral, above an area of low lying marsh.

More permanent activity is recorded from the Roman period, and it is likely that there may be remains of settlement and burials. Burials of Romano-British date were revealed under the western part of the cathedral, and isolated finds of building material, pottery and coins have been retrieved from both the area around the cathedral and further south east. With evidence for a north-south Roman road crossing the east-west route in Llandaff, this also suggests there may have been a more permanent presence, although unlikely to have been enclosed or formally structured.

Significant Early Medieval occupation dates from the 6<sup>th</sup> century AD, when the *clas*, a Christian religious monastery, was established by Saint Teilo. This would have included a church, priests' and monks'

accommodation, as well as other claustral buildings, which were likely to have been enclosed, although the extent is not known. These were more likely to have been constructed of timber and remains may be ephemeral and not immediately obvious. A stone cross dating from the 10<sup>th</sup> century remains within the cathedral. Wider religious settlement is likely as place name evidence suggests; Radyr (*Yr Adur*, the chantry), and Mynachdy (Monastery) are both less than a mile from the cathedral, it was usual to have chapels and small religious houses on the approaches to a major religious pilgrimage destination. The importance of the settlement was recognised by the Normans, in constructing the cathedral at Llandaff rather than at Cardiff.

Historic activity following the Norman invasion was more extensive, with the early 12<sup>th</sup> century new stone-built cathedral and fortified bishops' palace in a walled enclosure forming the centre of a new Diocese and Lordship. The area was a centre for pilgrimage, and settlement would have been needed to accommodate pilgrims, and serve associated economic needs. 13<sup>th</sup> century taxation records show a manor, court, ploughlands, fisheries, mills, and free and villein tenants. The cathedral was rebuilt and extended over the next two centuries; and with the archdeacons' castle to the north of the cathedral and two water mills in the immediate area, the settlement was prosperous and important enough to be attacked by the Welsh forces during the early 15<sup>th</sup> century.

Further increases in population can be attributed to a weekly market and annual fairs being held in the borough of Llandaff during the later Medieval period.

After the dissolution of the monasteries, the reformation and political changes in the 16<sup>th</sup> century, the Mathew family gained the Manor of Llandaff. Llandaff cathedral and many of the buildings fell into disrepair and the area lost its prosperity. Maps of the early 17<sup>th</sup> century show a settlement of approximately sixty houses, with garden plots, regularly spread around the Green. During the mid-17<sup>th</sup> century, Parliamentary forces during the Civil War used the cathedral as stables and accommodation and the destruction of the area was comprehensive.

After the collapse of the cathedral tower in the mid-18<sup>th</sup> century, and a major rebuilding programme, the area gained in prosperity from the later 18<sup>th</sup> century and particularly during the 19<sup>th</sup> century. Large houses such as Insole Court (formerly Ely Court), Llandaff Court, Baynton House, and Rookwood (Hospital) were built by coal owners and Llandaff became a fashionable area to live. This is reflected in the number of listed buildings from this date.

The archaeological resource relates to the concentration of activity from the 6<sup>th</sup> century AD onward, which has been continuous therefore for 1500 years. Whilst most of this is likely to have been focussed around the cathedral and the area of the cathedral grounds, which in itself is unlikely to face major development threats, the settlement would have covered a wider area as depicted on 17<sup>th</sup> century maps. Remains of this may have been damaged or destroyed by late 19<sup>th</sup> and early 20<sup>th</sup> century development as that would have been more intensive, however, archaeological work during and ahead of development has shown that evidence does survive. However slight, such evidence helps to build understanding of the history. Any impact of development would be both on the buried archaeological resource, and also on the setting of listed buildings and scheduled monuments must be taken into consideration.

