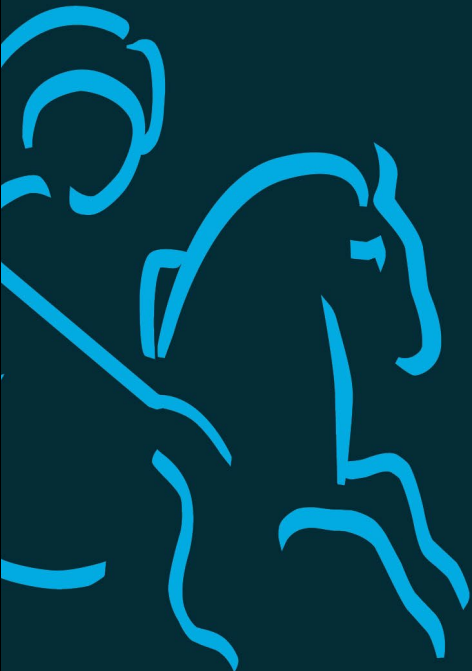


**APPEAL UNDER SECTION 78 OF THE TOWN AND COUNTRY
PLANNING ACT IN RELATION TO
LAND TO THE SOUTH OF WARREN LANE, NORTH OF WESTON
ROAD, LONG ASHTON**

**PLANNING APPLICATION NUMBER: 21/P/3076/OUT
PINS REF: APP/D0121/W/23/3315584**

**Robert Sutton Proof of Evidence (Heritage)
May 2023**



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May 2023

Cirencester Building 11 Kemble Enterprise Park Cirencester Gloucestershire GL7 6BQ t. 01285 771022 f. 01285 771033	Milton Keynes Unit 8 – The IO Centre Fingle Drive Stonebridge Milton Keynes Buckinghamshire MK13 0AT t. 01908 564660	Andover Stanley House Walworth Road Andover Hampshire SP10 5LH t. 01264 347630	Suffolk Unit 5, Plot 11 Maitland Road Lion Barn Industrial Estate Needham Market Suffolk IP6 8NZ t. 01449 900120
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1. INTRODUCTION

Qualifications and experience

- 1.1. My name is Robert Sutton. I am the Director of Heritage Consultancy at Cotswold Archaeology. I am a Member of the Chartered Institute for Archaeologists (MCIfA), and Cotswold Archaeology is a Registered Organisation with the Institute.
- 1.2. I am an archaeologist by qualification and have been practicing as a heritage consultant for over 20 years. A graduate of Bournemouth University, I worked as field archaeologist in London before spending nearly 10 years as a heritage consultant at Atkins. I have led the consultancy team of Cotswold Archaeology since 2011, growing the team from four to 25 professional consultants.
- 1.3. I have authored or provided the technical review of over 100 Cultural Heritage chapters of Environmental Statements and several hundred heritage assessments for planning applications. I have prepared over 50 expert witness statements for Public Inquiries, Hearings, Written Representations and planning committee meetings. I have appeared as an Expert Witness at NSIP examinations and planning and listed building appeal hearings and inquiries. I provide heritage advice to LPAs, developers, government agencies and interested third parties.
- 1.4. I have undertaken heritage assessment work on some of the largest infrastructure projects, in some of the most environmentally sensitive locations in the UK. These have comprised on-shore wind farm projects; a NSIP for an off-shore wind park; and solar farm schemes ranging from ½ha to 700ha. Rail projects have included HS2 London to Birmingham and the route optioneering assessment work on the 'y-route'. Road scheme assessments have included new 60-mile motorways to junction improvements projects. My experience undertaking assessments for residential and mixed-use schemes range from single building conversions to 300+ new homes. Specifically, I have acted as an Expert Witness for many different schemes where heritage, buried archaeological remains and the setting (experience) of Scheduled Monuments was a reason for refusal. I also have specific experience in presenting evidence on matters associated with roman period archaeological sites.
- 1.5. I am at the forefront of developing best practice and industry guidance having devised, with acoustic experts, on behalf of Historic England, the methodology for assessing the effect of intrusive noise on heritage assets. I was also part of the team that developed the cultural heritage assessment methodology within the DfT's Design

Manual for Roads Bridges guidance document. In early 2015, on behalf of the government (HS2 Ltd) I developed the scheme-wide historic building and historic landscape mitigation recording strategy and specification for HS2 (London to Birmingham). I am on the Advisory Panel that drafted and published the *Principles for cultural heritage impact assessment* on behalf of IEMA, IHBC and ClfA. I am the author of cultural heritage topic chapter for the 2019, 3rd edition of the *EIA Handbook* (ed. Carrol and Turpin).

Scope of this evidence

- 1.6. This evidence is solely concerned with matters associated with the assessment of the potential impact of the Appeal Scheme on heritage assets. Matters associated the planning balance can be found in the expert evidence presented by Mr Mel Clinton.
- 1.7. This evidence comprises the following sections:
- Section 2 – the documents that have been used to inform this evidence
 - Section 3 – the appeal site and the appeal scheme
 - Section 4 - supporting contextual discussion on the methodological approach to the impact assessment
 - Section 5 – statements of significance and impact assessment
 - Section 6 – other heritage issues relevant to the appeal
 - Section 7 - legislative and policy context
 - Section 8 – conclusions
 - Section 9 –bibliography and glossary
- 1.8. A separate standalone Summary of my Proof of Evidence has been prepared too.
- 1.9. This evidence has been drafted as a response to the Reason for Refusal (hereafter referred to as the 'RfR No.2' which is as follows:

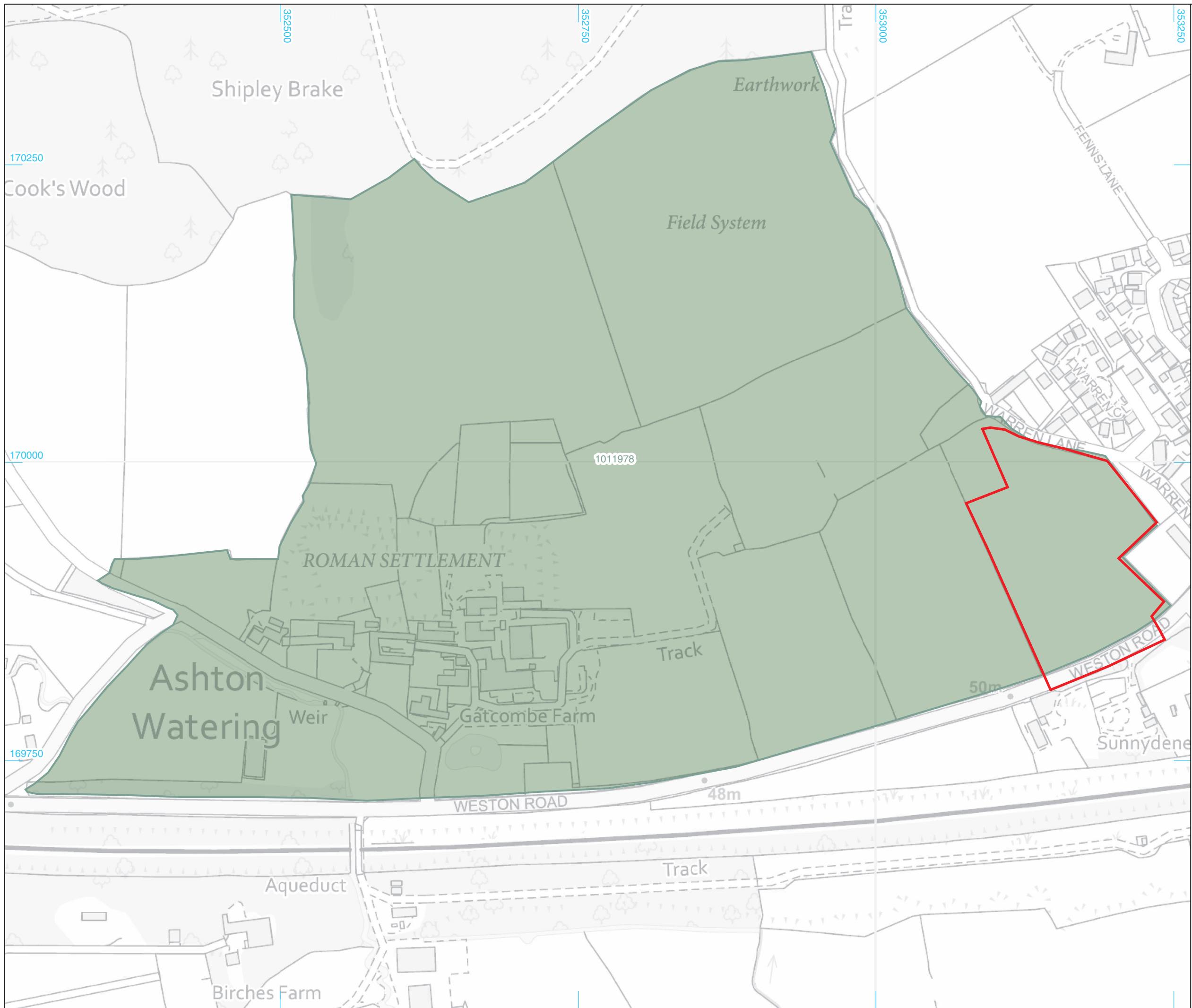
The proposed development would result in the complete removal of all archaeological remains from the development site and would cause unacceptable harm to the Scheduled Monument. These remains form part of the significance of the designation of this heritage asset. In addition, the development of part of the historic field pattern associated with the Scheduled Monument would cause unacceptable harm to the historic landscape. The proposed development is therefore contrary to Policy CS5 of the Core Strategy, Policy DM6 of the North

- 1.10. This RfR is explored in further detail in the Council’s Statement of Case (CD8.1).
- 1.11. I visited the Appeal Site and the surrounding area on two occasions in January 2022 and May 2023. These visits directly informed the evidence presented here.
- 1.12. Whilst I make reference to planning policy of relevance to heritage assets, Mr Clinton, in his Proof of Evidence, addresses the matter of the weight to which these issues are material within the planning balance.
- 1.13. The evidence that I have prepared and provided for this inquiry is true and has been prepared and is given in accordance with the guidance of my professional Institute. I confirm the opinions expressed are my true and professional opinions, irrespective of by whom I am instructed.

