

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Housing, Environmental and Economic Development**

**Planning Committee: 4 October 2011**

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**Subject: Antonine Wall Supplementary Planning Guidance**

#### **1. Purpose**

- 1.1** To inform the Committee of the outcome of the consultation regarding the draft Supplementary Planning Guidance (SPG) for the Antonine Wall World Heritage Site and to seek approval to formally adopt the Supplementary Planning Guidance.

#### **2. Background**

- 2.1** Planning Committee on 3 May 2011 approved draft planning guidance for the Antonine Wall to be published for a six-week period of public consultation. The draft Supplementary Planning Guidance (SPG) was jointly prepared by the five local authorities along the line of the Wall: West Dunbartonshire, East Dunbartonshire, Glasgow, North Lanarkshire and Falkirk along with Historic Scotland. It provides a single document that applies to the whole of the Antonine Wall and supports agreed local planning policies that outline a presumption against development which would have an adverse impact on the World Heritage Site and its setting.
- 2.2** The purpose of the SPG is to explain the significance of the Antonine Wall and its status as a World Heritage Site; encourage early and effective consultation with Councils and Historic Scotland; outline the approach and procedure for assessing development affecting the World Heritage Site; set out criteria which will be applied in determining planning applications for development along the line and within the setting of the World Heritage Site; and guide decisions on planning appeals and enforcement.

#### **3. Main Issues**

- 3.1** Consultation on the draft SPG was coordinated by this Council and ran concurrently across the five local authority areas from 24th June – 5th August, allowing members of the public, developers, statutory agencies, interested groups and organisations and Council departments the opportunity to make comments. A formal notice was placed in the Herald newspaper and local newspapers along the line of the Antonine Wall including the Clydebank Post and copies of the draft SPG were made available electronically, at the principal Council Offices and at Clydebank Library. Over 800 consultees were informed directly of the consultation.

- 3.2** In total, 42 separate comments were made on the SPG from public bodies including SEPA, SNH and the Scottish Government, from departments across the five local authorities and the public. The responses to the public consultation have been analysed, assessed and discussed by officers of the five local authorities. A full summary of all the comments received and Officers' responses is available as a separate background report.
- 3.3** Overall, the response to the consultation has been positive and the alterations to the draft SPG are considered to be relatively minor in nature. The amendments to the SPG respond to recent legislative changes, the publication of a new Planning Advice Note on Archaeology and refer more directly to landscape character considerations and include various other miscellaneous textual corrections and improvements.
- 3.4** The SPG has also been the subject of a Strategic Environmental Assessment (SEA), the findings of which are presented in a separate Environmental Report. In summary the SEA shows the guidance positively addresses many environmental challenges associated with managing development along the Antonine Wall. In particular it shows that it will offer a strong level of protection for the historic environment.
- 3.5** Appendix 1 contains the final version of the SPG, which takes account of the comments received follow the consultation. Once adopted, the SPG will become a material consideration in the determination of planning applications on or within the setting of the Antonine Wall.

#### **4. People Implications**

- 4.1** There are no personnel issues associated with this report.

#### **5. Financial Implications**

- 5.1** There are no financial implications associated with this report.

#### **6. Risk Analysis**

- 6.1** No risks have been identified in the preparation of this report.

#### **7. Equalities, Health & Human Rights Impact Assessment (EIA)**

- 7.1** No significant issues were identified in a screening for potential equality impact of this policy.

#### **8. Strategic Assessment**

- 8.1** The SPG supports the strategic priorities of the Council.

## **9. Conclusions and Recommendations**

- 9.1** The SPG sets out criteria to be applied in assessing planning applications for development along the line or within the setting of the Antonine Wall, supporting the presumption against development which would have an adverse impact on the World Heritage Site and its setting as outlined in the Local Plan. It will also be used to inform the policies of the Local Development Plan and emphasises the significance and importance of the Antonine Wall and of early engagement with the Council. Appendix 3 provides details of how the Antonine Wall relates to the West Dunbartonshire area.
- 9.2** It is recommended that the Committee approves adoption of the Antonine Wall Supplementary Planning Guidance.

**Elaine Melrose**

**Executive Director of Housing, Environmental and Economic Development**

**Date: 19 September 2011**

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**Appendices:** Antonine Wall Supplementary Planning Guidance.

**Background Papers:** Consultation Responses

**Wards Affected:** 4 – Kilpatrick  
6 – Waterfront

**FRONTIERS OF THE ROMAN EMPIRE  
(ANTONINE WALL) WORLD HERITAGE SITE  
SUPPLEMENTARY PLANNING GUIDANCE**

**1. INTRODUCTION**

1.1 This Supplementary Planning Guidance (SPG) provides advice for developers, decision makers and the public on managing the impact of development on the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site (FRE(AW)WHS) and its setting. The guidance supports the implementation of the development plan policies agreed by the five Councils along the Antonine Wall: Falkirk, North Lanarkshire, East Dunbartonshire, Glasgow City and West Dunbartonshire.