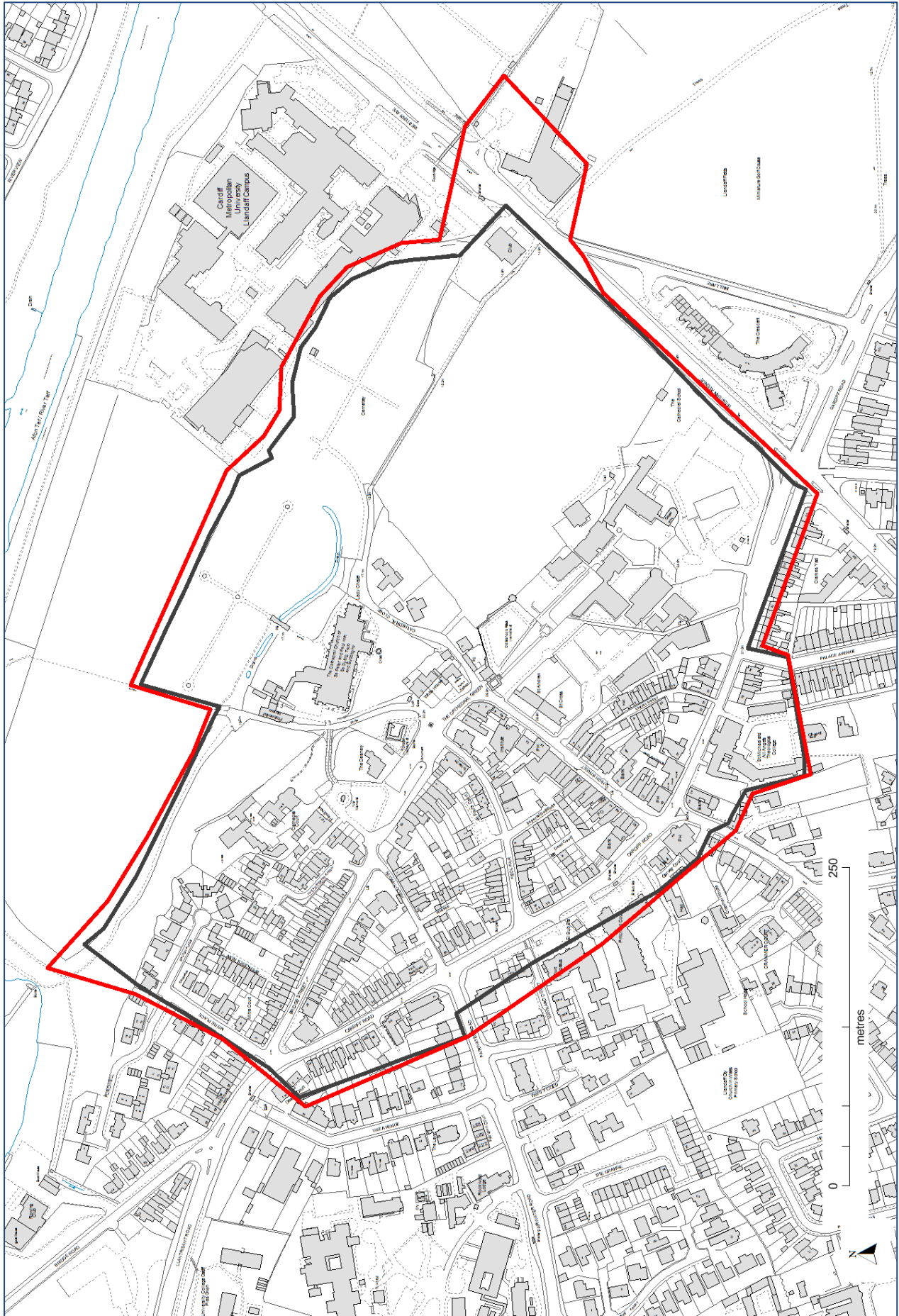


Figure 2: Llandaff Archaeologically Sensitive Area (existing black line – proposed new red line)

## ASA 3: St Fagans and Michaelston-super-Ely

**Community:** St Fagans; Ely

### ***Principal Designations***

Scheduled Monuments: **None**

Listed Buildings: 96, including one Grade I and three Grade II\*

Conservation Areas: St Fagans

### ***Register of Parks and Gardens of Special Historic Interest***

Grade I: St Fagans Castle GM31

### ***Historic Environment Record Registers***

Core Entries: 177

Event Records: 29

### ***Significance***

Two Medieval villages just under a kilometre apart; northern St Fagans centred on the castle, park, and estate, and church; Civil War Battle site; Michaelston-super-Ely primarily a deserted and shrunken settlement after the 17<sup>th</sup> century. Includes St Fagans National History Museum with more than forty historic buildings.

### ***Reasons for Increased Archaeological Potential***

#### **St Fagans:**

A D-shaped enclosure and castle was originally established on the high ground overlooking the river Ely during the late 11<sup>th</sup> or early 12<sup>th</sup> century by the le Sore family; St Fagans was a Knight's Fee within the Lordship of Glamorgan. It is suggested that the early ringwork castle of earth and timber was then converted to stone, possibly in the 13<sup>th</sup> century. The original church of St Fagan is noted as being north of the castle and being ruinous in the 16<sup>th</sup> century; it was excavated at the end of the 19<sup>th</sup> century. Much building material and finds dating primarily to the 13<sup>th</sup> century was recovered. The 11<sup>th</sup> century church of St Mary is east of the castle and has been altered, but retains some 11<sup>th</sup> and 12<sup>th</sup> century fabric. It is probable that the focus of the settlement changed to this southern aspect after the church was built, and there may have been two foci where settlement existed prior to the 16<sup>th</sup> century reworking of the castle itself.

Following the sale of the castle in the 16<sup>th</sup> century, when it was noted as ruined, a house was built on the site of the castle, retaining the curved curtain wall to the south.

The battle of St Fagans took place in the Second Civil War in 1648; when unpaid Parliamentarian forces changed sides and became pro-Royalist, and met Parliamentarian forces between St Fagans village and the Nant Dowlais (also known as Nant Rhych) to the west of the village. With the Royalist forces on the west of the brook and the Parliamentarian forces on the east, a skirmish took place on 4<sup>th</sup> May, and a battle on 8<sup>th</sup> May, which resulted in a

success for the Parliamentarians.

The house and grounds fell into disrepair in the 19<sup>th</sup> century; and was passed from the Plymouth Estate into use as a national museum in 1946. The grounds are now the site of more than forty historic buildings from across Wales; these date from the Medieval period up to the later 20<sup>th</sup> century and account for a portion of the Listed Buildings within the ASA. The grounds are a Grade I Registered Park with four main phases of development identified: 11<sup>th</sup> century; 16<sup>th</sup> century; 19<sup>th</sup> century and 20<sup>th</sup> century. Varying styles of enclosed garden were restored in the later 20<sup>th</sup> century.

### **Michaelston-super-Ely:**

Originally a nucleated village, dating from at least the 13<sup>th</sup> century, Michaelston-super-Ely lies to the south of the river Ely and extends to the west and east of the main road.

The church of St Michael located at the western end, is first mentioned in documentation of the mid-13<sup>th</sup> century, and has Roman building material included in its walls; remains of the deserted settlement cluster immediately surround the church. A sunken trackway is visible as the road which led through from Michaelston Road to the church, with the house sites and features including a pond surrounding what was a triangular shaped village green, a feature depicted on 18<sup>th</sup> century estate maps. Crofts, and the earthwork remains of raised platforms for houses, and low walls of stone with mortar can be seen upstanding in places, although obscured and overgrown by woodland. Ty Mawr (Great House) to the south-east of the green, is a Medieval two-unit house that has historically undergone extension and some modernisation. The trackway extended to the east of Michaelston Road and the settlement area included The Court (now Court Cottages), where the later post-medieval buildings possibly incorporate Medieval fabric. The Court is set within a rectangular enclosure overlooking the slope down to the north.

