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Wiltshire SN15 1ER  
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6.5.15

Dear Mr Burman,

**Application No: 14/11556/FUL: Storage & Distribution Centre (B8) & Associated  
Development. Retail Unit (A1) Access & Associated Development**

At Land North of A350, West Cepen Way, Chippenham, Wiltshire, SN14 6YG

RESCUE is a charity which exists to support archaeology and archaeologists in Britain and abroad. We are a non-political organisation and receive no support from government, being entirely dependent on the contributions of our members to fund our work. Details of our activities can be found on our website: [www.rescue-archaeology.org.uk](http://www.rescue-archaeology.org.uk).

We have been alerted to the above proposal by a local representative.

Following scheduling of part of the development site, the applicant now proposes full excavation of the monument prior to development, should the relevant consents be granted. The development would extend to some 42 acres; a massive storage building c.60ft high and alone covering some 20 acres would impact severely on the setting of the Allington Conservation Area and a number of its Listed buildings as well as that of the scheduled monument itself. We therefore wish to object to the application on the following grounds.

## **1. Archaeology**

### **1.1. *The site and planning implications***

A substantial area of the proposed development site has long been known to be of archaeological interest. Pre-determination evaluation work shows that the site contains buried remains of a multi-period early Romano-British farmstead. There are structural remains and a hypocaust system, with evidence of further post-built buildings and probable areas of industrial working. These findings, described in more detail in English Heritage's Advice Report of 26 February 2015, have led to the site being scheduled as *Roman Site at Manor Farm* (List Number: 1425267). There remains a possibility that associated features may lie beyond the scheduled area and within the proposed development area. We have been unable to see the full evaluation report on the Council's website, which precludes its

consideration by our specialists. Attached to this letter are some observations, by Roman specialist Mark Corney, on information which has been made available by the Council.

Scheduling of the Manor Farm site marks it as being of national importance and a heritage asset of the highest significance, so that retention and protection in situ is the normal procedure. This is amply supported by legal constraints, and planning policy, guidance and advice.

## **1.2. Legal considerations**

### **1.2.1. Para. 32 of DCMS policy statement *Scheduled Monuments* (March 2010) states:**

“Scheduled monuments are designated in order to secure their legal protection in the national interest, and to secure their long term preservation *in situ* – as far as possible in the state in which they have come down to us.”

“. . . Consent or clearance for works that would result in the loss of the whole or a material part of a scheduled monument’s significance will only be granted where there is clear justification that:

- they are necessary to secure its long-term conservation (for example, by sustaining the monument in its original use, or if this is not possible, some other appropriate and viable use that is consistent with its conservation); or
- they are necessary in order to deliver substantial and demonstrable cultural, social, economic or environmental benefits that outweigh the negative impact on its significance (for example, by enabling research that increases knowledge and understanding of the past to an extent that is unlikely to be achieved through research elsewhere at a less sensitive site or through less destructive methods).”

The granting of consent or clearance for works that would result in the material loss of a scheduled monument will be wholly exceptional.”

<https://www.english-heritage.org.uk/content/imported-docs/p-t/scheduled-monuments.pdf>

**1.2.2.** Although not responsible for deciding on SMC, the LPA in its decision-taking is bound to bear in mind the requirements of the DCMS, NPPF and Wiltshire Core Strategy in respect of nationally important heritage assets of the highest significance. RESCUE sees no ‘clear justification’ in this case for the necessary destruction of the scheduled monument by full excavation, despite the gain in knowledge that might be obtained thereby, since its destruction for the proposed development would neither

- a) lead to conservation of the site; nor
- b) deliver substantial and demonstrable cultural, social, economic or environmental benefits that outweigh the negative impact on the monument’s significance.

**1.2.3.** Our knowledge of similar Romano-British sites elsewhere in the country renders implausible any suggestion that knowledge gained by full excavation of this site could not be achieved elsewhere at a less sensitive site or through less destructive methods.

**1.2.4.** The proposed development cannot be considered to be of such economic or social benefit to Chippenham that no other site for it would be suitable. It would clearly be more appropriately located within an industrial park and/or with closer access to the M4. In our view, a “wholly exceptional” case has not been made by the developer for physical loss of the scheduled monument and its full excavation would therefore not be justified.