1.1.1 The Guidance will be a material consideration in the assessment and determination of planning applications affecting the Antonine Wall and its setting. It will then be progressively adopted as statutory Supplementary Guidance alongside the emerging Local Development Plans being prepared by the five local authorities.

**1.2 PURPOSE**

1.2.1 The **purpose of the SPG** is to:

- explain the significance of the Antonine Wall and its status as a World Heritage Site;
- encourage early and effective consultation with Councils and Historic Scotland;
- outline the approach and procedure for assessing development affecting the World Heritage Site;
- set out the criteria which will be applied in determining planning applications for development along the line and within the setting of the World Heritage Site;
- guide decisions on planning appeals and enforcement.

1.2.2 The SPG has been the subject of a Strategic Environmental Assessment, the findings of which are presented in a separate Environmental Report.

**1.3 THE ANTONINE WALL**

1.3.1 The Antonine Wall is the most substantial and important Roman monument in Scotland. Built on the orders of the Emperor Antoninus Pius in the years following 140 AD, it extends for some 60 kilometres

across central Scotland from Bo'ness on the River Forth to Old Kilpatrick on the River Clyde and marked the north western frontier of the Roman Empire.

*Figure 1.1: Map of the Antonine Wall World Heritage Site*

- 1.3.2 The Wall functioned both as a frontier control and military defence. It comprised of a substantial turf rampart built on a solid stone base fronted to the north by a broad, deep ditch and outer mound. To the south of the rampart was a road, the Military Way, which permitted the movement of troops, goods and materials and connected the series of permanent stone built forts which occur at roughly two mile intervals along its length. Between some of the forts there are smaller forts, or fortlets. Camps used by the troops building the Wall also occur at regular distances along the frontier.
- 1.3.3 The Antonine Wall is of great significance for a number of reasons. It represents one of many sections of a massive military system which stretched over 5000 km from northern Britain, through Europe to the Black Sea, and from there to the Red Sea and across North Africa to the Atlantic coast. This frontier helped to protect – and define – the Roman Empire, one of the greatest states ever to have existed. The Antonine Wall was the most northerly frontier of the Empire, the last of a series of planned frontiers built in the 2nd Century AD and, at the time, the most complex ever constructed by the Romans.
- 1.3.4 Today around one third of the Antonine Wall survives and can be detected above ground at places such as Bearsden, Bar Hill and Rough Castle. Around one third lies in urban areas while the remainder lies in open countryside or open spaces within urban areas but survives below the ground and is not visible. Only 2 km of the original 60 kilometres of the Antonine Wall have been completely lost through quarrying and the construction of roads, railways and the Forth and Clyde Canal. The Wall continues to be subject to considerable development pressures and given its significance it is imperative that the remaining sections – whether visible on the ground or not – are safeguarded from inappropriate development.

*Appendix 5 provides more information about the Antonine Wall then and now.*

#### **1.4 THE FRONTIERS OF THE ROMAN EMPIRE (ANTONINE WALL) WORLD HERITAGE SITE – FRE(AW)WHS**

- 1.4.1 In July 2008 the international cultural and archaeological importance of the Antonine Wall was recognised when the World Heritage Committee of UNESCO inscribed the site as Scotland's fifth World Heritage Site (WHS). The Antonine Wall became an extension of the trans-national *Frontiers of the Roman Empire* World Heritage Site which includes Hadrian's Wall in England and the Upper Raetian German Limes. The

intention is that the WHS will eventually include all surviving sections of the frontiers of the Romans in Europe, Africa and the Middle East.

- 1.4.2 With World Heritage Site status comes a commitment to protect the exceptional cultural significance of the Antonine Wall and Outstanding Universal Values (OUV) for which the site was inscribed. The Statement of Outstanding Universal Value, provided at Appendix 1, not only identifies the reasons for the Wall's inscription as a World Heritage Site and provides the basis for its effective protection and management.
- 1.4.3 It is imperative that development does not compromise the values for which the Antonine Wall was inscribed as a World Heritage Site, its authenticity or integrity.

## **1.5 BUFFER ZONE**

- 1.5.1 To protect the important landscape setting of the Antonine Wall a Buffer Zone has been designated to the north and south of the monument. The Buffer Zone does not act as an absolute barrier to development but defines a zone where added protection to the immediate setting of the World Heritage Site is given. Development proposals within the Buffer Zone will be given careful consideration to determine whether it is likely to significantly detract from the Outstanding Universal Value, authenticity or integrity of the Antonine Wall.
- 1.5.2 Section 3 of this SPG provides further guidance on Buffer Zones and the setting of the Antonine Wall.

*The boundaries of the World Heritage Site and the Buffer Zones are shown on the Proposals Maps of the relevant local plans/local development plans listed in Appendix 3. These can be viewed on-line or at Council offices and libraries.*

## **1.6 PROTECTING THE WALL**

- 1.6.1 World Heritage Site designation does not result in additional direct legal protection. Nevertheless, the Antonine Wall is protected through the planning system and designation as a scheduled monument.