The Archaeologically Sensitive Area illustrates the relationship between the two villages as two parishes to the north and south of the river Ely, and within the Knight's Fee of the Manor of St Fagans. St Fagans as a village declined after the 14<sup>th</sup> century and grew in the 16<sup>th</sup> century at a time when Michaelston began to decline in prosperity. Maps dated to 1775 show the only house extant was Ty Mawr.

The current pressures vary in scale; the Michaelston area is subject to the pressure of residential development both from the western side where the late 20<sup>th</sup> century developments have encroached to the boundary of the village from the south; and the eastern area at the Court has been subject to major development from the north. St Fagans village may have some pressure from infill development, although the wider area is included in the larger scale developments. Efforts should be made to preserve in situ the archaeological remains which are upstanding and form the core area of the deserted settlement, in line with government policy.

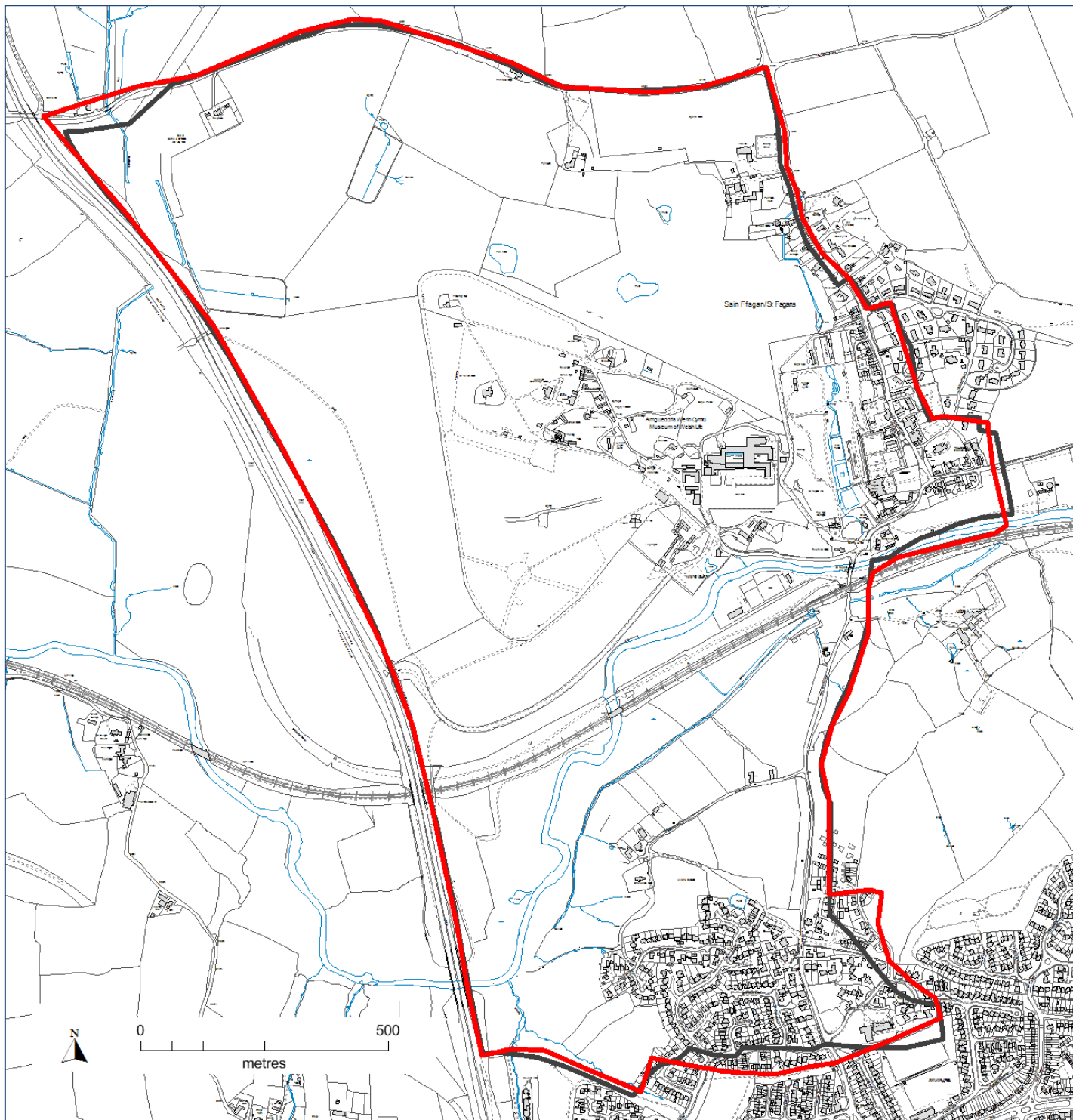


Figure 3: St Fagans and Michaelston-super-Ely Archaeologically Sensitive Area  
(existing black line – proposed new red line)



## ASA 4: The Wentloog Levels

**Community:** Trowbridge, Rumney

### **Principal Designations**

Scheduled Monuments: GM474 Relict Seawall on Rumney Great Wharf

Listed Buildings: 4

Conservation Areas: None

### **Register of Parks and Gardens of Special Historic Interest**

None

### **Register of Landscapes of Outstanding Historic Interest**

The Gwent Levels HLW (Gt) 2: Character areas included in the area are: HLCA018 Rumney; HLCA019 Trowbridge

### **Historic Environment Record Registers**

Core Entries: 133 (one of which includes 106 Roman pottery sherds)

Event Records: 70

### **Significance**

Extensive low lying area of estuarine alluvium; reclaimed from the sea over various periods from the prehistoric onwards; distinctive patterns of settlement, enclosure and drainage; extremely high potential for extensive and significant buried, waterlogged archaeological and environmental deposits. Network of artificial drainage systems over the whole area. Deposits and activity from Mesolithic, Neolithic, Bronze Age; Iron Age and Roman; Medieval and post-medieval periods.

