## Report of Consultation: Frontiers of the Roman Empire (Antonine Wall) World Heritage Site - Supplementary Guidance

**1 Statutory Requirement**

1.1 This statement has been prepared in accordance with Section 22 of the Town and Country Planning (Scotland) Act 1997, as inserted by the Planning etc. (Scotland) Act 2006, which requires planning authorities to consult on Supplementary Guidance they have drafted, and to prepare a statement setting out the publicity measures they have undertaken, the comments they received and an explanation of how these comments were taken into account.

**2 Background**

2.1 The Falkirk Local Development Plan 2 (LDP2) was adopted on 7th August 2020, and links to 14 supplementary guidance notes. This Supplementary Guidance is the last in the suite of SGs, which form part of LDP2.

2.2 Given the cross-boundary nature of the Antonine Wall, the Supplementary Planning Guidance was prepared jointly by the five local authority areas that the wall passes through (Falkirk, West Dunbartonshire, East Dunbartonshire, Glasgow, and North Lanarkshire) in consultation with Historic Environment Scotland. Each of the authorities has consulted upon the document and will be adopting separately to support the relevant policies within their respective LDP’s in the Local Authority areas where these are now adopted.

**3 Publicity and Consultation Arrangements**

**Advertisements**

3.1 To fulfil the statutory obligations ensuring that adequate publicity was given to the Draft SG11, public advertisements were placed in two local newspapers Falkirk Herald (Thursday 17th February 2022) and the Bo’ness Journal (Friday 18th February 2022) at the start of the consultation period. An announcement was also made on Falkirk Development Plan Facebook page.

**Document Availability**

3.2 SG11 was available to view and download from Falkirk Council’s website at <https://www.falkirk.gov.uk/services/planning-building/planning-policy/supplementary-guidance/ldp2.aspx>

3.3 Due to the ongoing restrictions imposed by COVID-19 at the time we were unable to make hard copies of SG11 available at the usual deposit locations (Abbotsford House, Council Libraries and Advice and Support Hubs).

**Letter to Interested Parties**

3.4 Over 900 key agencies, organisations and individuals were notified via the mailing list of the commencement of the consultation process and the availability of SG11 on the Council website.

**Consultation Period**

3.5 Comments were invited for 6 weeks from Friday 18th February until Friday 1st April. All comments received, by all partner authorities within the World Heritage Site during that period have been taken into account in finalising SG11.

**4. Comments Received**

* 1. Over the consultation period responses were received from the following organisations/individuals:
* NatureScot
* Scottish Government
* Historic Environment Scotland
  1. The issues raised by representations and the Council’s response are summarised in Appendix 1 which is appended to this report. The comments were addressed in consultation with consultation authorities, given the largely technical nature of the updated SG.

**5. Conclusion**

5.1 SG11 Frontiers of the Roman Empire (Antonine Wall) World Heritage Site has been subject to publicity through mailshots to relevant consultees, local press advertisements, social media announcement and the Council’s website. The document has been made available on a dedicated webpage on the Council’s website. All consultation comments received have been thoroughly considered by Council officers, with the response recorded in Appendix 1. Minor textual changes have been made in relation to some comments. Where changes have not been made, justification has been provided.

**Appendix 1**

| **What Guidance Sets Out** | **Summary of Changes** |
| --- | --- |
| The guidance provides the following information to support the consideration of applications affecting the wall and buffer:   * Further detail on the background, context and protection of the wall. * Guidance on the key stages of the application process including pre-application discussions and undertaking a site audit. * Assessing the impact of development. * Design criteria and how impacts can be mitigated. | The draft guidance seeks to update and replace the current guidance which was prepared in 2010.  The changes are minor in nature and include:   * Wording changes in the site audit section. * Wording changes regarding impacts on the setting of the wall. * Wording changes regarding design criteria. * Adding a glossary of terms. * Updating references to Historic Environment Scotland and guidance. * Updating references to National Planning Framework 4. |