## **1.3. Planning Policy**

### **1.3.1. The National Planning Policy Framework and PPG, and EH/HE advice**

**1.3.1.1. The NPPF para. 132** underlines that scheduled monuments are heritage assets of the highest significance; that substantial harm to or loss of such assets should be wholly exceptional; and great weight should be given to their conservation. Destruction of the monument by full excavation would amount to “substantial harm to”, indeed “loss of” the

asset. It is important to note that NPPF para. 132 specifically refers to impact on the designated heritage asset itself, not simply upon its ‘significance’.

**1.3.1.2.** The *NPPF Planning Practice Guidance*, ID 18a, para.017, states that “What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset’s physical presence but also from its setting.” (<http://planningguidance.planningportal.gov.uk/blog/guidance/conserving-and-enhancing-the-historic-environment/>)

**1.3.1.3.** English Heritage/Historic England’s, *Good Practice Advice Note 2 – Managing Significance in Decision-Taking in the Historic Environment*, para.27 points out that

“Substantial harm is a high test which may not arise in many cases. In those cases where harm or loss is considered likely to be substantial<sup>16</sup>, then the LPA will need to consider the relevant NPPF tests. Further detail on the tests on levels of harm can be found at paragraphs 133-135 and 139 of the NPPF. Further guidance on heritage conservation as a public benefit in itself, optimum viable use, levels of harm and mitigating harm are given in the PPG section ID 18a, paragraphs 15 to 20.

<sup>16</sup> NPPF, paragraph 132 [referred to above] & PPG 017 [quoted above] (<https://content.historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2.pdf/>)

**1.3.1.4.** **NPPF para. 133** advises that LPAs should refuse development where it would lead to substantial harm or loss of ‘significance’ of a designated heritage asset “unless it can be demonstrated that substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss” or all four of certain provisos apply. We have already argued, above, that any ‘public benefits’ from the development could also be achieved on an alternative site, and thus could not be considered to outweigh substantial harm to, i.e., the loss of the scheduled monument. The proposed development site is currently in agricultural use and the four provisos listed under NPPF para. 133 therefore do not apply.

**1.3.1.5.** The last sentence of **NPPF para. 141** is particularly relevant in the case of this application, where loss of the scheduled monument is proposed. It states that “. . . the ability to record evidence of our past [i.e., mitigation by excavation and recording] should not be a factor in deciding whether such loss should be permitted.”

This point is reiterated in para. 32 of Historic England/English Heritage’s *Good Practice Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment*.

**1.3.2.** *Wiltshire Core Strategy* <http://www.wiltshire.gov.uk/core-strategy-adoption.pdf>  
**Core Policy 58** states unequivocally that “Development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including:  
i. Nationally significant archaeological remains . . .”

The proposed development would fulfil none of these conditions.

### **1.3.3. *The setting of the scheduled monument***

**1.3.3.1.** Despite the fact that the scheduled monument lies entirely below ground, it can still be said to have a setting. The **NPPF PPG, ID 18a, para. 013ff.** states:

“Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. 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.”

And

“A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.”

**1.3.3.2. Paragraph 46 of DCMS policy statement *Scheduled Monuments* states:**

“In terms of impact of development on the setting of a scheduled monument, securing the preservation of the monument ‘within an appropriate setting’ as required by national policy is solely a matter for the planning system.” [Our underlining]

**1.3.3.3.** Setting is a relevant consideration for the LPA in this case. A substantial part of the proposed development would be built over and obliterate the immediate existing setting of the monument, while its overall impact would severely compromise the wider rural setting of the remains of the Roman farm: in effect, destroying both its archaeological and historic agrarian environment context. Should it be considered that its setting might survive following loss of the monument, the ability to discern that setting and appreciate the heritage asset it once belonged to would be so seriously affected as to be lost to all but the specialist.

**1.3.3.4.** In terms of setting of the scheduled monument, the development would conflict with DCMS policy, NPPF 132 and 138, and Core Strategy CP58- i (see under 1.3.2, above).