### **Reasons for Increased Archaeological Potential**

The Wentloog Levels section of the Gwent Levels form the greater part of this area. Covering an area of 5.2 sq. km. within the Cardiff area, the Registered Landscape also forms a large part of the archaeologically sensitive area, and much of the archaeological importance relates to the Levels. Settlement from the Iron Age and Roman period onward is primarily along the interface between the solid and alluvial geology; occurring on average 10m above sea level.

The extent of the archaeological deposits is vast, as the network of the drainage system which involves ditches of varying sizes and layout covers the area of the levels and is a palimpsest of dates and types. Due to the nature of the phases of inundation and alluviation, whole landscapes have been preserved and extend beyond seawalls into the intertidal zone. This has resulted in layered deposits of peats and clays which preserve remains. These are both structural, as at Rumney Great Wharf, and also where usually ephemeral remains such as footprints of human and animal origin have been preserved in the clays.

Palaeochannels, also noted at Rumney Great Wharf and the Newton area, are relict watercourse channels that are buried by younger sediments, either by human or natural action, provide a vast resource of archaeological and environmental data that can inform about not only past phases of activity but also the nature and depth of deposits. Boats have been found such as those further east at Magor, emphasizing a remarkable state of preservation, and the well preserved waterlogged wood and associated material shows the streams were

navigable, and likely to have been used for transport. Whilst such finds are rare, they are likely to represent wider activity.

Reens, the larger drainage ditches, result from both natural and artificial actions, and are fed by ridge and furrow to grips, field ditches and via the gouts, where reens meet, and into pills where the water discharges into the sea. Archaeological deposits and palaeoenvironmental evidence allow recording of the development of the landscape and its management.

Along the geological interface, archaeological investigation in association with both development and research has shown that this area was settled more intensively during the Roman and Medieval periods, with the lower ground used for agriculture. Archaeological work at settlements such as Newton, Trowbridge, and particularly development at Areas 9-12 St Mellons has identified often complex deposits, in some cases significant and well preserved, dating to the prehistoric and Roman periods.

The risk to the archaeological remains is primarily by the impact of development of all types utilising and taking advantage of the flat ground, and the well placed communication network. Two forms of impact form a physical threat to the archaeology of the Levels. Firstly, there is the threat to the nature of the deposits that involves situations where large scale development, and/or penetration of the substrate peats, silts and clays and the subsequent drying out of these, leads to compression and dehydration of anaerobic deposits. Secondly, the wider impact that development may have on the landscape. As the character of the landscape is recognised and dated by styles of enclosures, fields, tracks and drainage, development of even small size may have the accumulative effect of unacceptable impact on the landscape itself.

ASIDOHL, an assessment of the significance of the impact of development on a historic landscape, can be triggered by the size or nature of a potential development within a registered landscape. It is a procedure which considers the physical and visual impact that the proposed development may have on the character areas of the landscape. This would not necessarily be triggered in the case of small developments, however increasing numbers of small developments have the effect of gradually eroding character areas and reducing the significance of the characteristics of the landscape.

Any development must also take into consideration both the visual and physical impact on the setting of the scheduled monuments.