### **SCOTTISH PLANNING POLICY**

- 1.6.3 The consolidated Scottish Planning Policy provides a statement of the Scottish Government's policy on nationally important land use matters. Paragraphs 120 and 121 refer to WHS and state that Councils should protect WHS, their immediate setting, important views and other areas which are important to the site and its protection from inappropriate development. Scottish Planning Policy (SPP) and the Scottish Historic Environment Policy (SHEP) emphasise that setting is more than simply

the immediate surroundings of a site. It can also relate to how the site was intended to fit into the landscape, the views from it and how the site is seen from the surrounding area. Planning Advice Note (PAN) 2/2011: Planning and Archaeology and the Managing Change in the Scottish Environment Guidance Notes complete a suite of documents that together set out the Scottish Ministers' policies for planning and the historic environment. Links to all the documents mentioned are listed in Appendix 3.

## DEVELOPMENT PLAN POLICY

- 1.6.4 Decisions on planning applications require to be made in accordance with the development plan unless material considerations indicate otherwise. Development plans, comprising of the adopted local plans/local development plans of each Council, together with higher level strategic development plans/structure plans, include various policies to preserve and enhance the historic environment and archaeology.
- 1.6.5 Each of the five Councils along the Antonine Wall has also agreed to include the following specific planning policies in their development plans as they are revised and updated:

### **Antonine Wall Policy 1**

**There will be a presumption against development which would have an adverse impact on the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site as defined on the Proposals Map.**

### **Antonine Wall Policy 2**

**There will be a presumption against development within the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site buffer zones which would have an adverse impact on the Site and its setting, unless:**

- **mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact; and**
- **there is no conflict with other Local Plan policies.**

Links to the relevant Council development plans are included in Appendix 3.

- 1.6.6 This document provides additional guidance and information on the implementation of these policies in the development management process.
- 1.6.7 In addition to protection under planning legislation, about two-thirds of the Wall which has remained unaffected by modern development, is scheduled as a monument of national importance under the Ancient

Monuments and Archaeological Areas Act 1979. Most works carried out within the boundaries of the monument require Scheduled Monument Consent (SMC): the prior written consent of Scottish Ministers, obtained through Historic Scotland. SMC is separate from planning consent and one can be given without prejudice to the other. Section 2.10 provides more information.

## KEY POINTS

- This document provides advice for decision makers, developers and members of the public on managing the impact of development on the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site and its setting;
- The SPG is a material consideration in the assessment and determination of planning applications affecting the Antonine Wall and its setting and will be adopted as statutory Supplementary Guidance alongside future Local Development Plans;
- The Antonine Wall is of **international significance**. As a World Heritage Site its outstanding universal value, authenticity and integrity must be protected;
- There is a presumption against development which would have an adverse impact on the Antonine Wall and its setting.

## 2. APPLICATION PROCESS

- 2.1 This section provides guidance on key stages in the process of applying for planning permission where a proposed development may have an impact on the FRE(AW)WHS or its setting. It also identifies where other permissions or assessments may be required, for example scheduled monument consent from Historic Scotland.

### 2.2 SITE AUDIT

- 2.2.1 Developers considering proposals within the WHS and Buffer Zone should look carefully at their site to determine whether the development proposed is likely to have an impact on the fabric or setting of the Antonine Wall. Table 2.1 below outlines some of the key information that will influence whether proposals have an adverse impact, and should be discussed with the Council at the pre-application stage. Adverse impacts are examined further in Chapter 3.



Table 2.1 – Site Audit: Key Questions

Factor	Key Questions
Location	Is the site in: <ul style="list-style-type: none"> <li>▪ World Heritage Site</li> <li>▪ Buffer Zone</li> <li>▪ other designated area</li> <li>▪ Scheduled Monument</li> </ul>
Site characteristics and setting	Is the site: <ul style="list-style-type: none"> <li>▪ Greenfield</li> <li>▪ Previously developed</li> </ul> <p>What are the key landscape characteristics:</p> <ul style="list-style-type: none"> <li>▪ Topography</li> <li>▪ Tree cover</li> <li>▪ Enclosed or open</li> </ul> <p>What is the landscape character of the site and its setting?</p> <p>How will the proposal impact on views to/from the Antonine Wall?</p>
Development characteristics	<ul style="list-style-type: none"> <li>▪ Size/footprint</li> <li>▪ Proposed use</li> <li>▪ Building design/scale/height/form/massing</li> <li>▪ Landscaping proposals</li> </ul>
Development Plan Policies	What other planning policies and designations apply to the site?

2.2.2 It is emphasised that the general principle of new development at any specific location may be deemed unacceptable because of other policies in the development plan. For example green belt, open space and countryside protection policies may rule out the principle of particular types of development or land use.

## 2.3 **PRE-APPLICATION DISCUSSIONS**

2.3.1 **Developers will be expected, as early as possible, to engage with the Council in pre-application discussions.** Contact details for each local authority are provided in Appendix 3.