## **2. The impact of the proposed development on the setting of Allington Conservation Area and Listed buildings**

### **2.1. The Conservation Area (CA)**

**2.1.1.** The CA comprises the hamlet of Allington which overlooks the development site. The CA Statement (adopted as SPG in 2002) makes particular mention in para. 2.0.1 of the hamlet’s characteristics: its “sense of isolation”; “the pastoral nature of much of the surrounding farmland”; “the absence of any major modern intrusion into the surrounding landscape”; and the occasional dramatic long views which put the local rural scene into context”. Furthermore, it is thought that the hamlet may date back to the Roman farm now the site of the proposed development, having been given its present name in medieval times (CA Statement, para. 1.4.1 ff).

**2.1.2.** Bolehyde Manor, Listed Grade II\* and dating back to the 15<sup>th</sup> century, is one of 14 Listed historic buildings in the hamlet, mostly associated with farming. Bolehyde Manor has important historic associations to the present day and its garden, from which the proposed development would be visible, is occasionally opened to the public. The village is mentioned by Wiltshire diarist Francis Kilvert in March 1875. One of the fine 18<sup>th</sup>-century Listed barns of Manor Farmyard was sketched by local artist and educator Robin Tanner (1904-1988), celebrated (ironically, in view of the present threat) for his passion for recording the fast-disappearing Wiltshire countryside. Tanner lived at nearby

Kington Langley, and included the barn in a number of his etchings. His work is displayed at Chippenham Museum and held in public collections in the UK and abroad.

Allington and its surroundings thus have a special place in the archaeology, history and literary and artistic traditions of North Wiltshire, such that preservation and enhancement of its setting are of concern not only to those who live in the locality but also to a wider audience who care about the multiplicity of designated heritage assets and associations it encompasses.

**2.1.3.** Imposition of a colossal distribution centre building below Allington, wholly out of scale with its surroundings, would be seriously damaging to the setting of the CA. Among the most sensitive of the rural views mentioned in the CA Statement, must be that from the roadside gateway opposite the drive to Listed The Pitts Cottages: here the fields slope down across the valley to the Roman Farm site; to the north are fields and trees on rising land; southeast are the Listed Manor Farmhouse and Ivy Cottage; while eastward and beyond the farm the A350 is hardly visible, forming the boundary to the built area of Chippenham whose Cepen Park houses are well screened and softened by a bund and maturing trees. The land then rises as does the eye, to the spire of St Paul's church on the skyline. Despite mitigation planting proposals, the rural foreground would be dominated by The Range's massive warehouse block, making nonsense of the scale of the Listed buildings close by and imposing an extensive obstacle to views of the town. The top only of St Paul's spire would be seen above it: incongruously divorced from its townscape.

## **2.2. *Planning policy, Guidance and advice on the setting of CAs and Listed buildings***

**2.2.1.** The relevant policies and guidance that argue for the protection of the setting of CAs and Listed buildings are well known and understood. CAs are designated heritage assets and must be considered to be of high, if not the highest significance. The proposed development would clearly conflict with:

- i. NPPF paras. 132, 133, 134, 137, and 138.** The onus is on the LPA to seek development that would enhance the setting of heritage assets (in this case the CA and LBs) and not detract from it.
- ii. NPPF *Planning Practice Guidance*, ID 18a, para.013,** which underlines the extent to which setting is experienced, the importance of historic relationships between places, and the need to consider the implications of cumulative change.
- iii. English Heritage/Historic England's *Historic Environment Good Practice Advice Note 3: The setting of heritage assets*,** whose advice includes, in para.16, that  
"The area of assessment for a large or prominent development, such as a tall building in an urban environment or a wind turbine in the countryside, can often extend for a distance of several kilometres."  
(<http://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>)
- iv. Wiltshire Core Strategy Policy 57,** which is particularly relevant to the above statement and begins with the words:  
"Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire . . ."
- v. Wiltshire Core Strategy Policy 58, which states:**  
"Development should protect, conserve and where possible enhance the historic

environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance . . .”

**2.2.2.** The proposed development would make a negative contribution to the character of Wiltshire, the locality, and the setting of the CA and a number of Listed buildings; it would not meet most of the provisos under CP58, notably those relating to its surroundings.