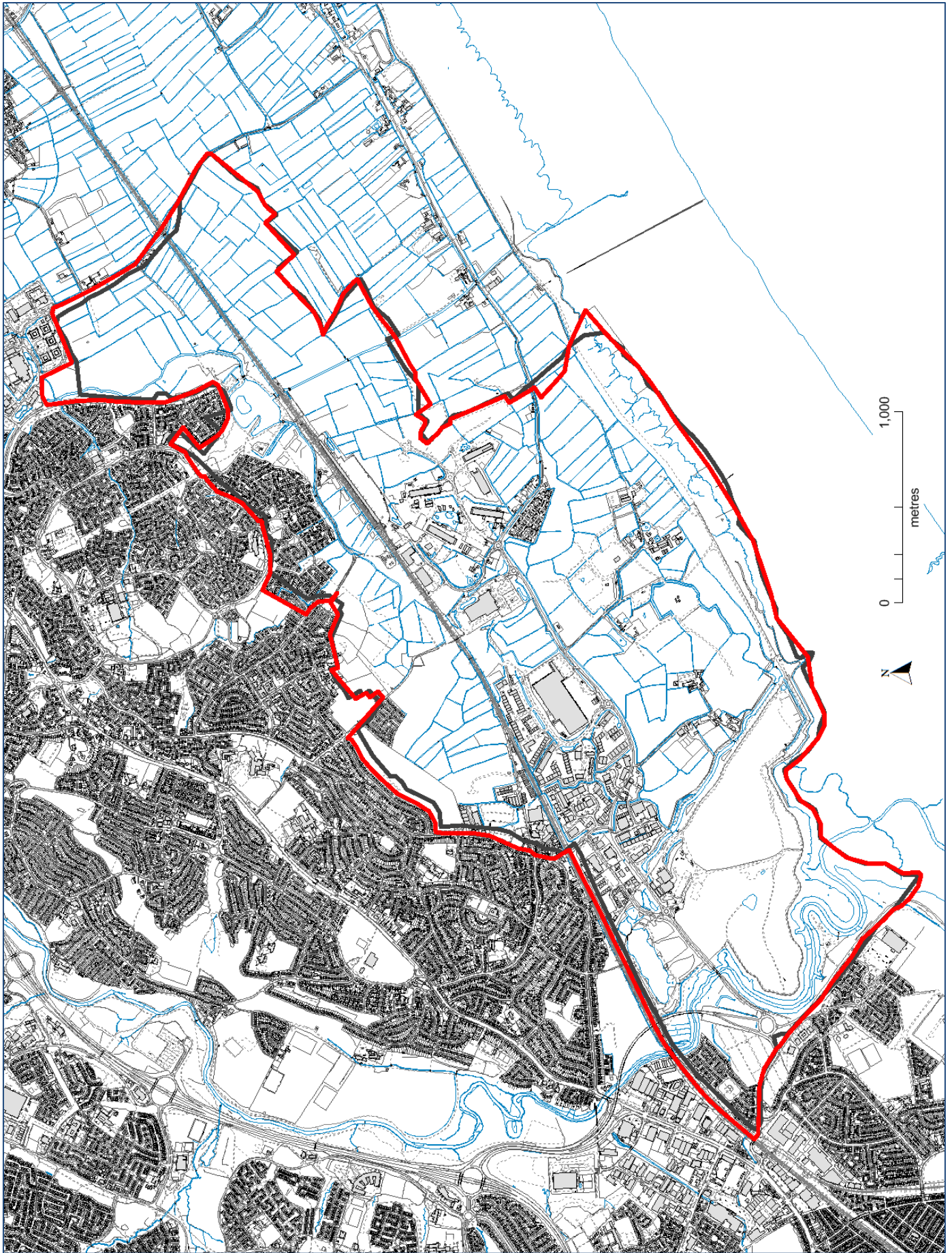


Figure 4: Wentloog Levels Archaeologically Sensitive Area

## Appendix A: How do I find an archaeologist?

The Chartered Institute for Archaeologists (CIfA) advances the practice of archaeology and allied disciplines by promoting professional standards and ethics for conserving, managing, understanding and promoting enjoyment of heritage. CIfA is a professional organisation for all archaeologists and others involved in protecting and understanding The Historic Environment.

The Chartered Institute for Archaeologists has a link to a searchable list for Registered Organisations. These include both small and large companies with varying areas of expertise, and in differing geographical locations.

[www.archaeologists.net/ro](http://www.archaeologists.net/ro)

### **Chartered Institute for Archaeologists**

Miller Building, University of Reading RG6 6AB  
0118 378 6446 admin@archaeologists.net



## Appendix B: Glossary of terms

### **Archaeological Contractor**

A professionally qualified individual or an organisation containing professionally qualified archaeological staff, able to offer an appropriate and satisfactory treatment of the archaeological resource, retained by the developer to carry out archaeological work either prior to the submission of a planning application or as a requirement of the planning process. A link to the ClfA list of Registered Organisations can be found at [www.archaeologists.net/ro](http://www.archaeologists.net/ro).

### **Archaeological Curator**

A person, or organisation, responsible for the conservation and management of archaeological evidence by virtue of official or statutory duties. In Wales the archaeological advisors to the Local Planning Authorities are the Archaeological Planning Services of the Regional Archaeological Trusts, all of whom work to the Welsh Archaeological Trust's *Curators' Code of Practice*. In south-east Wales the 12 Unitary Councils are served by the Archaeological Planning Service of the Glamorgan-Gwent Archaeological Trust.

### **Archive**

The project archive refers to an ordered collection of all documents and artefacts from an archaeological project, which at the conclusion of the work should be deposited at an approved public repository, such as a museum. The written archive refers to an ordered collection of the documents and data produced by the project, and should be deposited with a suitable public repository, such as The Historic Environment Record.

### **Appraisal**

An appraisal is a rapid reconnaissance of site and records to identify whether a development proposal has a potential archaeological dimension requiring further clarification.

### **Assessment**

A desk-based assessment is a detailed consideration of the known or potential archaeological resource within a specified area or site (land-based, intertidal or underwater), consisting of a collation of existing written and graphic information in order to identify the likely character, extent, quality and worth of the known or potential archaeological resource in a local, regional or national context as appropriate.

### **Brief**

An outline framework of the archaeological situation which has to be addressed, together with an indication of the scope of the works that will be required.

### **Bronze Age**

A chronological division of the prehistoric period, which sees the introduction of copper and the eventual widespread adoption of bronze for use in weapons, jewellery etc. In Britain it is dated between circa 2300 and 700 BC.

### **Cadw**

The Historic Environment service of the Welsh Government: Cadw are responsible for the planning issues which affect statutorily protected ancient monuments, buildings, and parks, gardens and landscapes. They also grant aid repairs to historic buildings and monuments and manage ancient monuments which are in direct State care.

### **Chartered Institute for Archaeologists**

The Chartered Institute for Archaeologists (CIfA) advances the practice of archaeology and allied disciplines by promoting professional standards and ethics for conserving, managing, understanding and promoting enjoyment of heritage. CIfA is the professional organization for all archaeologists and others involved in protecting and understanding The Historic Environment.

### **Core Data**

Core data numbers refer to the sites and finds recorded in the HER register from a variety of partnership sources.

### **Early Medieval**

The period after the break down of Roman rule and the Norman invasion (circa 410 to 1070 AD), chronologically equivalent to the Anglo-Saxon period in England.

### **Evaluation**

A limited programme of non-intrusive and/or intrusive fieldwork which determines the presence or absence of archaeological features, structures, deposits, artefacts or ecofacts within a specified area or site; ad, if present, defines their character and extent, and relative quality. It enables an assessment of their 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.

### **Event Data**

Event data relates to recorded archaeological intervention, for example, non-intrusive works such as archaeological or heritage assets assessments, appraisals, building recordings and geophysical surveys, and intrusive works such as excavations, field evaluations, and monitoring of intrusive development works, test-pits and sampling.