| **Respondent** | **Summary of Response** | **Council Response** |
| --- | --- | --- |
| **Nature Scot** | We note the content of the document and the proposed minor changes as highlighted in the Summary Booklet and revised guidance document. We understand that these updates will provide further useful information and clarity for users of the guidance; one of the purposes of  which is to encourage effective consultation with the Councils and primarily, Historic Environment Scotland and to assist in the consideration of development proposals affecting the wall and its setting. | Noted. No change required. |
| **Scottish Government** | 1. In section 1.6.2 (now 1.14) , the outdated historic environment policy is quoted – recommend it read “The Historic Environment Policy for Scotland (HEPS)” sets out Historic Environment Scotland’s policies for historic environment assets and provides policy direction”. 2. In section 1.6.3 (now 1.15), the wording appears confusing and repetitive – perhaps ‘Strategic’ is missing from the beginning of the second sentence and should read ‘Strategic development plans, local dev…etc” 3. In section 1.6.5 (now 1.17), the reference to Scottish Ministers is inaccurate. Recommend it should read “and requires the prior consent of Historic Environment Scotland”. In addition, section 2.10 is cross-referenced here but doesn’t appear to exist. Does this mean section 2.5? 4. In the section 2.2 table, the site audit should also contain a question that identifies what is the cultural significance and historic importance of the existing site characteristics and setting. 5. In section 2.5 (now 2.10), there is no adequate information on how to apply for SMC – suggest adding the following to align with paragraph 145 of Scottish Planning Policy (SPP) as Historic Environment Scotland are the consenting authority for direct works affecting Scheduled Monuments – “Any works directly affecting a designated Scheduled Monument requires Scheduled Monument Consent (SMC) which is obtained from Historic Environment Scotland. Advice on the SMC process and requirements should be sought at an early stage from the Heritage Directorate, Historic Environment Scotland”. 6. In section 2.5.3 (now 2.12), the reference to HESP should be changed to HEPS. 7. In the Appendix 3 Glossary, the Historic Environment Scotland Policy title should be amended to the Historic Environment Policy for Scotland. The Scheduled Monument definition should include “ A nationally significant monument…” at the beginning. | 1. Change agreed 2. The Glasgow & Clyde Valley Strategic Development Plan does not have a strategic policy for the historic environment. Therefore this sentence should be simplified to refer to the policy protection in Local Development Plans only. 3. Change agreed 4. Change agreed 5. Change agreed 6. Change agreed 7. Change agreed |
| **Historic Environment Scotland** | 1. We have attached an annotated copy of the document. We have identified a number of places where the re-formatting of the document appears to have caused problems with the text – cutting off sentences etc. 2. We have also included some notes where the wording of the document should be altered to use appropriate and up to date terminology. 3. There are some sections of the document where the revised wording may imply a weakening of the protections for both the Buffer Zone and the World Heritage Site itself. These include the paragraphs set out in the table below. In these cases we recommend that alternative wording is used as suggested or that you revert back to the previous wording to ensure that protection for this internationally significant heritage asset is not weakened. | 1. The formatting will be improved for the published version of the guidance. 2. Change agreed 3. Change agreed |
| **Historic Environment Scotland** | We note that the guidance note refers to the policies within Scottish Planning Policy (SPP). Given that SPP will be replaced by the policies within the Fourth National Planning Framework (NPF4) in the relatively near future it may be worth considering how this change can be accommodated both for this note and for the others. | This supplementary guidance supports Local Development Plan 2, Whilst this was prepared in line with the framework of national planning policy in SPP, NPF4 is now adopted and constitutes national planning policy. |
| **Historic Environment Scotland** | Para 1.2.2 -  Not quite clear why the first paragraph of this section in the previous version has been removed as it provided valuable context here. The title for this section also seems to have disappeared - perhaps a formatting issue? | Change agreed, add in sub heading and para 1.3.1 (now 1.4)from existing version .  **“THE ANTONINE WALL**  **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."** |
| **Historic Environment Scotland** | Paragraph 1.5.1 (now 1.11)- the revised wording no longer specifically refers to the protection of the World Heritage Site. The revised wording may imply a weakening of the protections for the WHS. Has the original wording caused problems? If not it may be better to revert to the original wording here. | Agree change, revert to former wording which is clearer. **"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."** |
| **Historic Environment Scotland** | Para 1.2.4 (now 1.7) Wording could be improved in this paragraph. It suggests initially that the Wall only survives where it is visible above ground. Suggest instead: "Today, around one third of the Antonine Wall is visible above ground, at places such as... open spaces within urban areas and, though not visible above ground, survives below ground". | Agree change. Replace first two sentences with **"Today, around one third of the Antonine Wall is visible 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 and, though not visible above ground, survives below ground".** |
| **Historic Environment Scotland** | Section 2.2 Site Audit table – Site characteristics and setting row, this list should include 'will the proposal have a direct impact on the remains of the Antonine Wall and associated archaeological features?' | Agree add a new question to the end of the list after "-- public access to the WHS" **- "Will the proposal have a direct impact on the remains of the Antonine Wall and associated archaeological features?"** |