### **3. Legal precedent**

**3.1.** The developer’s ‘Addendum to Heritage Assessment’ (abbreviated by us to AHA; March 2015) refers to case law, presumably in support of the application. In our view, the judgement in the ‘Barnwell Manor’ case is certainly pertinent in respect of The Range proposal.

**3.2. In the case of Barnwell Manor Wind Energy Limited vs. East Northamptonshire District Council, English Heritage, National Trust & The Secretary of State for Communities & Local Government** (18th February 2014), the Appeal against the order of Lang J quashing a Planning Inspector’s permission for proposed development of a wind farm failed on the grounds of setting. The court agreed with Lang J’s conclusion that ‘Parliament’s intention in enacting section 66(1) [Planning (LBs and CAs) Act 1990] was that decision-makers should give “considerable importance and weight” [the word ‘importance’ is omitted from the text of the AHA] to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise. The closest wind turbine at Barnwell Manor would have been 1.7km from a Listed building; and 1.3km from the boundary of a Registered Park. The distance from Bolehyde Manor to the proposed storage building is c.1km, and less from its garden; that between the storage building and the CA boundary close to Manor Farm is c. 0.7km. <http://cornerstonebarristers.com/wp-content/uploads/2014/02/Barnwell-v-East-Northamptonshire-DC-Judgment.pdf>.

### **4. Conclusion**

RESCUE believes The Range proposal would not meet the legal and planning obligations in relation to the scheduled monument and its setting.

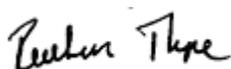
No case has been made for overriding public or economic benefit for the scheme to be sited in this location.

The proposal would severely compromise views to and from the Allington CA and a number of its Listed buildings, thus conflicting with relevant NPPF paragraphs and Core Strategy policies. The impact of lighting at night must also be taken into account.

The overall impact of the development, which would be far too massive and high to ameliorate by landscaping or tree planting, would critically damage the wider setting, not only of the remains of the Roman farm but also of the CA, key Listed buildings and the locality of this part of North Wiltshire. Our opinion appears to be supported by case law.

We trust that the Council will, in line with its own and national policy, refuse this application and would be grateful if you should keep us informed of its progress.

Yours sincerely,



Reuben Thorpe, Chairman  
Rescue, The British Archaeological Trust

## Allington Roman complex: some observations

- 1 The geophysical survey identified a morphologically distinctive complex of ditched enclosures with associated structures in stone and timber (the latter clearly indicative of one or more possible aisled buildings). The enclosure displays very clear signs of zoning with structures set within discrete ditched compounds within the larger rectangular ditched circuit. The regularity of the complex is striking.
- 2 The evaluation excavation has clearly demonstrated a Romano-British date for the ditched complex and associated stone building. The presence of *in situ* pilae stacks demonstrates the presence of at one least hypocausted room. Whether this is a domestic room or part of a bath-suite is uncertain on the available evidence. The timber structures were also located but not dated although a Romano-British date is probable.
- 3 There is little doubt that the enclosed site comprises the remains of a modest sized Romano-British villa with a main dwelling in stone and associated large timber structures. The detailed chronology of the site is still unknown although the morphology of the ditched complex *could* indicate an origin in the late Iron Age.
- 4 The evaluation excavation has demonstrated that, despite plough damage and some stone robbing, the site displays evidence of complex phasing and the potential for the survival of areas of deep subsoil stratigraphy. The recovered dating evidence suggests a third century date for the stone structure with origins in the first century.
- 5 What strikes me is the regularity of the complex; the detail visible on the geophysical survey is remarkable and the fact that we have an intact piece of a Romano-British agrarian landscape surviving in an area of Wiltshire where small Romanised farms which develop into modest sized villas are still very poorly understood. This alone is sufficient to warrant scheduling and long term preservation of the complex.
- 6 In my opinion the site and its setting are of sufficient importance to justify the EH decision to schedule. The site has the potential to inform on the earlier Roman development of farms into modest villa based establishments. Full excavation should not be proposed as an option. This can be justified on the grounds that the ongoing advances in archaeological techniques will undoubtedly lead to a greater recovery of data in the future. As such long term preservation *in situ* is highly desirable.

Mark Corney  
6 May 2015  
For Rescue: The British Archaeological Trust