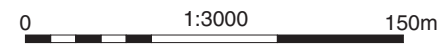
Summary of key matters

- 1.14. My evidence focuses on the following key matters:
- The specific and relative significance of the known buried archaeological remains within the Appeal Site (in reference to archaeological and historic interest);
 - The impact of the appeal scheme on the buried archaeological remains within the appeal site;
 - The impact of the appeal scheme on the heritage significance of the Walled Roman Settlement at Gatcombe;
 - The heritage significance of the historic landscape of character of the appeal site and its surrounds;
 - The impact of the appeal scheme on the experience of the buried archaeological remains and their setting;
 - The heritage benefits that can could be delivered by the appeal scheme (community archaeological excavations and enhanced historic interest that would improve access to the heritage significance); and
 - Balancing the heritage benefits against the adverse impacts of the appeal scheme.

-
- 1.15. In summary, the main issues within the Reason for Refusal (2) can be subdivided as:
i) the physical impact of the Appeal Scheme on buried archaeological remains; and ii) the change that the Appeal Scheme would bring to the historic landscape character.
- 1.16. Regarding the first issue, it is my position that any reasoned assessment of the available evidence would conclude that only very sparse buried archaeological remains survive within the Appeal Site (within this part of the Scheduled Monument). Furthermore, what does survive has relatively limited archaeological interest and no historic interest. Thus, the loss of these buried archaeological remains, which can be adequately mitigated, would not result in material harm to the designated heritage asset as a whole. Further to this, and also allowing for the removal of a field to west of Appeal Site from potential ploughing, the application of the 'heritage balance' results in any harm being compensated by the heritage benefits.
- 1.17. Regarding the second matter, the historic landscape character of the Appeal Site is of no heritage significance and is in no way associated with the archaeological interest of the important Roman period remains to the west (or the buried remains within the Appeal Site itself). The negligible effect of the Appeal Scheme on the wider experience of the historic interest of the Roman period settlement site is accepted. However, this effect is very slight, and this can be easily offset by the benefits that can be delivered through the introduction of publicly accessible interpretation material (information boards). Again, the conclusion can be reached that the Appeal Scheme will result no harm to the designated heritage asset.



- Appeal site
- Scheduled Monument



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PROJECT TITLE
 Land to the south of Warren Lane, Long Ashton

FIGURE TITLE
 Appeal site and Scheduled Monument

DRAWN BY	RW	PROJECT NO.	CR1192	FIGURE NO.
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2. INFORMING DOCUMENTS

Application documents

2.1. The key documents (with regard to the heritage impact assessment) that formed part of the planning application are:

- Historic Environment Desk-Based Assessment, Land South of Warren Lane, Long Ashton (Cotswold Archaeology, 2021) (CD1.17)
- Archaeological Evaluation, Land at Gatcombe Farm, Long Ashton (Cotswold Archaeology, 2013) (CD1.16)

2.2. It is worth noting, further elaborated in chapters 5 and 8 below, that my evidence here expands and provides a more refined and nuanced interpretation of the heritage significance that was presented with the application documents. Specifically, greater attention is paid to the deconstruction of archaeological and historic interests. Further to this, greater consideration is given to the nature and weight of the heritage (public) benefits of the Appeal Scheme. For the avoidance of doubt, these are not departures or differences to the application assessment, simply further detail.

2.3. My understanding of the Appeal Scheme is derived from several documents and plans but most notably the Planning, Design and Access Statement (PDAS, 2021 CD1.4).

Guidance documents

2.4. The documents that have informed the assessment methodology adopted in this evidence are cited within chapter 9 (References), below. However, three key documents are:

- *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*, Historic England 2008 (CD16.9);
- Historic England Advice Note 12. *Statements of Heritage Significance: Analysing Significance of Heritage Assets*. Historic England, 2019 (CD16.7);
- Historic Environment Good Practice Advice in Planning: Note 3: *The Setting of Heritage Assets* (Second Edition), Historic England 2017 (CD16.8); and
- Principles of Cultural Heritage Impact Assessment in the UK, 2021, IEMA, IHBC and ClfA (CD16.15)

Relevant legislation

2.5. The Ancient Monuments and Archaeological Areas Act 1979 includes the provisions for the protection of these designated heritage assets.

Policy Framework

2.6. The policy within the North Somerset Council Coe Strategy (CD4.1) that is of relevance to this evidence is CS5. This states:

- “The council will conserve the historic environment of North Somerset, having regard to the significance of heritage assets such as conservation areas, listed buildings, buildings of local significance, scheduled monuments, other archaeological sites, registered and other historic parks and gardens.

2.7. Policy DM6 of the North Somerset Sites and Policies Plan states:

- “It is nearly always preferable that archaeological remains are preserved ‘in situ’ as even archaeological excavation means the total destruction of evidence, apart from removable artefacts. In some cases, applicants will be required to modify their proposal to take account of the archaeological remains, for example by using foundations which avoid disturbing the remains or by the careful siting of landscaped or open areas. In cases where the council decides that it is not necessary to preserve remains ‘in situ’, developers will be required to make appropriate and satisfactory provision for the excavation and recording of the remains before development commences. Planning conditions will be attached to the grant of planning permission requiring an approved programme of archaeological work to be undertaken before development commences.”

2.8. The paragraphs within the section 16 (Conserving and enhancing the historic environment) of the NPPF (July 2021) that are of relevance to this Appeal are:

- Paragraph 194, in so far as it relates to “local planning authorities require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”;
- Paragraph 195, in so far as “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)...”; and
- Paragraph 202, in so far as “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this

harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

- Paragraph 205, in so far as “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.” The application and interpretation of the policy was the subject of the High Court judgement, and this explored further below (see paragraph 4.34, below)
- Paragraph 207, in so far as “Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance.” While this paragraph plainly makes no reference to Scheduled Monuments it is also unarguable that the reference in the later part of the same paragraph, regarding the need to take “into account the relative significance of the element affected”, is universal and applicable to all heritage assets (especially those with many different component elements and those that extend to cover large areas. Many, if not all, Registered Parks and Garden, and Battlefields, as well as Scheduled Monuments, would fall into this category).

3. THE APPEAL SITE AND THE APPEAL SCHEME

The Appeal Site

- 3.1. The Appeal Site measures c2.2 hectares, located immediately adjacent to the western settlement edge of Long Ashton, North Somerset. The Appeal Site is in agricultural use (a relevant point to which I will return later), most recently planted to barley, wheat and beans.
- 3.2. The Appeal Site slopes gently from the north-west to the south-east, falling 18m, and the lower section forms part of the valley floor with a predominantly flat area adjacent to Weston Road.
- 3.3. A hedge boundary to the north of the Appeal Site contains trees of a significant size, located on an earth embankment. The boundary to the east is formed by a hedge alongside Warren Lane and around the boundary of the properties located on the corner of Weston Road and Warren Lane. To the west of the Appeal Site is an open agricultural land parcel (in pasture). The south the Appeal Site is Weston Road and the footpath, separated by a low stone wall.
- 3.4. The Appeal Site lies almost entirely within the Scheduled Monument known colloquially as Gatcombe Roman Settlement (see Figure 1, above). The full (official) name of the Scheduled Monument is “Roman settlement, part of an associated field system and earlier Iron Age settlement remains at Gatcombe Farm”.
- 3.5. Further detailed descriptions of the Appeal Site can be found in the PDAS (CD1.4) and thus have not been repeated here.

The Appeal Scheme

- 3.6. The Appeal Scheme is for up to 35 affordable homes, plus the provision for areas of open space and allotments, with access from Weston Road.
- 3.7. In plan form and outline design, and in as far as it is relevant to matters associated with historic landscape character, the Appeal Scheme shares similar characteristics to the existing residential development to the east.
- 3.8. As detailed within the draft section 106 agreement, the land parcel to the west of Appeal Scheme (also lying within the Scheduled Monument) will be taken out of more intensive agricultural use. This will commit to a cessation of ploughing, which last

occurred in c.2015, in this land parcel (this matter is further explored in Chapter 6, below).

- 3.9. Further detailed descriptions of the Appeal Scheme can be found in the PDAS (CD1.4), the Statement of Common Ground (CD11.1) and the evidence of Mr Mel Clinton, and thus will not be repeated here.

4. FUNDAMENTAL PRINCIPLES OF HERITAGE ASSESSMENT

Introduction

4.1. This chapter sets out the fundamental principles within legislation and planning policy with regard to the safeguarding of the significance of heritage assets (including their settings). These themes are drawn out, into a narrative, to provide the contextual background of the methodology adopted in the impact assessment presented in Chapter 5 of this evidence. In the most part, these themes are well-articulated in legislation, policy and good practice guidance; however, in some cases, key points are given further elaboration to demonstrate the specific applicability to the key issues that are the subject of this Appeal.

A changed and changing historic environment

4.2. Our historic environment tells a story of change. The buildings of today that have stood for hundreds of years would have, when first constructed, looked alien within their environments. The same can be said of landscape features such as ridge and furrow, so prevalent in parts of the English medieval countryside, which had no place in the farmed landscapes of the pre-Roman or Roman period. The transportation infrastructure of more recent times in the form of canal, rail and motorway often paid little respect or even acknowledgement of the grain of the landscape through which they pass. Our historic environment is one of change and creation. Our legislative and policy framework seeks to safeguard those elements that tell the most important stories of these changes.

4.3. Within our historic environment there are some special buildings and places that survive as an 'intact artefact', a time capsule; telling an important story of a specific event, presenting an unadulterated articulation of a designer's intention or the unaltered aftermath of a single occurrence. When in the presence of these buildings and places, one can be more easily transported to the past time in question, forming an integral part of the experience of their heritage significance. These buildings and places are extremely rare and are especially sensitive to changes that would interfere with the quality of this 'unaltered experience'.