| **Historic Environment Scotland** | Para 3.4.3 (now 3.6) The below text would be more appropriate terminology to use in this section.  'should avoid areas of surviving archaeological remains.'  'Avoiding the World Heritage Site and, in particular areas which are scheduled will be the best approach'  '... the presence, location, depth and sensitivity of deposits cannot...'  'This may help to design proposals that avoid...'  '...impacts upon archaeological deposits from other periods...' | Agree change 3.6 to **"Development should avoid areas of surviving archaeological remains. Avoiding the World Heritage Site and, in particular areas which are scheduled will be the best approach.**    **Even in areas which have already been developed, the presence, location, depth and sensitivity of deposits cannot always be predicted.**  **In many instances it may be appropriate to carry out an archaeological evaluation to help determine where Roman deposits lie ahead of making a planning application. This may help to design proposals that avoid areas of archaeological deposits. For smaller developments where surviving Roman deposits are assessed as being improbable, an archaeological watching brief and mitigation strategy may be more appropriate – this should be discussed with the local authority and Historic Environment Scotland at an early stage. Moving development outwith the WHS will not automatically avoid physical impact. Although not covered by the WHS, impacts upon archaeological deposits from other periods will not always be acceptable and should also be considered as part of the development planning process”.** |
| **Historic Environment Scotland** | Para 3.4.6 (now 3.9)- This section isn't clear on what happens if new/unknown elements are discovered during site works.  Revise first sentence to read: 'There may be sub-surface archaeological deposits...'  This paragraph is currently ambiguous. It would be helpful if this section read something like:  '...Where known archaeological remains are present, investigation will be required in conjunction with new development. Where previously unknown archaeological deposits are identified during site works the Council should be informed immediately and further archaeological investigations may be required' | Agree change. Replace 3.9 with **"There may be sub-surface archaeological deposits within or outwith the defined buffer zone, outwith the line of the World Heritage Site, or Scheduled areas. This is because the exact line of the Wall is not clear, and new elements may be discovered during site works. Where known archaeological remains are present, investigation will be required in conjunction with new development. Where previously unknown archaeological deposits are identified during site works the Council should be informed immediately and further archaeological investigations may be required."** |
| **Historic Environment Scotland** | Para 3.5.2 (now 3.12)– change **“any** change to “**all** change” in the paragraph below - 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. | The guidance here relates to change in the landscape, there is no added benefit or need to refer to "all change" here. **Instead simplify the sentence by removing the word "any".** |
| **Historic Environment Scotland** | Section 3.4 Physical Impacts, box of key points, The first key point doesn't make it clear whether this is referring to scheduled sections of the WHS or unscheduled ones although the text is similar to the SM policy in SPP. The current wording would allow for impacts in exceptional circumstances which doesn't reflect policy wording for the WHS in the Proposed LDP or SPP which presumes against development with an adverse impact. Also suggests a potential weakening of protections. Recommend that this is changed back to previous wording or otherwise clarified. We would be happy to discuss if that would be helpful. | Agree change, including change back to original wording which was stronger and clearer. In first bullet point, replace **"will only be permitted in exceptional circumstances"** with **"known or previously unrecognised - will not be permitted. This refers to both Scheduled Monument and unscheduled sections of the WHS".** |
| **Historic Environment Scotland** | Section 3.4 Physical Impacts, box of key points, It would be useful to include a further key point that where the extent or presence of archaeological remains is unclear, pre-determination evaluation will be required. | Agree change. Add bullet point to the end **"where the extent or presence of archaeological remains is unclear, pre-determination evaluation will be required".** |
| **Historic Environment Scotland** | Para 3.5.6 (now 3.15) This sentence appears to have been cut off halfway through. | Agree. Add missing text after "scheduled" monument, **may also have a setting which will require to be determined on a site by site basis."** |
| **Historic Environment Scotland** | Para 4.3.1 (now 4.3), section on careful site selection.  First bullet point - change to read:  "Site selection should avoid the WHS, in particular those areas which are scheduled”  Second bullet point - change to read:  "Site selection within the Buffer Zone should avoid the most sensitive areas and avoid obstructing views..." | Agree changes.  Replace first bullet point with "**Site selection should avoid the WHS, in particular those areas which are scheduled**”.  Replace second bullet point with **"Site selection within the Buffer Zone should avoid the most sensitive areas and avoid obstructing views to/from, and limiting existing access to the WHS;"** |
| **Historic Environment Scotland** | Para 4.5.4 (now 4.11) If useful a link to HES web pages on enforcement could be added here:  https://www.historicenvironment.scot/advice-and-support/applying-for-consents/scheduled-monument-consent/compliance/ | Agree change. After "monument" add **"Further information on this is available on Historic Environment Scotland's website https://www.historicenvironment.scot/advice-and-support/applying-for-consents/scheduled-monument-consent/compliance/ "** |
| **Historic Environment Scotland** | We note that the guidance note refers to the policies within Scottish Planning Policy (SPP). Given that SPP will be replaced by the policies within the Fourth National Planning Framework (NPF4) in the relatively near future it may be worth considering how this change can be accommodated both for this note and for the others. | This supplementary guidance supports Local Development Plan 2, Whilst this was prepared in line with the framework of national planning policy in SPP, NPF4 is now adopted and constitutes national planning policy. |