### **Excavation**

A programme of controlled, intrusive fieldwork, post-excavation analysis and interpretation intended to preserve the archaeological resource by record using appropriate methods and practices, and undertaken according to defined research objectives. The programme of work will result in the preparation of specialist reports, a final report and ordered archive, and the appropriate dissemination of the results through academic publication and public engagement.

### **Historic Environment Record (HER)**

A documentary record of known sites in a given area. In south-east Wales the HER is curated by the Glamorgan-Gwent Archaeological Trust.

### **Medieval**

The period after the Norman invasion nominally finishing at the Battle of Bosworth and the commencement of the reign of Henry VII (1066 to 1485 AD).

### **Mesolithic**

A chronological division of the prehistoric period spanning the period from the end of the last ice age to the introduction of farming. It is dated between circa 10,000 and circa 4,000 BC.

**Modern**

The period since c1900 AD

**Natural**

Archaeological term for undisturbed natural geology on a site.

**Neolithic**

A chronological division of the prehistoric period during which agriculture and domestic animals were introduced to Britain. It is dated circa 4,500 to circa 2,300 BC.

**NGR**

National Grid Reference

**Palaeolithic**

The earliest division of the prehistoric period, from the first evidence of tool making by humans to the final retreat of glacial ice from Britain. It is dated circa 500,000 to circa 10,000 BC.

**Post-Medieval**

Period between 1485 and 1900 AD.

**Risk Assessment**

A document prepared to meet the requirements of *The Management of Health and Safety at Work Regulations 1992* assessing all risks to the health and safety of employees and others, arising from a work activity.

**Roman**

Period when Britain was ruled by Rome circa 45 - 410 AD

**Romano-British**

Term used to describe a fusion of indigenous late Iron Age traditions with Roman culture.

**Specification**

A written schedule of works required for a particular project (by a curator, planning archaeologist or client), set out in sufficient detail to be quantifiable, implemented and monitored. Normally prepared by or agreed with the relevant curator.

**Watching Brief**

An archaeological watching brief is defined as a programme of observation, investigation and recording conducted during any operation carried out for non-archaeological reasons within a specified area or site, where there is a possibility that archaeological deposits may be disturbed or destroyed. The programme of work will result in the preparation of a report and ordered archive.

**Welsh Archaeological Trusts**

There are 4 Welsh Archaeological Trusts, Clwyd-Powys, Dyfed, Gwynedd and Glamorgan-Gwent. The Trusts were established between 1974 and 1975 in order to carry out rescue archaeological work in Wales. The Trusts are now divided into Contracts and Curatorial Services. They are all charities but are also limited companies.

## Appendix C: Consultation Draft SPG

Public consultation was undertaken between Thursday 9th November 2017 and Thursday 21<sup>st</sup> December 2017. A press notice was placed in a local newspaper on Wednesday 8<sup>th</sup> November 2017. Copies of the draft guidance was placed in all Cardiff libraries and at County Hall Reception. The draft guidance was also published on the Council website. Letters notifying that consultation was being undertaken on the draft guidance were sent to all Councillors, Welsh Government, Community Councils in Cardiff and any interested persons and the following organisations known to have general interest in planning in Cardiff or a potential interest in this guidance.

\*\*\* denotes consultees who have responded to consultation, in addition to members of the public and individual Councillors.

ACE - Action in Caerau and Ely	Caerphilly County Borough Council
Alder King	Campaign for the Protection of Rural Wales
ALDI	Cardiff & Vale Parents Federation
Alternatives for Transport	Cardiff & Vale University Health Board
AMEC Environment & Infrastructure UK Limited	Cardiff Access Group
Arts Council of Wales	Cardiff Against the Incinerator
Arup	Cardiff and Vale University Local Health Board
Asbri Planning Ltd	Cardiff Bus
Associated British Ports	Cardiff Bus Users
Association of Inland Navigation Authorities	Cardiff Civic Society
Atkins	Cardiff Community Housing Association
Austin-Smith: Lord	Cardiff Cycling Campaign
Barratt Homes	Cardiff Greenpeace
Barton Willmore	Cardiff Heliport
Bellway Homes	Cardiff International Airport Ltd.
Biffa	Cardiff Local Access Forum
Bilfinger GVA	Cardiff Metropolitan University
Black Environment Network	Cardiff Naturalists
Blake Morgan LLP	Cardiff Pedestrian Liberation
BNP Paribas Real Estate	Cardiff Transition
Bovis Homes	Cardiff University
Boyer Planning	Cardiff West Communities First
Bristol City Council	Carolyn Jones Planning Services
BT Group plc	CDN Planning
Business in the Community Wales	Celsa Manufacturing (UK) LTD
C2J	Cemex Uk Operations Ltd
Cadwyn Housing Association	CFW Architects



CGMS Consulting	Ethnic Business Support Project
Chartered Institute of Housing in Wales	Federation of Small Businesses
Chris Morgan	First City Limited
Chwarae Teg	FirstGroup plc
Civil Aviation Authority	Firstplan
Coal Authority	Freight Transport Association
Coleg Glan Hafren	Friends of Nantfawr Community Woodland
Communities First Adamsdown	Fulfords Land & Planning
Community Housing Cymru	G L Hearn
Community Land Advisory Service Cymru	G Powys Jones
Confederation of British Industry	Garden History Society
Confederation of Passenger Transport	Geraint John Planning Ltd
Connections Design	GL Hearn Planning Limited
Country Land and Business Association	Glamorgan - Gwent Archaeological Trust Ltd
CSJ Planning Consultants	Glamorgan Gwent Housing Association
Cymdeithas yr iaith gymraeg	GMA Planning
Danescourt Community Association	Graig Community Council
David Lock Associates	Graig Protection Society
Davies Sutton Architects	Great Western Trains Company Limited
DavisMeade Agricultural	Grosvenor Waterside
Derek Prosser Associates	GVA
Design Circle RSAW South	GVA Grimley
Design Commission for Wales	H O W Commercial Planning Advisors
Development Planning Partnership	Haford Housing Association Limited/ Hafod
Development, Land & Planning Consultants Ltd	Care Association Limited
Disability Arts Cymru	Halcrow
Disability Wales	Hammonds Yates
DLP Consultants	Hawkins
DLP Planning Ltd	Heath Residents Association
DPP Cardiff	Herbert R Thomas LLP
DTB Design	Home Builders Federation
DTZ	Hughes
Dwr Cymru Welsh Water	Hutchinson 3G UK
Edenstone Homes	Hyland Edgar Driver
EDP Consultants ***	Hywel Davies
Equality and Human Rights Commission	Interfaith Wales
	Jacobs Babbie