4.4. Features of the historic environment include ruins, earthwork monuments or buried archaeological remains. Completely unlike the surviving buildings of our past, these fragmentary remains (very specifically) tell the story of loss, or of abandonment or even of disaster; of shifting fashions and changing beliefs; of the very passing of time itself.

-
- 4.5. Most often the ruin or earthwork requires interpretation and explanation for its former function so that it can be understood. To conjure an experience of a place, such as a large thriving medieval monastery, from the fragments of a few walls and some infilled ponds, requires a vivid imagination. But what must not be lost in this ‘reconstruction’, is the important fact that these ruins and earthworks have significance as monuments to the past in their current form; their ruinous, often unintelligible nature is critical in the understanding of our place in the timeline of human endeavours – all things will change.
- 4.6. For buried archaeological remains, with no surface expression and most often no ‘signposting’ to their existence (let alone their importance), the same matters described above apply too, except it is even harder or impossible to engage with them as a monument. Conservation Principles (CD16.9; page 28) picks up on this point, explored further below (paragraphs 5.49 - 5.53), when it clearly states that ‘illustrative value depends on visibility’ of the heritage asset.
- 4.7. Therefore, most of our historic environment, and even the majority of designated heritage assets, tell stories of change. The buried archaeological remains and their settings, that are the subject of this Appeal, are heritage assets that tell the stories of change too.

Understanding heritage significance

- 4.8. The NPPF provides a definition of ‘significance’ for heritage policy (Annex 2). This states that heritage significance comprises ‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic’.
- 4.9. In the same Annex to the NPPF (2021) archaeological interest is described as: “There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.” The term evidential value, used in Conservation Principles, can be read as offering a similar meaning to archaeological interest (as defined in the NPPF).
- 4.10. While the NPPF poses historic interest as one of component parts of a heritage asset, it doesn’t offer a definition for this. Thus, one is directed to the NPPG (paragraph 006, of the Historic Environment section) for the definition which is as follows: “An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material

record of our nation's history but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity." While this definition doesn't read identically to the version of historical value offered in Conservation Principles, the core tenets are the same.

- 4.11. The way in which change, or a proposal, may impact (and thus cause harm) to archaeological interest is very different from the way in the same proposal may impact historic interest. Hence the reason for teasing out this difference.
- 4.12. At its simplest level the physical impact of construction work that would necessitate the removal of buried remains will impact their archaeological interest. The means by which these impacts can be mitigated are discussed below. Their archaeological interest is in no way affected (positively or negatively) by an experience of their surrounds (or setting); thus changes to their surrounds are not relevant to this component of their significance.
- 4.13. However, when it comes to *historic interest* the loss of fabric and change to their experience (setting) has the potential to adversely affect their significance (their ability to convey their stories).

Scheduled Monuments – their extent

- 4.14. One further critical matter to explore is the functional or arbitrary nature of the boundaries of Scheduled Monuments; and related to this, the extent to which all parts of them may include buried archaeological remains.
- 4.15. In the vast majority of cases where a Scheduled Monument comprises only buried archaeological remains (i.e. not a structure or building, or earthwork or possessing some other surface expression) the boundaries of the designated area are either arbitrary or are not directly related to a sound or robust understanding of the extent of important remains. The extents of scheduled areas are nearly always drawn neatly around visible (and recent) elements of our built environment and landscape. Most prehistoric and Roman period settlements sites (those found in rural locations) have their scheduled extents defined by the presence of existing field boundaries (hedges and walls) that bear no relation to what is buried beneath the ground. This is exactly the case for Gatcombe Roman Settlement, the eastern, western, southern and northern boundaries are all dictated by existing, modern landscape features (this is explored further below, chapter 5).

4.16. The second pertinent point regard the extents of Scheduled Monuments, and obviously associated and flowing from the point made above, is that these areas are not ‘full of archaeological remains’. In some instances, parts of an archaeological site will be dense and complex, may include structural remains or floor surfaces that cover large areas, and potentially involve hundreds of thousands of years of occupation, building up and also intercutting through earlier phase. However, in other parts of an archaeological site the remains could be more piecemeal, sporadic and ‘spaced out’; such as one might find with ancient field systems, where the infilled boundary ditches of paddocks and fields might survive, with no other remains present (i.e., largely empty areas).

Understanding setting

4.17. The ‘setting’ of a heritage asset comprises ‘the surroundings in which a heritage asset is experienced’. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’ (NPPF (2021), Annex 2). Thus, it is important to note that ‘setting’ is not itself a heritage asset: however, it may contribute to the significance of a heritage asset.

4.18. Guidance on assessing the effects of change upon the setting and significance of heritage assets is provided in ‘Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets’ (CD16.8), which has been utilised for the assessment presented here. To quote directly from this document “Analysis of setting is different from landscape assessment. While landscapes include everything within them, the entirety of very extensive settings may not contribute equally to the significance of a heritage asset, if at all.” Therefore, understanding and articulating the relative significance of the component parts of the setting of a heritage asset is a critical component to the impact assessment (see below).

4.19. In summary, setting can contribute to heritage significance through associated attributes i.e., surviving elements within its surrounds that have a tangible association with the important stories of the asset itself (maybe lying well-beyond the experience of the asset); or at specific locations where the asset itself is experienced.

4.20. In the vast majority of cases, heritage significance is experienced when one is looking towards (or simply ‘looking at’) the heritage asset. The sensory and intellectual stimulation drawn from the aesthetic and historic (illustrative) value of a building (such

as a post-medieval farm complex) is obviously had from views towards it. It is highly relevant that there will be locations within the setting of a heritage asset where this is best or commonly experienced.

- 4.21. The importance of understanding and articulating the relative significance of an asset (or elements of an asset) is well-grounded in legislation, policy and good practice guidance. Historic England's *The Setting of Heritage Assets* mentions that by "considering the level of ... [the relative] contribution to significance, it is possible to gauge impact more transparently and more consistently" (CD16.8, 10).
- 4.22. To quote, again, from *The Setting of Heritage Assets* "Views, however, can of course be valued for reasons other than their contribution to heritage significance. They may, for example, be related to the appreciation of the wider landscape, where there may be little or no association with heritage assets" (CD16.8, 1). The guidance goes further on this point to state that "Views out from heritage assets that neither contribute to significance nor allow appreciation of significance are a matter of amenity rather than of setting" (CD16.8, 7).
- 4.23. However, the critical matter that must be addressed (head-on) regarding the specifics at play here is that the Appeal Scheme lies within the Scheduled Monument. This does not mean that discussions around setting are of no relevance, very far from it, just that care must be taken in the narrative that explores the understanding the relative component parts of the historic environment and the way these may be experienced. Specifically therefore, the way in which 'experience' of a heritage asset is considered as part of its setting and significance is plainly of relevance to this Appeal.
- 4.24. With unarguably the most important components of the buried remains lying to the west of the Appeal Site (beneath and around Gatcombe Farm) it would be ludicrous to suggest that one's interpretation and experience of these remains would be materially different if one was stood within the south-east corner of the Appeal Site (within the scheduled area) or two meters away on the footpath on the north side of Weston Road (and outside the scheduled area). I only introduce this here to explain my approach and methods of assessment. I will return to the detail of this later, within the assessment chapter (5) of my proof.
- 4.25. To further explore this principle, if an alternative scheme came forward, located in the land parcel to north-east of the Appeal Site (outside of the Scheduled Monument) it would be highly relevant (essential) to discuss 'setting' matters. As described above,

in this instance, the limits of the scheduled area are completely arbitrary. A proposed change in character to the land parcel to the north-east can and should be handled in a discussion on significance and experience in exactly the same way as one would approach change to significance and experience within the Appeal Site. Thus, this is the approach I have taken here and this is discussed in the context of the part of the Reason for Refusal that deals with historic landscape character of the Appeal Site.

- 4.26. Furthermore, there are potential inconsistencies in the way in which buried archaeological remains and their setting are discussed in practice guidance documents. Within the NPPG (paragraph 013), the opening declaration on the matter of the setting of heritage assets notes: “All heritage assets have a setting [my emphasis], irrespective of the form in which they survive and whether they are designated or not.” However, the fourth bullet point of paragraph 9 of the Setting of Heritage Assets (CD16.8, 5) states that (regarding buried assets): “Heritage assets that comprise only buried remains may not be readily appreciated by a casual observer. They nonetheless retain a presence in the landscape and, like other heritage assets, may have a setting [my emphasis]. These points apply equally, in some rare cases, to designated heritage assets such as scheduled monuments....”.
- 4.27. Clearly this potential contradiction, without further explanation is unhelpful. However, it is my opinion that it is correct and proper to distinguish between buried archaeological remains that have particular *historic interest* (thus consideration of their setting / experience is relevant); and those that have no such *historic interest* but only *archaeological interest* (thus setting / experience is not relevant).

Change does not necessarily result in harm

- 4.28. For a proposal (a development) to cause harm to a heritage asset it has to have the potential to impact its heritage significance or the way in which its significance is experienced. Change to the character of a heritage asset (and / or change to the character of its setting) does not necessarily result in harm to its significance.
- 4.29. As Historic England guidance states, ‘Many places coincide with the setting of a heritage asset’ and ‘conserving or enhancing heritage assets by taking their settings into account need not prevent change; indeed change may be positive’ (CD16.8, 8). Thus change, even that which is perceived by some as unwelcome and/or considerable in scale is not to be necessarily equated with harm to heritage significance. As such, the introduction of, say, a residential development within part of a scheduled monument, and specifically a part that contributes little or nothing to its

heritage significance, is not necessarily harmful. It is only when this change alters one or more of those elements that materially contribute to the asset's significance, or when it impinges on the experience of the asset's significance that harm can arise.

4.30. Therefore, the assessment presented here is solely concerned with identifying such instances of harm or benefits (benefits being explored further below). Thus, identifying a change of character is not, of itself evidence of an impact (or harm) in heritage terms.

