
Ashington Neighbourhood Plan Regulation 16 consultation

Heritage response
On behalf of Devine Homes, Diocese of Chichester and Taylor Wimpey UK Ltd

August 2020

**Ashington Neighbourhood Plan
Regulation 16 consultation**

**Heritage Response
On behalf of Devine Homes, Diocese of Chichester and Taylor Wimpey UK Ltd**

Project Ref:	31134	31134
Status:	Draft	Final
Issue/Rev:	1	2
Date:	7 August 2020	12 August 2020
Prepared by:	JS	JS
Checked by:	JP	JP
Authorised by:	JP	JP

Barton Willmore LLP
The White Building
1-4 Cumberland Place
Southampton
SO15 2NP

Tel: 023 8235 2499
Email: jennifer.samuelson@bartonwillmore.co.uk

Ref: 31134/A5/JS/JP
Date: August 2020

COPYRIGHT

The contents of this document must not be copied or reproduced in whole or in part without the written consent of Barton Willmore LLP.

All Barton Willmore LLP stationery is produced using recycled or FSC paper and vegetable oil based inks.

CONTENTS

	Page
1.0 Introduction	1
2.0 Impact of draft allocation ASH11 on heritage assets	2
3.0 Summary	8

1.0 Introduction

- 1.1 These representations have been prepared by Barton Willmore on behalf of Devine Homes, Diocese of Chichester and Taylor Wimpey UK Ltd (the 'consortium'), who have interest in Land to north of Ashington, as shown on the location plan in Appendix 1, and referenced as Sites 4, 10, 22, 23 and 27 in the draft Neighbourhood Plan evidence base.
- 1.2 As set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan must meet a set of basic conditions prior to being put to referendum and, ultimately, being made.
- 1.3 The 8 conditions are set out below, in summary:
- a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan);
 - b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders;
 - c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders;
 - d) the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development;
 - e) the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - f) the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations;
 - g) prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).
- 1.4 This response to the consultation considers the suitability and achievability of the proposed allocation sites in the draft Neighbourhood Plan coming forward in light of the surrounding designated heritage assets.

2.0 Impact of draft allocation ASH11 on heritage assets

2.1 Whilst basic conditions b) and c) of paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, explicitly reference having special regard to listed buildings and conservation areas, is only applicable to Orders and not Neighbourhood Plans, this does not negate the requirement under conditions a), d) and e) to have regard to national policies, contribute to the achievement of sustainable development and be in general conformity with the strategic policies in the development plan.

The national and adopted policy position

2.2 At the heart of the National Planning Policy Framework (NPPF) 2019 is the presumption in favour of sustainable development. Paragraph 8 is clear that to achieve sustainable development, the three overarching objectives need to be pursued in mutually supportive ways. A key part of the environmental objective is contributing to protecting and enhancing the natural, built and historic environment.

2.3 It is subsequently a common thread throughout the NPPF, including at paragraph 11 in relation to plan-making and decision-making, that the policies relating to heritage assets, and preserving and enhancing their significance, are of importance in determining whether a development, policy or plan can be considered to contribute towards sustainable development.

2.4 With specific regard to heritage assets, Section 16, paragraph 185 of the NPPF is clear that:

Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*
- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and*
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.*

2.5 Paragraph 193 goes on to state that:

*When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight should be given to the asset's conservation** (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

2.6 Where there is harm to a heritage asset the NPPF at paragraphs 195-196 set out the high bar which must be met for development to be approved.

2.7 As per basic condition e, the NPPF further sets out at paragraph 29 how non-strategic policies should not undermine strategic policies and reaffirms that neighbourhood plans should be in general conformity with the strategic policies in any development plan.

2.8 In this regard, the Horsham District Planning Framework (2015) reiterates throughout the strategic policies the importance of the preservation and enhancement of heritage assets. Strategic Policy 2 states:

To maintain the district's unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment, the spatial strategy to 2031 is to...

13. Support development which protects, conserves and enhances the District's built heritage whilst ensuring that new development is safe, well designed, adapts to climate change and helps to reduce the District's carbon emissions.

2.9 Strategic Policy 4 states:

The growth of settlements across the District will continue to be supported in order to meet identified local housing, employment and community needs. Outside built-up area boundaries, the expansion of settlements will be supported where

1. *The site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge.*

...

5. *The development is contained within an existing defensible boundary and the **landscape and townscape character features are maintained and enhanced.***

2.10 Lastly, the strategic policy 32 is explicit that:

High quality and inclusive design for all development in the district will be required based on a clear understanding of the local, physical, social, economic, environmental and policy context for development. In particular, development will be expected to...

*3. Contribute a sense of place both in the buildings and spaces themselves and in the **way they integrate with their surroundings and the historic landscape in which they sit***

2.11 Overall, it is clear from the NPPF that the conservation of heritage assets should be given great weight, and that it is for the plan-making stage to ensure that a positive strategy for the conservation and enjoyment of the historic environment is taken forward.