2.3.2 Early, positive and meaningful engagement will allow unacceptable proposals to be identified before significant costs are incurred and allow other projects to move forward more efficiently. Using Table 2.1 above as a basis, along with any available plans, drawings and documentation, developers should aim to provide the Council with as much information as possible relating to the proposed development and the site.

2.3.3 With suitable information the Council will be able to make a preliminary assessment of the proposal, considering relevant development plan policies and the potential for adverse impacts on the WHS and its setting. Discussions may also cover:

- any additional information required, for example detailed archaeological investigations;
- where a proposal might be amended to allow more favourable consideration (see Section 4);
- the Council's procedure for processing applications, including key contacts and application fees (including any advertisement charges);
- where wider consultation is required with specialist archaeological services, statutory organisations and other interest groups. This may also involve statutory Pre-Application Consultation.
- advice on other relevant statutory processes, e.g. Listed Building/Conservation Area Consents, Scheduled Monument Consent.

2.3.4 In many circumstances, only full applications for Planning Permission will be acceptable for sites within the WHS and Buffer Zone. Applications for Planning Permission in Principle often cannot provide sufficient information to enable detailed assessment of impacts on the WHS or its setting. Where Planning Permission in Principle is sought, the reasons for this should be discussed with the Council at this pre-application stage.

2.3.5 All discussions and pre-application advice is given without prejudice to the final decision of the Council on any application that may be submitted.

## **2.4 ENVIRONMENTAL IMPACT ASSESSMENT**

2.4.1 Certain types of development may require Environmental Impact Assessment (EIA) under the Town and Country Planning (EIA) (Scotland) Regulations 2011. Schedule 1 and 2 of the Regulations set out the types of development to which this applies. This can be discussed during pre-application discussions and further information is provided at Section 3.7.2.

## **2.5 SCHEDULED MONUMENT CONSENT**

2.5.1 Scheduled Monument Consent (SMC) is required for any works or operations that would '*demolish, destroy, remove, repair, alter or add to*' those parts of the FRE(AW)WHS designated a scheduled monument. This includes invasive archaeological investigations. Applications for SMC are made directly to Historic Scotland.

- 2.5.2 As with potential planning application above, early pre-application contact, this time with Historic Scotland, is strongly advised. To streamline the process advice on applications for planning permission and SMC should be sought at the same time. Where both planning permission and SMC are required, development cannot proceed without both consents in place. Annex 6 of the SHEP has further detail on the relationship between scheduled monument consent and planning permission. The annex to PAN 2/2011 provides a flowchart outlining the consideration of archaeology in planning decisions and will be applicable to applications affecting the Antonine Wall regardless of the need for SMC.
- 2.5.3 The presumption of scheduling is that any future works will be the minimum necessary consistent with the preservation of the monument. The Historic Scotland website and the SHEP includes further information on scheduling and SMC and can be used to identify the location of scheduled monuments: see Appendix 3.

## **2.6 PERMITTED DEVELOPMENT & OTHER CONSENTS**

- 2.6.1 Development that does not require planning permission, for example householder development within urban areas – where the Wall is known to have survived under the modern-day ground surface – has the potential to have adverse impacts without any assessment or appropriate mitigation. Developers and property owners are strongly urged to seek advice from the Council before undertaking any works within in the WHS or Buffer Zone to determine whether their proposal is covered by permitted development rights and to discuss potential impacts.
- 2.6.2 SMC will still be required for permitted development that does fall within the boundaries of the scheduled monument.
- 2.6.3 It is the responsibility of the developer to ensure all necessary consents, including Building Warrants, Conservation Area Consent and Listed Building Consent, are obtained.

## **KEY POINTS**

- Understand your development site: what are the potential impacts of the proposal on the WHS and its setting?
- Developers are expected to engage with the Council as early as possible;
- Unconnected to the need for planning permission, Scheduled Monument Consent is required for works to any part of the FRE(AW)WHS designated a scheduled monument.

### 3. ASSESSING THE IMPACT OF DEVELOPMENT

- 3.1 This section of the SPG provides information on the Council's approach to assessing the potential impacts of development on the Antonine Wall WHS and its setting, including the criteria that will be used.
- 3.2 Development must not compromise the Outstanding Universal Value for which the Antonine Wall was inscribed as a WHS. The key consideration in assessing the impact of development – as outlined in the development plan – is the presumption against development which would have an adverse impact on the Antonine Wall and its setting; that is any impact that would damage the integrity, authenticity, significance or understanding of the WHS. Examples of what could be considered adverse include development that:
- destroys or would lead to the damage of archaeological remains;
  - interrupts key views to from or within the WHS;
  - changes the character of the landscape in and around the WHS;
  - reduces people's appreciation or understanding of the WHS in its landscape setting;
  - could negatively affect any of the qualities or significance for which the WHS was inscribed.
- 3.3 Impacts may be **physical**: upon the fabric of the monument; on the **setting** of the wall: development that harms the character of the landscape around the WHS; or **cumulative**: development that has the potential to add to the existing negative effects of past or current developments thereby creating further and possibly greater adverse effects. This section considers each category of impact in turn and other factors that will be considered in assessing the impact of development.