Heritage benefits and the heritage balance

4.31. The Historic Environment section of the NPPG, at paragraph 020 (CD10.1), sets out examples of heritage benefits:

- “sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation”.

4.32. A specific example of where the significance of a heritage could be enhanced is via the creation of interpretation facilities and information boards to explain the history and importance of a place. This is especially relevant for important buried archaeological remains, where no surface expression of built fabric can be seen to tell their story.

4.33. The NPPF states, at para 205: “the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.” [my emphasis]. Completely rationally this has been read as meaning ‘no weight can be given to the public benefits that come from archaeological excavations / mitigation’. This was something archaeological professionals begrudgingly accepted while not believing it to be true. “If no weight is to be given to this type of work, why is it taken place and why is deemed to be necessary? How can it be described as mitigating an adverse impact, if it doesn't deliver a positive outcome?”

4.34. However, the important judgment in *R (Hayes) v City of York Council* [2017] EWHC 1374 (Admin), (CD7.1) settled the interpretation of paragraph 205 (or paragraph 141, as it was at the time). The pertinent part of this judgment can be summarised as: ‘this paragraph of the NPPF needs to be read as “...should not be a decisive factor...” [my emphasis] (paragraph 81 of the judgment includes the full details on this discourse). Thus, very simply, we need to give weight to the public (heritage) benefits of archaeological investigations.

4.35. One further important and relevant High Court judgment deals with the matter of undertaking the 'heritage balance'. *Bramshill v SSHCLG* [2021] EWCA Civ 320 (CD7.2) determined that there is no prescribed single, or correct approach to balancing harm against benefits. The judgment noted that one can clearly set out the harm and the weight to be given to it, and then one can set out the heritage (and if relevant non-heritage) benefits and the weight to be given to them too, and balance these in accordance with paragraph 202 of the NPPF. Equally, an alternative approach could be taken whereby an 'internal heritage balancing exercise' takes place with impacts (harm) and positive outcomes (benefits) offset each other without the need to trigger the tests within the NPPF (such as that within paragraph 202). For example, the Secretary of State adopted the internal heritage balance approach in *The Bell Foundary, 32-34 Whitechapel Road, 2 Fieldgate Street* (APP/E5900/V/20/3245430) (13 May 2021) at DL, 22.

5. HERITAGE SIGNIFICANCE AND IMPACT ASSESSMENT

Introduction

- 5.1. The following section derives some of its reference material from the documents that accompanied the application. The key documents are listed in paragraph 2.1, above. The Historic England scheduled monument description is included in full in Appendix A.

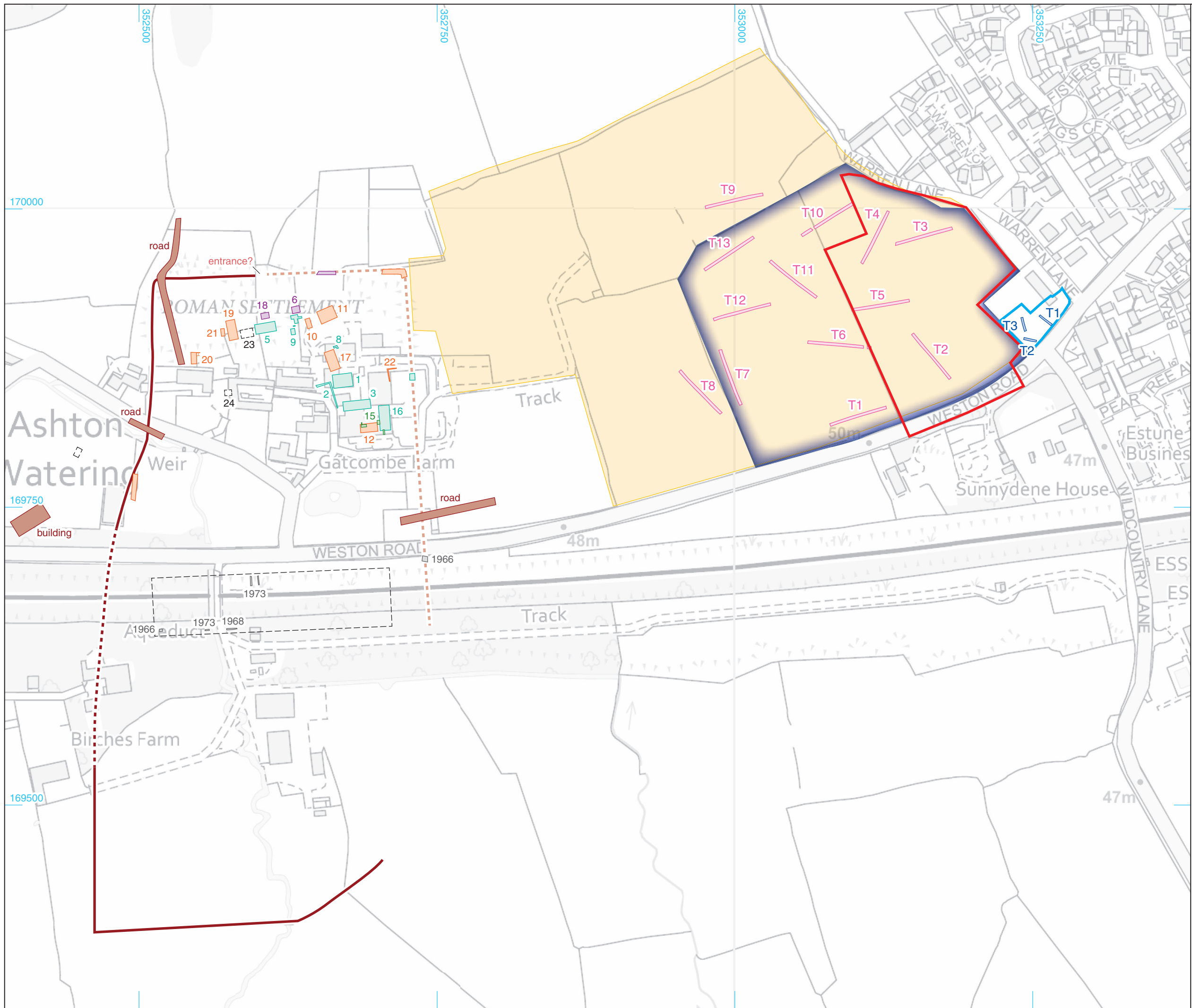
Gatcombe Roman Settlement and the Appeal Site

The archaeological investigations and scheduling history

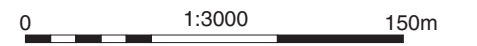
- 5.2. The Roman settlement at Gatcombe Farm, lying over 400m west of the Appeal Site, was initially identified in 1838 during the construction of the Bristol-Exeter railway. Extensive archaeological excavations took place across the site of the Farm in the 1960s and 1970s as part of programme of research and training for Bristol University students. Much of the site of the settlement had been scheduled already at this time, have been designated in 1955. The excavations have removed important buried archaeological remains.
- 5.3. Over a dozen applications for scheduled monument consent have been applied for and granted since 1992. These mostly relate the consents to allow for construction and building work in and around the existing farm buildings. Nearly all of these consents were conditioned with the requirement for archaeological excavations in advance of construction work or archaeological monitoring of ground works during construction. In several of these cases, important archaeological remains were identified and excavated as part of the construction process.
- 5.4. The scheduled area was extended in the 1990s, to include areas to the north and east of farm complex (and beyond the walled area).
- 5.5. Most recently two geophysical surveys (2012 and 2015) and archaeological trial trenching (2013) revealed further evidence for potential archaeological remains (see Figure 2), and the scheduled area was extended in 2014. This extension of scheduled area was challenged by the Appellant (as advised by my colleagues).

The archaeological evidence

- 5.6. The earliest phase of the Roman-period settlement comprises a series of buildings, at least one of which had stone foundations. However, the evidence suggests that these replaced an earlier Iron Age roundhouse settlement.



- Appeal site
- Site boundary (2019)
- Evaluation (CA 2013)
- Evaluation (CA 2019)
- Excavation (Solley 1954)
- Excavation (Cunliffe 1965-1966)
- Excavation (Branigan 1967-1976)
- Additional excavations referenced by Branigan (1967-1976)
- Evaluation (Broomhead 2005)
- Geophysical survey (Smisson and Grove 2009-2010)
- Geophysical survey (Archaeological Surveys Ltd 2012)
- Geophysical Survey (GSB 2015)
- Ancillary buildings
- Projected extent of settlement



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PROJECT TITLE
 Land to the south of Warren Lane, Long Ashton