Jeremy Peter Associates  
JLL  
John Robinson Planning & Design  
John Wotton Architects  
Jones Lang LaSalle  
JP Morgan Asset Management  
Keep Wales Tidy  
Kelly Taylor & Associates  
Kingsmead Assets Limited  
Knight Frank  
Landscape Institute Wales  
Level Ltd  
Lichfield Planning  
Linc-Cymru  
Lisvane Community Council  
Llandaff Conservation Group  
Llandaff Society  
Lovell Partnership  
Loyn & Co Architects  
LUC  
Madley Construction  
Mango Planning and Development Limited  
Marshfield Community Council  
Martin Robeson Planning Practice  
McCarthy & Stone  
Meadgate Homes Ltd  
Mineral Products Association  
Morgan Cole  
Mott MacDonald  
National Federation of Builders  
National Youth Arts  
Natural Resources Wales  
Neame Sutton  
Network Rail  
Network Rail Infrastructure Ltd  
Newport City Council  
NFU Cymru  
North West Cardiff Group  
Novell Tullet  
O2 UK  
Oakgrove Nurseries  
Old St Mellons Community Council  
Orange  
Origin3  
Pantmawr Residents Association  
Peace Mala  
Peacock & Smith  
Pegasus  
Pentyrch Community Council  
Persimmon Homes  
Peterson Williams  
Peterstone Community Council  
Phillippa Cole  
Pitt  
Planning Aid Wales  
Planning Potential  
Police & Crime Commissioner  
Powell Dobson  
Powergen  
Prospero Planning  
Public Health Wales  
Quarry Products Association  
Quinco  
Quod  
Race Equality First  
Radyr & Morganstown Association  
Radyr and Morganstown Community Council  
Radyr and Morganstown Partnership and  
Community Trust (PACT)  
Radyr Farm  
Radyr Golf Club  
Rapleys  
Redrow Homes  
Reeves Retail Planning Consultancy Ltd

Renplan	SWALEC
Reservoir Action Group (RAG)	Taff Housing Association
Rhiwbina Civic Society	Tanner & Tilley
Rhondda Cynon Taf County Borough Council	Taylor Wimpey
RICS Wales	Terry Nunns Architects
Rio Architects	The 20th Century Society
Riverside Communities First Team	The Boarding Centre Ltd
Robert Turley Associates	The Design Group 3
Roberts Limbrick	The Georgian Group
Robertson Francis Partnership	The Institute of Cemetery and Crematorium Management
Royal Commission on the Ancient & Historical Monuments of Wales	The Land Mark Practice
Royal National Institute for the Blind	The Planning Bureau
RPS Group Plc	The Royal Town Planning Institute
RSPB Cymru	The Urbanists
Save Creigiau Action Group	The Victorian Society
Savills	The Wildlife Trust of South & West Wales
Scope Cymru	Theatres Trust
Scott Brownrigg	T-Mobile (UK) Ltd
Sellwood Planning	Tongwynlais Community Council
Shawn Cullen	Torfaen County Borough Council
SK Designs	Turley
SLR Consulting	United Welsh Housing Association
South Wales Chamber of Commerce Cardiff	Urban City Ltd
South Wales Police	Urdd Youth Group
South Wales WIN	Velindre NHS Trust Corporate Headquarters
Splott and Tremorfa Communities First	Virgin Media
Sport Wales	Vodafone
SSE Energy Supply Ltd	Wales & West Housing Association
St Fagans Community Council	Wales Council for Voluntary Action
Stedman Architectural	Wales Women's Aid
Stewart Ross Associates	Walters
Stonewall Cymru	Watts Morgan
Stride Treglown Town Planning	Welsh Ambulance Services NHS Trust - South East Region
Stuart Coventry Scott Wilson	Welsh Government
Sullivan Land & Planning	Welsh Language Commissioner
Sustrans Cymru	Welsh Tenants Federation Ltd

Wentloog Community Council  
White Young Green  
Wimpey Homes  
Wyevale Garden Centre