#### 3.4 **PHYSICAL IMPACTS**

- 3.4.1 Within the FRE(AW)WHS new development of any scale is likely to have a physical effect on the fabric of the monument and could result in loss of or damage to significant archaeological remains. Such impacts by their very nature affect the integrity of the site – one of the reasons for which it was inscribed as a WHS. Therefore any physical impact on the surviving fabric of the WHS – whether upstanding or below ground, known or previously unrecognised – will be considered to be adverse.
- 3.4.2 Where sections of the WHS have previously been developed the fabric of the Antonine Wall may have already been compromised. In these areas the key consideration in determining if a proposal would have an

adverse physical impact will be whether the new development will result in *additional* loss or damage to archaeological remains. As an initial guide, the current depth of development on a site sets a sub-ground limit – known as the *vertical buffer zone* – below which no excavation should take place (see Figure 3.1). Carefully located and designed proposals on previously developed sites that do not extend below the vertical buffer zone therefore may be acceptable in certain circumstances, provided they do not conflict with other planning policies.

- 3.4.3 To properly inform the design and assessment process (including pre-application discussions) it is essential any new development site overlaying the boundaries of the WHS is, at the offset and at the developer's expense, the subject of a detailed archaeological investigation undertaken by a suitably qualified professional. The Institute for Archaeologist' list of Registered Organisations a good starting point for selecting a consultant.

## **KEY POINTS**

- Any physical impact on the surviving fabric of the WHS – whether upstanding or below ground, known or previously unrecognised – will not be permitted;
- Proposals on previously developed sites that do not extend below the vertical buffer zone may be acceptable in certain circumstances.
- Detailed archaeological investigations will be required to accompany any proposals for development within the boundaries of the WHS.

## **3.5 IMPACTS ON SETTING**

- 3.5.1 The Antonine Wall was not constructed in isolation. It was deliberately positioned with reference to the surrounding topography, resources and landscape of central Scotland, notably the southern edge of the valley formed by the Rivers Kelvin and Carron – a position that offered the Wall wide-ranging views over the Kilsyth Hills, the Campsie Fells, and Kilpatrick Hills and meant that it too was widely visible in the landscape. The 'setting' of the FRE(AW)WHS is predominately well preserved and readily perceptible and it is this relationship with the landscape that is a fundamental part of what makes the WHS so significant and contributes to how it is experienced, understood and appreciated: its outstanding universal value which must be protected.
- 3.5.2 The Buffer Zone has been defined to protect the immediate setting of the WHS; the adjacent environment that is part of, and contributes to

the character, significance and understanding of the Wall. The capacity for new development in the Buffer Zone varies significantly along the length of the WHS and while the Council does not seek to prevent any change to the landscape within the Buffer Zone, it is considered essential that new development is effectively accommodated within the landscape and is designed and located to conserve and enhance the setting of the WHS. This also applies to developments out with the Buffer Zone that may have an impact by virtue of their scale or visual relationship with the Antonine Wall.

#### Development in the Buffer Zone

3.5.3 Antonine Wall Policy 2 presumes against development within the buffer zone which would have an adverse impact on the WHS and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact. Section 4 covers potential mitigation action, however, it should be noted that in many instances it will not be possible to mitigate the adverse impact of a proposed development upon the AW(FRE)WHS. Adverse impacts will be defined as those which could affect the following criteria:

- The **authenticity** and **integrity** of the setting, e.g.:
  - Changes to the prominence/dominance of the WHS in the landscape;
  - Obstruction of views to and from the WHS;
  - Changes in the overall preservation of the landscape setting.
- The **significance** of the setting, e.g.:
  - How the function and meaning of the WHS relates to the landscape;
  - How the WHS is understood and can be appreciated in the landscape;
  - Relationships between components of the WHS and related sites.
- The **character** of the landscape in which the WHS sits, including the contribution the WHS makes to wider landscape character.

3.5.4 Additional information on the Buffer Zone; how it was defined and its key characteristics can be found in the Nomination Document and the report 'Definitions of Buffer Zones to the World Heritage Site'. Historic

Scotland has also produced advice on Managing Change in the Historic Environment (see Appendix 3). These documents will be a material consideration in the determination of proposals and their possible impacts.

#### Development affecting the wider setting of the World Heritage Site

- 3.5.5 In addition to the defined Buffer Zone it may be necessary to consider potential impacts of new development outside the Buffer Zone on longer distance views to and from significant landscape features – notably the upland edge of the Campsie Fells and Kilpatrick Hills – which play an important part in the appreciation and significance of the WHS. Most development beyond the Buffer Zone will not have an adverse effect on the WHS or its setting, however, major development in particular has the potential to detract from or damage longer distance views to and from the Site. The criteria for judging whether impacts on wider setting can be considered ‘adverse’ are broadly the same as those outlined above.
- 3.5.6 Within built up areas, parts of the WHS, particularly the scheduled monument, may also have a setting which will require to be determined on a site by site basis.