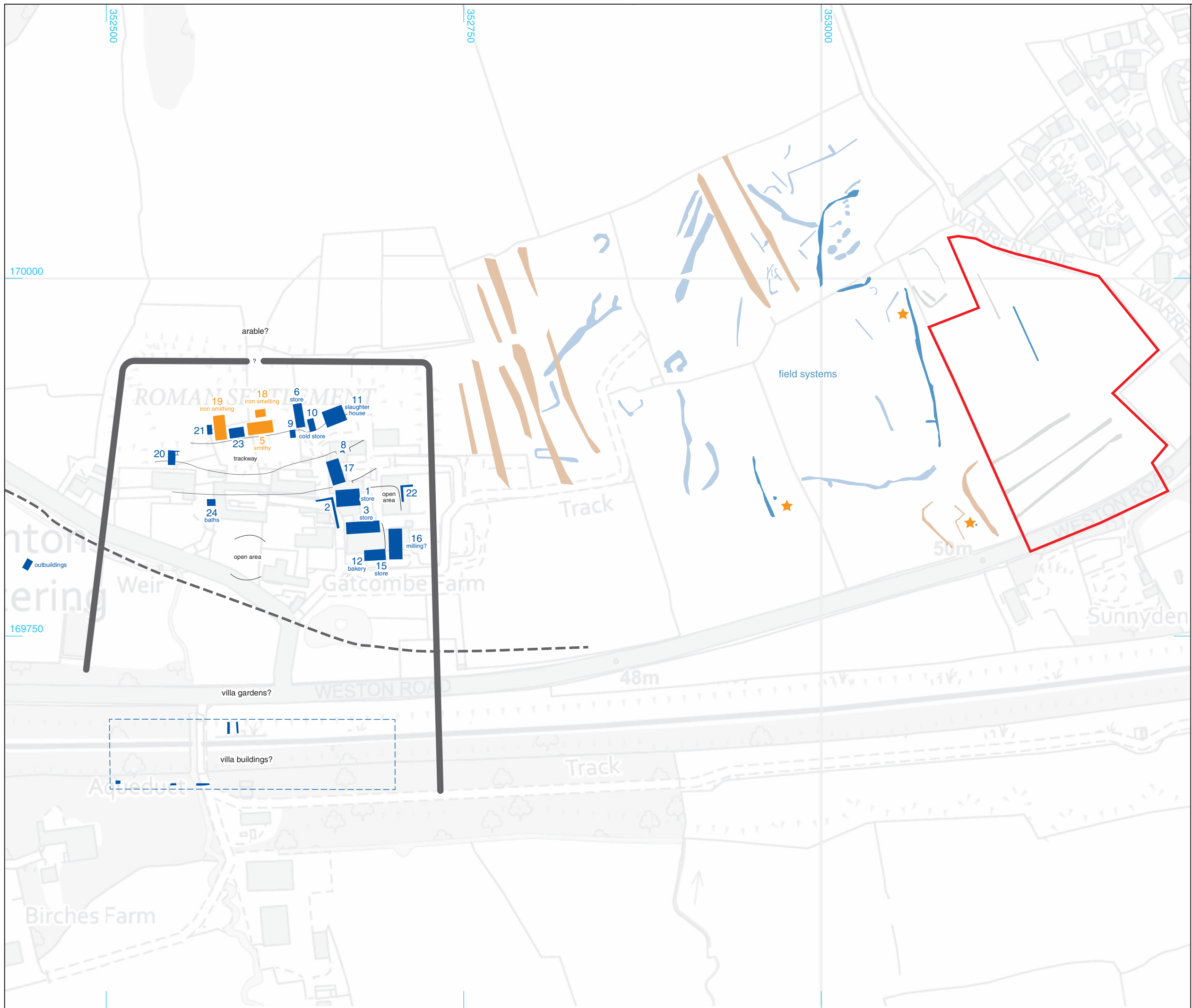
FIGURE TITLE
 Archaeological investigations

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APPROVED BY	TF	SCALE@A3	1:3000	

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- 5.7. These Roman-period structures are likely to represent a small-scale farmstead which went out of use by the late 2nd century AD (Branigan 1977). Following the abandonment of the farmstead (by AD 200), the area appears to have remained unoccupied until the construction of a villa complex between AD 280-300. The recorded structural elements of this villa complex, which appears to have been occupied between c. AD 280 and AD 380, are depicted on Figure 3.
- 5.8. A limestone 'compound wall', which lies c.400m west of the Appeal Site, was up to 4m thick and possibly 3m to 4m high and enclosed an area of c.7ha (see figure xxx). The settlement located within the wall comprised the probable villa house (destroyed by the 19th-century railway) and at least nineteen associated, subsidiary buildings (excavated by Branigan in the 1960s/70s) arranged upon three terraces in the northern part of the compound and grouped according to specific agricultural and industrial functions (Branigan 1977, 189). The subsidiary buildings were interpreted as a possible bakery, slaughterhouse, and milling area (Branigan 1977). The site was abruptly abandoned in about AD 380, but its later use as an 'ordinary farmstead' is indicated by the re-occupation of some of the ruined stone buildings, and the construction of two new buildings, in c. AD 400 (Branigan 1977). High-quality building material (probably derived from the abandoned villa) has been recorded within these 5th-century structures (Branigan 1977), which represent the final re-use of the site prior to its abandonment in the early medieval period.
- 5.9. Beyond the walled area the remains of a possible Romano-British field system and other types of activity are known. An irregular aggregate undated field system survived until recently as shallow earthworks and covered an area of c.20ha, occupying the hillside to the north and east of the Roman settlement. Part of this possible field system, recorded to the east of the walled compound, extends towards and possibly within the Appeal Site. To west of the Appeal Site (and outside the walled compound of the settlement) remains of possible industrial activity have been discovered.
- 5.10. A projected Roman road between Flax Bourton and Abbots Leigh lies c.650m to the north-west of the Appeal Site (beyond the walled settlement) on a north-east to south-west alignment (see Figure 3).
- 5.11. Returning and focussing on the specific evidence for buried archaeological remains within the Appeal Site the following paragraphs have again been derived from the Historic Environment Desk-based Assessment that accompanied the application.

-
- 5.12. A magnetometer (geophysical) survey was carried out in 2013 within the Appeal Site and to its west, this detailed magnetic survey covered c.10ha and detected many anomalies that were interpreted as potential buried archaeological remains (Archaeological Surveys, 2013). Following the geophysical survey, a programme of archaeological evaluation (trial trenching) was undertaken to test these anomalies. A total of 13 trenches were excavated of which four (trenches 2, 3, 4 and 5) are located within the Appeal Site (figure 2). A summary of the findings is as follows:
- 5.13. In Trench 2 several north-east/south-west orientated ditches were identified broadly conforming to the orientation of the current field system and with former earthworks identified in aerial photographs, and from which only modern artefacts / material were recovered.
- 5.14. In Trench 3 a single infilled ditch orientated north-west/south-east was identified at the western end of the trench. It contained three sherds of suspected Roman-period pottery, and this infilled ditch broadly corresponded to an anomaly identified during the geophysical survey. The remaining geophysical anomalies being tested by the excavations within this trench were not identified as being of archaeological interest.
- 5.15. In Trench 4 an infilled ditch orientated north-east/south-west was located towards the north-eastern part of the trench from which no datable finds were recovered. Also identified within this trench was a furrow, with no dateable material recovered; a further infilled ditch which corresponded to a geophysical anomaly probably representing a rectilinear enclosure measuring at least 34m in length and 28m in width which was not possible to date but whose characteristics and alignment suggests a medieval to post-medieval origin; and a feature corresponding to an earthwork identified in historic aerial photograph, which is also undated.
- 5.16. In Trench 5 postholes with modern wooden posts; undated circular pits; and an undated rectilinear earthwork identified in historic aerial photographs, was also discovered. As with trench 4, many of the geophysical anomalies targeted by this trench transpired to be of no interest.
- 5.17. In 2015, a more detailed geophysical survey was undertaken focusing on the Appeal Site and land parcel to its west. This revealed no further evidence for important buried remains, and simply reinforced the characterisation and model of archaeological potential (very limited) suggested by the 2012 and 2013 work.

-
- 5.18. In summary, most of the features investigated within the Appeal Site correspond to medieval/post-medieval to modern features associated with agricultural practices, with the exception being the single ditch from which Roman-period material (pottery fragments) was recovered. This feature may well be associated with the wider field system connected with the Roman settlement but could equally be the result of the introduction of Roman artefacts (via manuring and other medieval/post-medieval/modern agricultural practices), into a much later enclosure ditch.
- 5.19. Further to the work described above, a small (trial trench) evaluation was undertaken in 2019 on the land immediately to the southeast of the Appeal Site. Three trenches were excavated, none of which revealed features or deposits of archaeological interest and no artefactual material pre-dating the modern period was recovered (Cotswold Archaeology 2019). This is further evidence of the absence or highly dispersed nature of buried archaeological remains surviving this far (over 400m) from the walled compound of the Roman-period settlement.
- 5.20. While there are limitations to geophysical surveys and programmes of archaeological trial trenching, when it comes to attributing confidence in their ability to predict potential buried remains, the work completed to date was unarguably carried out to a high professional standard.
- 5.21. The scope of the work (the desk-based assessment, the geophysical survey and trial trenching) was agreed by the Council via approved WSIs (written schemes of investigation), and parties (including Historic England) agree that reliable (industry standard) conclusions on the potential for buried remains can be drawn from the evidence available.
- 5.22. In summary:
- The only known buried archaeological remains of any interest (significance) within the Appeal Site is a single potential Roman-period infilled former field boundary.
 - The extensive surviving remains of the walled settlement lie nearly 400m to the west of the Appeal Site.
 - There is no evidence and no suggestion that any other types of buried archaeological remains survive within the Appeal Site.



- Appeal site

- Villa**
- Buildings and walls
- Metalwork processing buildings
- Settlement wall
- Terrace

- Landscape**
- Roman feature
- Possible Roman feature
- Post-Roman agricultural feature
- Roman stream course
- Metalwork waste



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PROJECT TITLE
 Land to the south of Warren Lane, Long Ashton

FIGURE TITLE
 Interpretation of the walled settlement and landscape

<small>DRAWN BY</small> RW	<small>PROJECT NO.</small> CR1192	<small>FIGURE NO.</small> 3
<small>CHECKED BY</small> DJB	<small>DATE</small> 14/03/2023	
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Significance of the buried archaeological remains within the Appeal Site

- 5.23. The known buried archaeological remains within the Appeal Site, the infilled former field boundaries and pits of late medieval or more recent date and one in filled ditch of a potential Roman date have no or very limited archaeological interest. In their own right, they fall well-short of fulfilling any criteria that would allow them to be described as worthy of scheduling or of national importance. Their archaeological interest is so limited, in fact, in the most part, they should not be described as heritage assets at all (i.e., they do not have a level of “significance meriting consideration in planning decisions” – as derived from the NPPF definition of heritage assets).
- 5.24. In sole regard to the single, infilled ditch of possible Roman date, it is reasonable to assume that this feature may have been part of the managed agricultural hinterland of the settlement site. It is only through this association that any meaningful archaeological interest can be attributed to the remains; without this connection, without this ‘associated interest’ (or group value), they have little to no heritage significance.
- 5.25. It is worth noting that there is likely to be, as yet unknown, buried archaeological remains of a similar type located in wider environs of Gatcombe Farm to the north (within the woods), to the west and to the south (beyond the railway line); all outside the scheduled area. These remains would plainly possess the same (limited) archaeological interest.
- 5.26. Finally, and for avoidance of doubt, the remains of the walled settlement and surviving fragments of buildings (lying nearly 400m to the west of the Appeal Site) are demonstrably of great archaeological and some latent (potential) historic interest. It is worth stating that much of our understanding of the very important settlement site has come from intrusive (and ultimately destructive) archaeological work. The matter of the (latent) historic interest of the buried archaeological remains of the settlement site is returned to below, within the narrative on the historic landscape character of the area.