## Appendix D: Consultation Representations and Responses on the Draft SPG

Page / para	Comment	Response
General comments	General comments relating to concern that the SPG extends the scope of the LDP Policy relating to ASAs and deviates from or replicates advice within Planning Policy Wales (PPW) and TAN 24.	<p>The SPG and ASA was first introduced in 1996 and was produced by Glamorgan Gwent Archaeological Trust Archaeological Planning Management (GGAT APM), then Curatorial Division, as one of the agreed services under the extant Memorandum of Understanding. The SPG and ASA was adopted after consultation in 1996 and has been part of the supporting suite of documents for the Local Authority's Policies since this time.</p> <p>The content and direction of the SPG and ASA have been agreed since 1996 between the Local Planning Authority and GGAT APM (then Curatorial Division). It has been updated on a regular basis in response to the changes in policy and legislation, the changes in 2017 were more significant and were made to recognise the introduction of the new hierarchy of historic environment legislation in Wales.</p> <p>The Welsh Archaeological Trusts (WATs) provide archaeological advice for the historic environment to the local authorities in Wales. The funding for this service, which covers the various elements of support for the management of the historic environment under a Memorandum of Understanding, comes from Welsh Government via Cadw and the local authorities, as they do not have the in-house expertise to provide this service. GGAT APM (then Curatorial Division) drew together the original SPG and ASA document as a result of local government reorganisation in Wales in 1996, being the retained archaeological advisors to the local authorities in south east Wales under the Memorandum of Understanding (MoU).</p> <p>Regarding the need for Supplementary Planning Guidance, it is properly the remit of the LPA to make the decision as to whether an SPG as well as ASA is required, a decision which has been made and has been established as a reasonable decision for the LPA to have made for 22 years. Planning Policy Wales 9 Chapter 2</p>

		<p>notes that the LDP process is a “fundamental part of a plan-led planning system” ... “planning applications must be determined in accordance with the adopted plan”. Within this, the provision of an SPG was determined to be required to provide the appropriate support for the Planning Department. As noted in the details in Section 2.3, the provision of this document is therefore appropriate, in that its contents relate to the historic environment in Wales and Cardiff, and explains the archaeological planning process and provision of advice. The various elements of this are detailed, as they were originally requested by the local authority to provide explanation and clarity, and were and are subject to internal consultation and comment. Phrasing regarding archaeology is not limited to specifically buried remains, but within the existing remit of the wider historic environment.</p> <p>The wording within the SPG and ASA derives its meaning from the relationship with the WATs, in this case GGAT APM, as advisors under the MoU. As the retained advisors to Cardiff Council, therefore, recommendations are made by GGAT APM to the local authority regarding archaeology and the historic environment in line with the current policies and legislation, in connection with LDP policy and candidate sites as well as planning casework. Consultation with the WATs, and in this case particularly with GGAT APM, are therefore appropriate, as is confirmed by agreement in the existing MoU.</p>
1.3	Reference should be to KP17 rather than KP7	Corrected
Appendix A	The Glamorgan Gwent Archaeological Trust Archaeological Planning Flowchart) is not required.	Agree – appendix removed
9.1	The statement “archaeology within the planning system requires early consultation....to the local planning authority” is considered contrary to policy which does not <i>require</i> such consultation.	Agree - changed to ‘ <i>encouraged</i> ’ to reflect the wording within the TAN
5.3	Paragraph 5.3 states that early consultation (with GGAT) will	Agree - changed to reflect the wording within the TAN.

	<p>identify if there is a significant constraint that may prevent development, or if there is an archaeological impact to a development. This is at odds with policy guidance outlined in TAN 24 which states that consultation “will help determine” if the proposal might impact on known archaeological remains, which in itself does not necessarily prevent development.</p>	
5.4	<p>Section 5.4 digresses from policy in a substantial way. Issues with definitions and purpose.</p>	<p>Agree – section amended accordingly.</p>
9.2	<p>Paragraph 9.2 of the draft SPG simplifies the purpose of archaeological evaluation, stating that ‘archaeological implications’ can be identified. By this it is assumed that the report refers to remains of such significance that they represent a constraint to development. This is considered to be unhelpful in the context of SPG, which is designed to support local planning policy, because it presents an inadequate description using imprecise terminology, which is different to that used in national policy.</p>	<p>Disagree. No alterations made to para 9.2.</p>
9.4	<p>Paragraph 9.4 misrepresents the purpose of archaeological evaluation further by confusing it with archaeological mitigation. Mitigation is not carried out though recourse to archaeological assessment or evaluation, as stated in the paragraph. These are pre-determination methods, and for reasons outlined in national policy (described above) are not intended to ensure that development impacts on archaeological remains are mitigated.</p>	<p>Agree. First sentence removed.</p>
9.5	<p>Paragraph 9.5 confuses the responsibility of GGAT with that of the LPA.</p>	<p>Disagree. This is a recommendation only.</p>
9.7	<p>Paragraph 9.7 states that field evaluation should be undertaken to</p>	<p>Disagree. This reflects the practice for dealing with such matters within this authority.</p>

	a brief supplied by GGAT. This is not a requirement that is derived from PPW or TAN 24.	
9.12	Wording deviates from PPW 6.5.5 in terms of reference to 'need'.	Agree. Wording changed
11.3	Even here, it is contended that Paragraph 11.3 misrepresents planning policy. In a similar way to other statement within the SPG, the paragraph strongly recommends that GGAT are consulted early in the planning process. For reasons already outlined above, this is considered to be an incorrect interpretation of policy, as consultation is advised for specific reasons with the LPA not with GGAT. GGAT are an advisory body to the LPA, an applicant is not obliged to contact them directly. Through consultation with the LPA their advice may be sought and the LPA is at liberty to agree or disagree with their advice accordingly.	Disagree. This is a recommendation only.



## Appendix E: Bibliography: Legislation and Guidance:

Ancient Monuments and Archaeological Areas Act 1979

Town and Country Planning Act 1990

The Historic Environment (Wales) Act 2016

Planning Policy Wales (Edition 9, November 2016)

Well-being of Future Generations (Wales) Act 2015

The Wales Spatial Plan 2008 Update

Technical Advice Note (TAN) 24: The Historic Environment (2017)

Welsh Office Circular 60/96: *Planning and The Historic Environment: Archaeology*

Welsh Office Circular 016/2014 *The Use of Planning Conditions for Development Management*

Welsh Office Circular 24/97: *Enforcing Planning Control: Legislative Provisions and Procedural Requirements*

Welsh Assembly Government: Cadw: Scheduled Monument Consent 2007

Welsh Assembly Government: Cadw: Conservation Principles 2011