### **KEY POINTS**

- There will be a presumption against development within the Buffer Zone which would have an adverse impact on the WHS and its setting.
- The criteria set out in paragraph 3.5.3 will be applied in the assessment of what is an adverse impact on the setting of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site.

### **3.6 CUMULATIVE IMPACTS**

- 3.6.1 New development will be assessed on its own merits. However, there are potential instances where development impacts, acceptable in isolation, combine to create adverse cumulative impacts on the WHS. These may be physical – where a series of developments have resulted in significant losses of archaeological material, or affect the setting of the WHS – where a sequence of new developments erodes visual connections with the landscape. Councils will therefore consider the potential for new development to create, add to or set a precedent for adverse cumulative impacts. Such consideration will include:-
- What developments or types of development, in the vicinity of the proposed site have adversely affected the integrity of the WHS in the past?

- What ongoing activities, developments or natural processes are affecting its physical condition and survival, and the integrity of its setting?
- What other developments are proposed in the short- to medium-term that are likely to contribute to adverse effects on the WHS?
- Whether the impact of the proposed development is likely to contribute to cumulative effects generated by the above?

## **KEY POINT**

- The Council may advise developers to demonstrate they have given due consideration to the cumulative impact of their development on the Antonine Wall and its setting.

## **3.7 ADDING VALUE**

- 3.7.1 Where development would not have an adverse impact on the Antonine Wall and its setting proposals should seek to make a positive contribution to the conservation, management and understanding of the WHS and its setting. Appropriate development can have the potential to add value by enhancing the character of the WHS and its setting; promoting improved access, including by public transport, to and interpretation of the site; and contributing to a wider appreciation and understanding of the WHS in its landscape context. Opportunities should be identified early in the planning process. Pre-application discussions with the Council and the archaeology service will assist in drawing out suitable ideas which can be implemented through the development process.

## **3.8 OTHER PLANNING POLICIES & ASSESSMENTS**

- 3.8.1 In addition to the impact of proposed development upon the WHS and its setting, applications for planning permission will also be considered against relevant policies in the Council's development plan, other supplementary planning guidance and the national policy framework. Details can be viewed online or can be seen, and discussed, at the appropriate Council offices.

### **ENVIRONMENTAL IMPACT ASSESSMENT**

- 3.8.2 Schedules 1 and 2 of the Town and Country Planning (EIA) (Scotland) Regulations 2011 set out the types of development likely to have significant impacts on the environment and which are required to undergo Environmental Impact Assessment. Both scheduled



monuments and World Heritage Sites are defined as 'sensitive areas' under the Regulations. Where any proposed Schedule 2 development falls within a scheduled monuments or WHS and is likely to have 'significant environmental effects,' an Environmental Impact Assessment is required (Schedule 1 development always requires EIA). This includes any type of development that would ordinarily have permitted development rights, but is located within the sensitive area/is above the thresholds set out in the Regulations.

<http://www.legislation.gov.uk/ssi/2011/139/contents/made>

- 3.8.3 EIA development that falls within the Scheduled Area will also require Scheduled Monument Consent. Planning Circular 3/2011 provides further information on the EIA Regulations.

<http://www.scotland.gov.uk/Resource/Doc/350238/0117228.pdf>

## 4. DESIGN AND MITIGATING IMPACTS

- 4.1 The purpose of this section is to outline the general design principles for new development within the WHS and Buffer Zone.
- 4.2 Good quality outcomes are a core principle of the modernised planning system. This means taking account of the sustainable use of land, good design and the protection and enhancement of the built and natural environment. The international significance of the Antonine Wall means good quality design will be vital for any development on or near the WHS, including within the Buffer Zone and fundamental to the avoidance of any adverse impact.

### 4.3 DESIGN CRITERIA

- 4.3.1 In the first instance proposed development should **avoid** any adverse impact on the WHS and its setting. Where this is not practicable, proposals which **minimise** impact upon the site and its setting maybe acceptable. Key to the avoidance and minimisation of adverse impacts on the WHS will be good design which takes account of the following principles:

- **Careful site selection:**

- Site selection should seek to avoid the most sensitive parts of the WHS and Buffer Zone, preserving remains *in situ*.
- Prioritise previously developed sites, taking account of the 'vertical buffer zone' and allowing, where possible, development to fit within existing settlement patterns.

- **Well considered development layout:**

- Proposed development should seek to maximise the benefit of existing site features, especially topography and vegetation, to eliminate adverse visual impacts.

- **Appropriate building design:**

- The characteristics of the site, landscape and local building styles should inform the form, massing, height and materials of new buildings, generating coherent, high quality solutions.

- **High quality landscape design:**

- Landscaping – both hard and soft – should be as much part of the development process as the architecture. Well planned and executed design may enable development

to be accommodated by the site and wider landscape and has the potential to reinforce existing landscape features and character.