The impact of the Appeal Scheme on the archaeological interest of the buried remains

- 5.27. Should this Appeal be allowed, it would be proportionate and an industry standard approach to carryout archaeological excavations of the areas that would be affected by groundworks, in advance of construction. This work would be enforced by a condition on the consent, to a scope agreed by Historic England and the Council.

(Specifically, Scheduled Monument Consent would also need to be applied for and consented).

- 5.28. To reinforce the point made above regarding the relatively limited archaeological interest of the remains, 100s of similar types of archaeological site (potential Roman field systems) are archaeologically excavated, in advance of construction, as a condition on planning consent every year in England and Wales. In many of those examples, far more extensive and demonstrably more important buried archaeological remains are excavated without local Councils or Historic England identifying an objection and, more often than not, no harm is being reported into the planning balance. In effect, any harm is mitigated by a condition for further work proposed by the Councils (archaeological excavations – see below).
- 5.29. In the specific instance of this Appeal Scheme, the work would be carried out by professional and accredited archaeologists. Research questions would be developed from existing and emerging research agendas associated with Roman period settlement remains; and the work would be targeted to answer them. Interested community groups and local individuals would be invited to participate in the archaeological work. The findings of the excavations and post-excavation analysis would be shared with the local stakeholders and with wider groups of archaeological professionals engaging with research on the subject, as is now standard good practice.
- 5.30. It is normal and correct to describe archaeological excavations as would be carried out as part of the consented Appeal Scheme as mitigation, because the work releases the archaeological interest and better reveals its significance (it mitigates the loss of the physical remains). These activities are capable of being a public benefit (see paragraph 205 NPPF and *Hayes* above). And in specific regard to: 'better reveal their significance', this is noted in paragraph 206 of the NPPF as something to allow proposals to be 'treated favourably'.
- 5.31. In summary, the physical loss of this single infilled, potential Roman-period field boundary would result in an adverse impact. It is accepted practice that while all attempts are made to release the archaeological interest of discovered remains, the work of professional archaeologists is not an exact science, and some information will be lost. This loss is easily compensated by the potential gains from advancing our knowledge and the opportunity to involve and engage the local community in the project.

-
- 5.32. It is very important at this point to note the physical loss of this single element of the wider agricultural hinterland of the settlement site would not adversely affect the archaeological interest of what would be retained and survive to the west. In fact, the very opposite is true. The potential knowledge that would be gained from these archaeological investigations as part of the Appeal Scheme would enhance and better reveal the significance of not just the limited remains within the Appeal Site but they would tell us more about the settlement site too (just as the limited work completed to date has, albeit it to a much lesser extent).
- 5.33. Whilst it is acknowledged that the Appeal Scheme will result in ‘the loss of c2ha of the scheduled monument / scheduled area’, as described above, this in no way correlates to the loss of ‘hectares of buried archaeological remains’ or even the loss of any important remains.
- 5.34. As was introduced in chapter 4, above, the extent and limits of many scheduled monuments and the scheduled area of Gatcombe Roman Settlement specifically do not represent the extent of known and important buried remains. Further to this point, the important remains are not distributed evenly across the scheduled area. In this specific case, the demonstrably important remains of great archaeological and historic interest all lie to west of the Appeal Scheme, within and immediately adjacent to the walled compound (nearly 400m away from the Appeal Site).
- 5.35. Thus, the ‘loss’ of a certain quantum or area within any given scheduled monument, but specifically Gatcombe Roman Settlement, is not the relevant measure of an impact or harm (see below, further detail on this point in response to the Council’s Statement of Case and Historic England’s objection).
- 5.36. In conclusion, following an ‘internal heritage balancing exercise’ the result would be ‘no harm’ and no conflict with national or local planning policy regarding the protection of important buried archaeological remains. However, if one’s preference is to express this differently, while (as it happens) still coming to the same conclusion, one could say that the less than substantial harm (very much at the lower end of the scale) would be compensated by the heritage benefits alone.
- 5.37. Linked to paragraph 5.26 above, it is worth coming back to the fact that multiple programmes of archaeological work, new development and other ground disturbing activities have been granted Scheduled Monument Consent within the areas known to contain the most important buried remains. Thus, the loss of these remains has been

deemed acceptable by the Historic England (and / or the Council) because the proposed developments delivered benefits that outweighed any harm or the harm could be directly mitigated.

Specific remarks on the Council's Statement of Case and Historic England's position on the matter of physical impacts on buried archaeological remains

- 5.38. Neither the Council nor Historic England have taken any account of how the adverse impacts of construction from the Appeal Scheme could be mitigated by expert investigation, responding to key regional research objectives, by the dissemination of the results of the work and the involvement of the local communities. This has resulted in a wholly inaccurate and incorrect presentation of the material issue; only the harm has been described, no benefits are being realised to counter, compensate, or mitigate the adverse effects.
- 5.39. It is my reading of the material that supported the decision to refuse the application (from Historic England and the Council's Officers) that my position regarding the nature of the impacts on the buried remains is not too dissimilar to that held by other stakeholders. Thus, as above, the material difference in opinion is due to the absence of a consideration (or even identification / acknowledgment) and weighting of the (public) heritage benefits by the Council and Historic England.
- 5.40. Further to this key point, but drilling down into the finer detail, as is described on page 3 of the Historic England letter of 5th April 2023 and at paragraph 4.16 of the Council's Statement of Case, all of the archaeological remains within the Appeal Site would be lost / affected. This is not contested, although it is notable that the indicative layout does not even show the whole of the Appeal Site to be developed. As highlighted above, the remains of archaeological interest are known to be just the one potential Roman period, infilled ditch of a former field boundary.
- 5.41. Based on this 'logic', Historic England (in the same letter) state that "within the area of the development this harm will be substantial".
- 5.42. However, the total loss of buried archaeological remains within the construction footprints of development sites, such as the Appeal Scheme, is an accepted norm. If a proposed development was for one dwelling, all buried archaeological remains within the construction footprint would be lost. If the development was for 750 dwellings, all buried archaeological remains within the construction footprint would be lost.

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- 5.43. Tying this back to the point referred to in paragraphs 5.26 and 5.37, above, multiple Scheduled Monument Consents have been granted by DCMS or its predecessor state department (on the recommendation of Historic England / English Heritage). These have been for ground disturbing activities that have resulted in the loss of all buried archaeological remains within their construction footprint. Of course, it must be noted, that Scheduled Monument Consent was granted for the excavation of buried archaeological remains within the trial trenches carried out in 2013. This was deemed acceptable without any public (non-heritage) benefits being identified.
- 5.44. Thus, this reference by Historic England to ‘substantial’ (using a term derived from the NPPF to denote a high level of effect on designated heritage asset) is at best meaningless or at worst misleading; it conveys no useful scale by which a measure of the harm can be articulated. This understanding can only be achieved by careful consideration of the specific elements of a heritage asset that might be affected, the relative significance (importance) of these remains and the means by which any loss or harm could be avoided mitigated (see above).

The historic landscape character of the Appeal Site

Character and heritage significance

- 5.45. The Avon Historic Landscape Characterisation project (Chapman 1997) classifies the Appeal Site as belonging to and lying within ‘Group A Category 1’. This encapsulates a landscape type derived from medieval (or earlier), common (or shared) field systems generally associated with nucleated settlements. The report (Chapman 1997) stipulates that this landscape form is abundant in the county, and it is considered to be of heritage significance due to its evidential and historic values and degree of preservation.
- 5.46. However, there are no diagnostic or landscape elements / features within the Appeal Site that give this character enough significance to justify describing it as a non-designated heritage asset. It is my understanding that this is not an argument being pursued by the Council in its Statement of Case. It is my understanding that the Council’s position on this point is that the character of the Appeal Site is of direct relevance to the significance of the buried archaeological remains of Gatcombe Roman Settlement, thus is a contributory factor in the heritage significance of the Scheduled Monument.
- 5.47. While the enclosure of the landscape to the west of Long Ashton, including the Appeal Site, may have occurred relatively early (i.e., pre-parliamentary inclosures of the 18th

and 19th centuries), and early 19th century mapping of the area does depict the field name of 'Old Enclosures', the existing character (field morphology, size, shape and boundaries) bears no resemblance to a Roman field system. Of course, the only known buried archaeological remains within the Appeal Site are of an infilled, field boundary of possible Roman date. However, there is no surface expression of these remains and their character cannot be experienced within the landscape today.

- 5.48. Thus, the element of the character of the Appeal Site as a surviving remnant of the Roman-period landscape is limited to the sole factor that the land is in agricultural use. Again, for the avoidance of doubt this 'land use' is not sufficient to elevate the Appeal Site to the status of a heritage asset because of its historic landscape character.

The setting and experience of the buried archaeological remains

- 5.49. To develop this point further and to bring the important assessment of 'setting' into the narrative, one needs to consider the specific heritage significance of the buried archaeological remains of the Gatcombe Roman Settlement and how they are experienced. The archaeological interest of the buried remains is discussed above, and as set out in Chapter 4 of this Proof, this interest or value is not dependent on one's experience of the remains. It is the historic interest that seeks to convey the story and thus the experience is relevant in this aspect alone.



Photo 1 – view from the southern edge of the Appeal Site, looking west

- 5.50. However, this historic interest is almost completely hidden; it has a latent historic interest. While it is understood that some shallow earthworks relating to the Gatcombe Roman Settlement survive amongst the existing farm buildings these are unintelligible and physically inaccessible to the public. There are no signs or information boards that tell the story of the buried archaeological remains and the rich history of the place is lost. There is nothing that demarcates the extent of the scheduled area either.
- 5.51. With a basically ‘invisible’ heritage asset, the true potential of the historic interest of the place is not realised.



Photo 2 – view from the southern edge of the Appeal Site, looking north-west

- 5.52. For the well-informed observer, who has a detailed knowledge of the previous archaeological work and what this has taught us about the layout and function of the Roman Settlement, the historic interest could be realised, and this is likely to be best experienced when one is located in and around the existing farm buildings.
- 5.53. From locations within and on the edge of the walled compound of the Roman Settlement, the current edge of the settlement at Long Ashton can be seen to the east. The presence of these built features within one's view does, to a very limited degree, inhibit an attempt to experience what would have been, during the Roman period, an open, undeveloped, agricultural hinterland of small, enclosed paddocks, woodland and waste (unimproved land).

The role of the Appeal Site in this experience and the impact of the Scheme

- 5.54. The Appeal Scheme, when viewed from the eastern edge of the walled compound (near to the existing Gatcombe Farm buildings), would reinforce the negative component of the built form within the setting / experience of the important buried archaeological remains. Thus, the Appeal Scheme would result in an adverse effect or a less than substantial harm (very much at lower end of the scale). This harm would

only materialise prior to the consideration of potential positive heritage outcomes or benefits of the Appeal Scheme.

5.55. However, the benefits need to be considered and the section 106 agreement includes for the provision of interpretation panels / information boards to tell the story of this currently hidden history. These will better reveal the significance of this designated heritage asset, they will release and enhance the historic interest of the place. These benefits will easily offset and outweigh the very limited impact of the change of character and the presence of further modern residential development within an area that would once have been the Roman period agricultural hinterland of the settlement.

6. OTHER POINTS OF NOTE

The objection from Historic England

- 6.1. The lack of recognition from Historic England regarding the public (heritage) benefits of the Appeal Scheme is already discussed above. However, it is worth noting that Historic England are objecting to the Appeal Scheme for reasons that are not even remotely substantiated. If they hold the position that the scheme should not be consented, it can only be because of conflict with national or local heritage policy; but no such conflict is articulated.
- 6.2. In their letter of 5th April 2023, they state that they “object on heritage grounds”. Such an objection could only be grounded within the policy test of the NPPF and the Core Strategy / Development Plan, which require the public benefits to be weighed against any harm. Historic England have presented no consideration of the public (heritage or non-heritage) benefits. Furthermore, I would suggest that they are not qualified to offer an opinion or understanding of the weight that should be afforded to non-heritage public benefits. Thus, I am of the opinion that this ‘objection’ has no merit.
- 6.3. Their letter of 5th April 2023 goes on to identify a position on harm (albeit a muddled one, see above re references to substantial and less than substantial harm), and this concludes (on page 4) that this harm is ‘at the higher end of less than substantial’. In the first instance, they present no evidence to qualify this remark / scale. This ‘higher end’ suggest that the impacts wouldn’t quite result in the total loss of significance of the entire monument but would come close. This is frankly an absurd conclusion, one that should be seen as undermining the validity of any opinion expressed and a fundamental misunderstanding of the scale of the Appeal Scheme and nature of the known buried archaeological remains present (within and out with the Appeal Site).
- 6.4. The final remarks within the 5th April 2023 letter correctly direct the decision maker to undertake a planning balance to weigh the harm to heritage against the public benefits of the Appeal Scheme. However, the letter introduces a wholly incorrect measure in so far as suggesting these public benefits need to “decisively outweigh that harm”. No such test exists. Paragraph 202 of the NPPF is clear in stating “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”. The term ‘decisive’ is not required within the test.

The removal of the land to the west of the Appeal Site from active ploughing

- 6.5. As referred to above, the removal of the land to the west of the Appeal Site, is described in the section 106 agreement. This area is depicted within the blue line of the 'Location Plan' drawing number 100, dated 1st November 2021.
- 6.6. The material benefits of including an agreement to secure this area from ploughing needs to be given weight. The cessation of ploughing within the scheduled area will protect any surviving buried remains from further degradation.

7. LEGISLATIVE AND POLICY CONTEXT

7.1. This chapter summarises the legislative and policy context in relation to findings of my assessment presented in the preceding chapter. The evidence of Mr Clinton should be taken up for a presentation of these matters within the planning balance.

Local policy

7.2. As has been described above, my assessment is that Appeal Scheme, when allowing for the implementation of agreed programme of mitigation work, will result in no adverse impacts, this will 'conserve' (as described in Core Strategy Policy CS5) the Scheduled Monument.

7.3. While Policy DM6 of the North Somerset Sites and Policies Plan identifies the preference for 'preservation in situ' but also recognises that excavation and recording could be a suitable approach. This Appeal Scheme is an example of where the need for preservation in situ is not required.

7.4. Thus, the Appeal Scheme accords with the local policy tests.

Legislation

7.5. The Ancient Monuments and Archaeological Areas Act 1979 includes no specific provisions for the protection of remains as part of a planning balance exercise. Thus, the Act, while seeking to protect important archaeological remains, includes no test regarding the acceptability or otherwise, of a proposal that may disturb or result in the loss of such remains. Specifically, the opportunity does exist to apply for Scheduled Monument Consent (and for it to be granted) that will knowingly / willingly disturb or result in the loss of buried archaeological remains.

National policy

7.6. My assessment has found no harm to the heritage significance of the designated heritage assets (the scheduled monument). This is the result of the limited impacts being appropriately mitigated and offset by positive heritage effects (within an 'internal heritage balancing exercise'). Therefore, the provisions within the NPPF that would otherwise be relevant (potentially paragraph 202) are not triggered.

7.7. However, should an alternative approach be taken to assessing and articulating the harm and public benefits (see above re Bramshill), I find the harm to be limited (very much at lower end of less than substantial harm) and in accordance with paragraph 202, outweighed by the specific public (heritage) benefits of the Appeal Scheme.

7.8. Of course, I have made no attempt to (as I am not qualified to do so) bring the other non-heritage public benefits into my assessment. However, these would clearly deliver even greater benefits than the heritage benefits alone, all favouring a balance that falls towards policy concordance. This is discussed in the evidence of Mr Clinton.

8. CONCLUSIONS

8.1. The key conclusions of my evidence can be summarised as:

- 1) The known important buried archaeological remains of Gatcombe Roman Settlement lie nearly 400m to west of the Appeal Site.
- 2) While a robust understanding is had of the archaeological potential of the Appeal Site, the only known remains within it are a single infilled ditch of a possible Roman period field boundary. This feature is of limited archaeological interest.
- 3) The physical loss of the buried archaeological remains within the Appeal Site can be adequately mitigated / offset by industry standard archaeological work in advance of construction. The advancement in our understanding of the buried archaeological remains and the ability to involve the local community and other interested stakeholders in this archaeological work, all form part of the potential public (heritage) benefits.
- 4) The Appeal Scheme would reinforce a negative component of the current experience of the important buried archaeological remains. However, this adverse impact would only occur to a very peripheral component of the designated heritage assets significance.
- 5) This impact to the experience of the Scheduled Monument would be easily outweighed by the heritage benefits that could be delivered by interpretation / information boards.

8.2. The material benefits of including an agreement to remove the land parcel to the west of the Appeal Site from ploughing needs to be given weight. The cessation of ploughing within the scheduled area will protect any surviving buried remains from further degradation.

8.3. In conclusion, while the evidence on the planning balance is given by Mr Clinton in his proof of evidence, for the reasons presented above, I am of the opinion that the very minimal adverse impacts can be adequately mitigated and thus there is no heritage reason to refuse the Appeal Scheme.

9. REFERENCES

Chartered Institute for Archaeologists, 2017, *Standard and Guidance for Historic Environment Desk-Based Assessment*

IEMA, IHBC and ClfA, 2021, *Principles of Cultural Heritage Impact Assessment in the UK (2021)* (CD16.15)

Historic England, 2008, *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment* (CD16.9)

Historic England, 2015, *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning 2* (CD16.16)

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Historic England, 2019, *Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets* (CD16.17)

Ministry of Housing, Communities and Local Government, 2021, *National Planning Policy Framework (NPPF)*

Ministry of Housing, Communities and Local Government, 2019, *National Planning Policy Guidance (PPG)* (CD10.1)

North Somerset Core Strategy, Part 1, 2017 (CD4.1)

North Somerset Sites and Policies Plan. 2016 (CD 4.2)

APPENDIX A – OFFICIAL LIST ENTRY

Roman settlement, part of an associated field system and earlier Iron Age settlement remains at Gatcombe Farm

Official list entry

Heritage Category: **Scheduled Monument**

List Entry Number: **1011978**

Date first listed: **05-Dec-1955**

Date of most recent amendment: **27-Nov-2014**

Location Description: The area is approximately 250m north of Cambridge Batch, Long Ashton, Somerset, at Gatcombe Farm and the land around it. The southern boundary follows the north side of Weston Road from ST5229069723 in the west to ST5324769879 in the east. The northern boundary follows the edge of the Shipley Brake/George's Hill woods from ST5251170223 in the west to ST5294570344 in the east.

Location

The building or site itself may lie within the boundary of more than one authority.

District: **North Somerset (Unitary Authority)**

Parish: **Long Ashton**

National Grid Reference: **ST5276870003**

Summary

A Roman settlement, an associated irregular aggregate field system and earlier Iron Age settlement remains, overlooking the Land Yeo river valley.