#### **4.4 MITIGATION**

- 4.4.1 Antonine Wall Policy 2 states there will be a presumption against development within the Buffer Zones which would have an adverse impact on the Site and its setting *unless* mitigating action to the satisfaction of the Council, in consultation with Historic Scotland, can be taken to redress the adverse impact. Mitigation measures potentially reduce any identified impacts to an acceptable level. It is emphasised though that not all adverse impacts can be successfully mitigated. Impacts on the WHS and its setting should primarily be avoided through positive siting and design decisions in preference to the use of other mitigation measures.
- 4.4.2 Examples of mitigation may include landscaping proposals which are designed to reflect and strengthen local landscape character and the visual setting of the Antonine Wall. Mitigation measures however should not in themselves potentially generate adverse impacts.
- 4.4.3 Design matters and the potential for mitigation measures should be discussed at the pre-application stage, and appropriate reports submitted in support of any application demonstrating that discussions have been effectively incorporated in the finalised proposals. In the event that permission is granted suitable conditions and, if necessary, planning agreements will ensure the proper implementation of agreed mitigation measures.

#### **KEY POINTS**

- All development within the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site and Buffer Zone will be expected to be of good design, demonstrating: careful site selection; well considered development layout; appropriate building design and materials; and high quality landscape design.
- Mitigating action which redresses the adverse impact of development within the Buffer Zone may be acceptable but must be discussed in consultation with – and be to the satisfaction of – the Council and Historic Scotland.
- Mitigation of adverse impacts will not be possible in some instances.

## **4.5 ENFORCEMENT**

- 4.5.1 The unique trans-national nature of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site means that damage to the Antonine Wall could affect the integrity and significance of the WHS as a whole – with international implications for Scotland.
- 4.5.2 The recognition of the WHS's Outstanding Universal Value means the Antonine Wall requires the highest level of statutory protection. Loss or damage to archaeological remains upstanding and those buried beneath the ground will be treated as a particularly serious breach of regulatory controls. Other impacts of unauthorised development will be judged against the same guidance for new developments with respect to the effect on the character, integrity or significance of the World Heritage Site. Non-compliance with planning conditions or agreements may also result in significant adverse impacts.
- 4.5.3 Breaches of planning control will be investigated and if appropriate enforced by the Council. In all cases it will be requested that ongoing work cease with immediate effect to allow a proper assessment of the impacts and prevent damage or loss once it is established that there is or has been a breach. In particular it may be considered appropriate to issue a temporary stop notice requiring an immediate halt to activity and allowing time for further enforcement action to be put in place to protect the site or archaeological remains. Full details of the enforcement powers available to planning authorities are set out in Planning Circular 10/2009: Planning Enforcement. Remedying the breach will take account of particular circumstances, but can include full site reinstatement. Non-compliance with enforcement or stop notices can also be prosecuted at the Sherriff Court.
- 4.5.4 Any person carrying out unauthorised works or allowing unauthorised works to be carried out on a scheduled monument without consent are guilty of an offence. Works are defined as: anything resulting in the demolition or destruction of a scheduled monument; any works for the purpose of removing or repairing a scheduled monument; or any flooding or tipping operations. The Historic Environment (Amendment) (Scotland) Act 2011 introduced new powers to enable Scottish Ministers to serve scheduled monument enforcement notices, complemented by temporary stop notices where unauthorised works are taking place on a scheduled monument.

## **KEY POINT**

- The Council will seek to protect the Outstanding Universal Value of the World Heritage Site through a robust approach to unauthorised development.

## **APPENDIX 1 – STATEMENT OF OUTSTANDING UNIVERSAL VALUE**

The Statement of Outstanding Universal Value for the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site as contained in the decision notice of the World Heritage Committee outlines the exceptional cultural significance of the Antonine Wall:

“The Antonine Wall fully illustrates the effort of building the Limes on the frontiers of the Roman Empire, at the time of its apogee and greatest extension in the British Isles and worldwide (middle of the 2nd century AD). It embodies a high degree of expertise in the technical mastery of earthen defensive constructions, in the construction of a strategic system of forts and camps, and in the general military organisation of the Limes. The Antonine Wall also demonstrates the diffusion of the military and civil engineering of the Roman civilisation to the whole of Europe and the Mediterranean world.”

The Antonine Wall meets three of the selection criteria for inscription as a World Heritage Site, (ii), (iii) and (iv):

- (ii) The Antonine Wall is one of the significant elements of the Roman Limes present in Europe, The Middle East and North Africa. It exhibits important interchanges of human and cultural values at the time of the apogee of the Roman Empire;
- (iii) The Antonine Wall bears testimony to the maximum extension of the Roman Empire, by the consolidation of its frontiers in the north of the British Isles, in the middle of the 2<sup>nd</sup> Century AD. The property illustrates the Roman Empire’s ambition to dominate the world in order to establish its law and way of life there in a long-term perspective;
- (iv) The Antonine Wall is an outstanding example of the technological development of Roman military architecture and frontier defence.