Reasons for Designation

The Roman settlement, part of an associated field system and earlier Iron Age settlement remains, at Gatcombe Farm, Long Ashton, North Somerset is designated as a Scheduled Monument for the following principal reasons: * Rarity: as a Roman small urbanised settlement with associated field systems, and with evidence of earlier occupation, the Gatcombe settlement is relatively rare in a national context; * Potential: the site as a whole has a high potential for adding to our understanding of the contemporary agricultural and industrial methods, and the social and economic changes that the Roman Conquest brought; * Group value: the area probably formed part of a wide network of Roman sites, with links to settlements in Bath and most probably Bristol.

History

The settlement, commonly known as the Gatcombe Roman site, was an Iron Age settlement that was Romanised in c. 50-80 AD and grew to become a commercial agricultural centre that traded via a road linking Bath to Portbury or Pill, and possibly north via a road to the River Avon and the town of Abonae beyond. Several phases of farmsteads were established, the last of which was deserted in c.200 AD. A wall up to 5m thick was constructed in the late third or early fourth century, enclosing an area of c.7ha. During the same period the northern part of the site was extensively redeveloped. The once fairly dispersed population at Gatcombe probably retreated behind this defensive wall. Coin evidence shows that the settlement was occupied throughout the Roman period.

The site appears to have been completely abandoned by the C8. Abandonment may have coincided with the onset of bubonic plague in Britain (540-560 AD), which was the period that nearby Cadbury-Congresbury hillfort was re-occupied. To the north-east, a Romano-British field system possibly associated with Gatcombe is scheduled separately with a deserted medieval settlement (SM 22849).

The Roman site was first identified during the excavation of a railway cutting in 1838-39. The stone foundations of buildings, as well as burials within oak coffins and Roman coins, were discovered. Partial excavations have subsequently been conducted at the site by the Clevedon Archaeological Society (1954), Professor B Cunliffe (1965) and Professor K Brannigan (1967-76). The excavations have revealed evidence that the site had several phases of development. At this time it was thought that Gatcombe was a villa site, despite substantial buildings from the Roman period having been located outside the walled area. One of these buildings, at Cambridge Batch, had been excavated in the late C19 and a mosaic pavement of the C3 AD was removed. Later studies have reinterpreted Gatcombe as a Roman small town with associated field systems. Further geophysical surveys were carried out in 2006 and 2009/10, which established that there had been a dense population within the settlement walls as well as significant numbers of extramural buildings. It has also been suggested that the settlement may be a rural estate centre.

The investigations carried out in 2012/3 to the east of Gatcombe Farm confirmed that the land had been divided into fields or enclosures by the first or second century AD, with pit-like anomalies containing industrial waste (probably from metal working) that is most likely associated with these enclosures.

Details

PRINCIPAL ELEMENTS The monument includes a Roman settlement, an associated irregular aggregate field system and earlier Iron Age settlement remains, situated on a south facing slope overlooking the Land Yeo river valley. It is located on the only land-bridge between Broadfield Down to the south and Failand Ridge to the north.

DETAILS

The settlement, commonly known as the Gatcombe Roman site, is now partially overlain by houses and farm buildings, although there are also extensive areas of well-preserved earthworks.

The earliest features include post holes representing structures dating to the pre-Roman Iron Age. These have been interpreted as the remains of several phases of farmsteads. A C4 wall up to 5m thick was constructed, enclosing an

area of c.7ha. This wall is composed of good quality lias limestone masonry on the inner and outer faces, with an inner filling of carboniferous limestone or marl. The width of the wall foundations suggest an original height of 3m-4m, a size which is unusual for this type of Roman site.

At least 19 building foundations have been identified within the enclosed area. All are dry-stone founded and all are small in plan. The buildings have a random distribution within the enclosure and there is no trace of a street plan. Other Roman materials include Bath freestone copings and finials, stone roof slates, and flagstone and cobble floors. Furthermore, two burials and Chi-Rho graffiti on a potsherd indicate a Christian presence in the Romano-British Community at Gatcombe. *Triticum Aestivum* (bread wheat grains) found within one building were not introduced to Britain in the late fourth century, further confirming the later occupation of the site. A number of buildings, dating to the Roman period, are known to be situated outside of the walled area to the west and south.

The irregular aggregate field system occupies the area to the north and east of the settlement. The field system is defined by a series of linear banks and lynchets which survive between c.0.5m-0.75m in height and 1m-2m in width. These are orientated along the slope of the hill and divide the area up into a series of rectilinear plots. Holloways lead from the north-west of the walled settlement and to the east of Gatcombe Farm.

Coin and pottery finds are numerous (approximately 20,000 pottery sherds) and confirm the site as being commercial with very wide trade links. Stone finds include numerous small decorative and industrial artefacts, querns and mortars, and architectural materials. Other recovered artefacts are of clay, glass, iron and bone/ horn mainly relating to domestic occupancy, Metallurgical remains from a number of buildings relate to industrial working. Waste materials expected for a settlement of this date, includes animal bone fragments are also in evidence. The two adult burials uncovered on the site may be of C5 or C6 date. EXCLUSIONS Excluded from the scheduling are all fence posts and gates relating to the modern field boundaries, although the underlying ground is included. Also excluded are Gatcombe Cottage, the house, outbuildings and tennis court at Gatcombe Court, the farmhouse and buildings at Gatcombe Farm and the metalled surface of the lane, although the underlying ground is included in each case.

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number: **22848**

Legacy System: **RSM**

Sources

Books and journals

Branigan, K, *Gatcombe Roman Villa*, (1977)

Barry Cunliffe, , 'Proceedings of the University of Bristol Spelaeological Society' in *Excavations at Gatcombe, Somerset in 1965 and 1966*, (1967)

Keith Branigan, , 'Current Archaeology' in *Gatcombe*, (1971)

Robert Smisson, , Phredd Groves, , 'Britannia' in *Gatcombe Roman Settlement - A Reappraisal*, (2014)

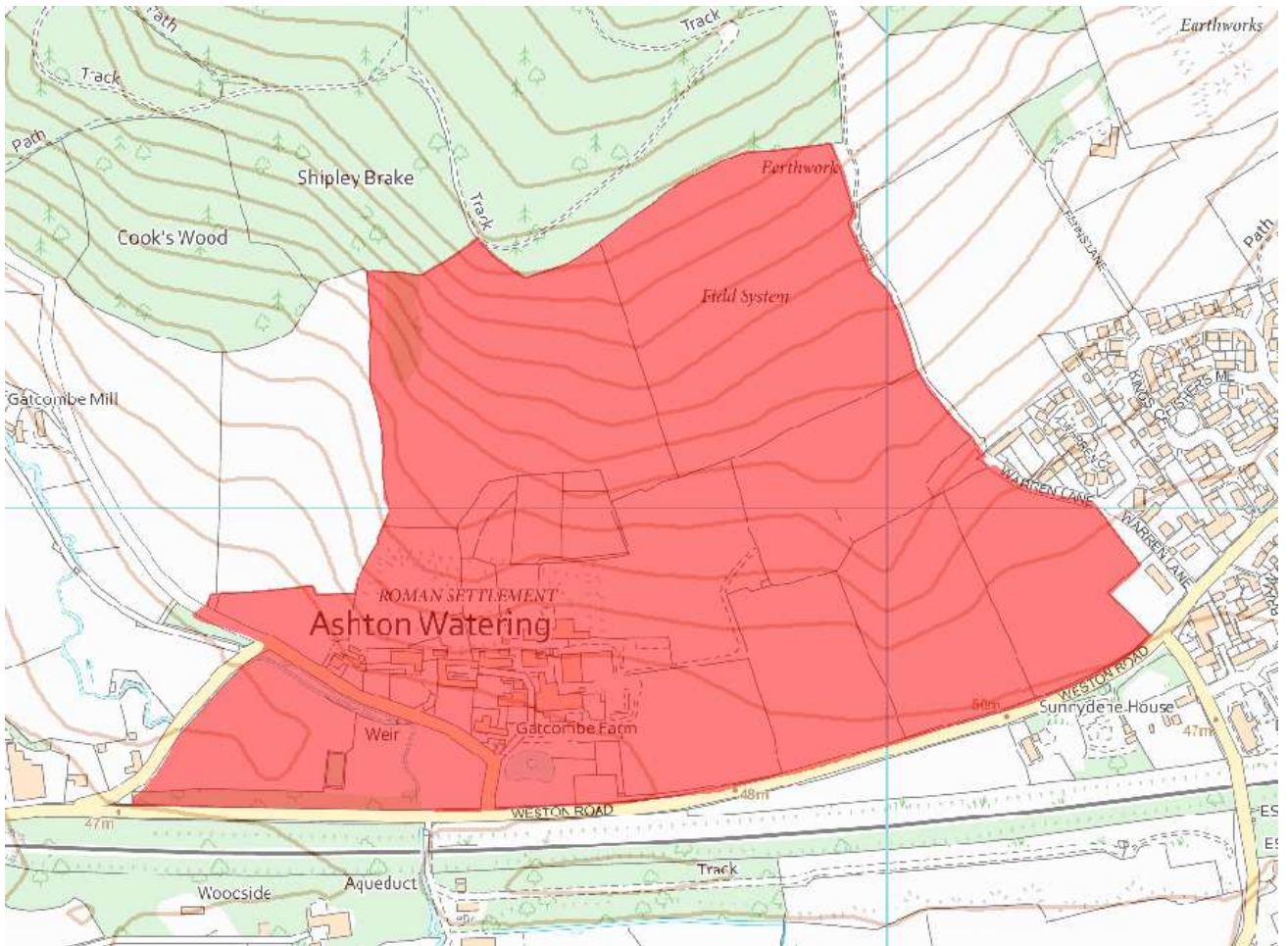
TWJ Solley, , 'Somerset Archaeological & Natural History Society' in *Excavations at Gatcombe, Somerset, 1954*, (1967)

Other

David Sabin and Kerry Donaldson, *Land at Gatcombe Farm, Long Ashton*, September 2012,

Legal

This monument is scheduled under the Ancient Monuments and Archaeological Areas Act 1979 as amended as it appears to the Secretary of State to be of national importance. This entry is a copy, the original is held by the



Map

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End of official list entry



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