## **APPENDIX 2 – SUMMARY OF KEY POINTS**

- The Antonine Wall is of international significance. As a World Heritage Site (WHS) its outstanding universal value, authenticity and integrity must be protected.
- There is a presumption against development which would have an adverse impact on the Antonine Wall and its setting.
- Developers are expected to engage with the Council as early as possible.
- Any physical impact on the surviving fabric of the WHS – whether upstanding or below ground, known or previously unrecognised – will not be permitted;
- All development within the WHS and Buffer Zone will be expected to be of good design, demonstrating: careful site selection; well considered development layout; appropriate building design; and high quality landscape design.
- Mitigating action which redresses the adverse impact of development within the Buffer Zone may be acceptable but must be discussed in consultation with – and be to the satisfaction of – the Council and Historic Scotland.
- The Council will seek to protect the Outstanding Universal Value of the WHS through a robust approach to unauthorised development.

## **APPENDIX 3 – ANTONINE WALL IN WEST DUNBARTONSHIRE COUNCIL AREA**

The line of the Antonine Wall in West Dunbartonshire runs eastwards from the Gavinburn Bus Depot, Old Kilpatrick, where a fort marked its western terminus, to north of the A82 and Clydebank Crematorium, along the line of Beeches Road, Duntocher through Golden Hill Park and south of the Clydebank and District Golf Course where it crosses the Council boundary into Glasgow. Today, only a very small section of the Antonine Wall at Golden Hill is visible above ground in West Dunbartonshire; however a significant proportion of the wall is protected as a Scheduled Ancient Monument.

## **APPENDIX 4 – MAP OF THE ANTONINE WALL**

## **APPENDIX 5 – FURTHER INFORMATION & CONTACTS**

Antonine Wall Management Plan:

<http://www.historic-scotland.gov.uk/antonin-wall-management-plan.pdf>

Antonine Wall Nomination Document:

<http://www.historic-scotland.gov.uk/antonine-wall-nomination-document.pdf>

Antonine Wall World Heritage Site website:

<http://www.antoninewall.org/>

Historic Scotland:

<http://www.historic-scotland.gov.uk/>

Data Services:

<http://data.historic-scotland.gov.uk/pls/htmldb/f?p=2000:10:3798721762488682>

Scheduled monuments:

<http://www.historic-scotland.gov.uk/index/heritage/searchmonuments.htm>

Institute for Archaeologists (IfA):

<http://www.archaeologists.net/>

Royal Commission on the Ancient and Historical Monuments of Scotland:

<http://www.rcahms.gov.uk/>

Scottish Planning Policy:

<http://www.scotland.gov.uk/Resource/Doc/300760/0093908.pdf>

The Historic Environment (Amendment) (Scotland) Act 2011

[http://www.legislation.gov.uk/asp/2011/3/pdfs/asp\\_20110003\\_en.pdf](http://www.legislation.gov.uk/asp/2011/3/pdfs/asp_20110003_en.pdf)

Planning Advice Note (PAN) 2/2011: Planning and Archaeology:

<http://www.scotland.gov.uk/Resource/Doc/355385/0120020.pdf>

Planning Circular 10/2009: Planning Enforcement

<http://www.scotland.gov.uk/Resource/Doc/284738/0086481.pdf>

Scottish Historic Environment Policy:

<http://www.historic-scotland.gov.uk/shep-july-2009.pdf>

Definitions of Buffer Zones to the World Heritage Site (Land Use Consultants report for Historic Scotland, July 2006)

Managing Change in the Historic Environment: Setting (Historic Scotland, 2010)

<http://www.historic-scotland.gov.uk/setting-2.pdf>

### **Development Plans:**

Falkirk Council Local Plan:

[http://www.falkirk.gov.uk/services/development/planning\\_and\\_environment/local\\_plans/falkirk\\_council\\_local\\_plan/falkirk\\_council\\_local\\_plan.aspx](http://www.falkirk.gov.uk/services/development/planning_and_environment/local_plans/falkirk_council_local_plan/falkirk_council_local_plan.aspx)

North Lanarkshire Local Plan:

<http://www.lanarkshire.com/nllocalplan/>

East Dunbartonshire Local Plan 2:

[http://www.eastdunbarton.gov.uk/services/planning\\_and\\_the\\_environment/planning\\_building\\_standards/planning/local\\_plan\\_-\\_long\\_term\\_area\\_plan/emerging\\_local\\_plan\\_2.aspx](http://www.eastdunbarton.gov.uk/services/planning_and_the_environment/planning_building_standards/planning/local_plan_-_long_term_area_plan/emerging_local_plan_2.aspx)

Glasgow City Plan 2:

<http://www.glasgow.gov.uk/en/Business/CityPlan/>

West Dunbartonshire Local Plan:

<http://development-plan-online.west-dunbarton.gov.uk/>

### **Contacts:**

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*Email: [planenv@falkirk.gov.uk](mailto:planenv@falkirk.gov.uk)*

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**North Lanarkshire Council**

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