2.12 Furthermore, together with basic condition e), the NPPF is clear at paragraph 29 that a neighbourhood plan should not undermine the strategic policies of the development plan. In reviewing the Horsham District Planning Framework (HDPF) strategic policies, above, the importance of heritage is reiterated throughout and there is a clear and broad policy intent across the development plan for the protection, conservation and enhancement of the District's historic environment.

2.13 Lastly, Strategic Policy 15, in relation to housing provision, relies upon the provision of at least 1500 homes through Neighbourhood Plan allocations to contribute towards meeting the district's housing needs. Therefore, it is important that any allocations are demonstrably deliverable and there are no overriding constraints that could delay or limit the quantum of homes that could be achieved, in order for a neighbourhood plan to contribute to the achievement of sustainable development (condition d).

2.14 Any such doubt will affect the Neighbourhood Plan's ability to demonstrate it achieves sustainable development (basic condition d) from both the specific impact that could arise to the designated heritage assets, as well as from a lack of housing delivery resulting in speculative applications that would not deliver the same level of benefits.

2.15 Therefore, for the Neighbourhood Plan to be in general conformity with the Strategic Policies of the development plan (condition e), to have had regard to national policy (condition a) and to be contributing towards sustainable development (condition d), it is necessary for the Neighbourhood Plan to consider fully whether any draft allocations could cause harm to heritage assets, to the extent that there is significant doubt over their deliverability and achievability.

Potential impact on heritage assets

- 2.16 It is recognised that since Regulation 14 consultation further correspondence with Historic England has been undertaken in relation to the impacts of the allocation sites archaeologically, on the setting of the non-designated moated site, and on the listed farmhouse to the north east.
- 2.17 Historic England's response focuses on the relationship of the former 'Site 5' to the Scheduled Ancient Monument, and related archaeological findings within that site. Subsequent to this advice, the former Site 5 is no longer proposed to accommodate development.
- 2.18 However the liaison with Historic England has not addressed the potential impacts on the Grade II* listed church from the access upgrade works that would be necessary, together with the increase in vehicular traffic and pollution, and the harmful impact this would have on the setting of the church.
- 2.19 The 'preliminary assessment of impact', as set out in Section 5 of the Neighbourhood Plan's Heritage Assessment (Feb 2020) sets out that the impact of development on the heritage assets can only be considered in general terms, as a detailed proposal is not available, with the exception of the access route.
- 2.20 The Neighbourhood Plan Group's Heritage Assessment states at 4.10 that:
- The existing roads, while preserving a historic route, are predominantly modern in character (as a utilitarian concrete farm access road and an upmarket 'ranch-style' driveway).*
- 2.21 However, on the next page (page 15), the images show a rural single track lane, next to an original brick wall without any street lighting. This image shows a road that possesses the characteristics of a rural track. Therefore, we disagree with this 'modern, utilitarian' character assessment.
- 2.22 The report goes on to state that the proposed access would replace existing modern infrastructure and given the modern character of this area, there would be unlikely a significant adverse impact on the setting of either listed building. Furthermore, it references an improved relationship between the church and farmhouse through the removal of the existing conifer hedgerows.
- 2.23 However, as set out in Section 5 of that report, the proposed access would include a 5.5m carriageway together with a separate footway, removal of the existing country fencing and verges. This confirms that given the scale of development required to access

from this point, it is likely the access road that would run directly adjacent to the Grade II* listed church would be more heavily engineered than the existing more rural character single track lane.

2.24 Overall, we raise concern about the conclusions made for the following reasons:

- The existing access routes alongside the church in this location are rural in character, and sensitively designed to maintain an un-engineered character, together with country fencing, verges and planting/green space. This helps to maintain the historic understanding and character of the church in its rural setting. The fact that the wider setting of the church has been widely urbanised increases the importance of maintaining the remaining rural character in this area.
- For access for 150 dwellings to be achieved adjacent to the church, there is potential for light, noise and air pollution from the access junction and additional vehicular traffic, which could further erode the setting (including the tranquil nature) of the listed church as well as result in pollutants on the church itself.
- Whilst the removal of the conifer could result in greater visibility between the listed farmhouse and church, the character of an engineered access road with potential for lighting, vehicles and pollution could act as a more urbanised barrier between the two listed buildings, creating a more harmful effect than the existing conifer. Therefore, it is not necessarily the case that the proposal to access the site in this location would improve the relationship between the two listed buildings.
- Overall, it has not been demonstrated that the construction of an engineered access would not have a harmful and adverse impact on the setting of the Grade II* listed church, together with the Grade II listed farmhouse, as required by draft allocation policy ASH11.

2.25 Given there are alternative locations for development within Ashington to meet housing needs and deliver community facilities which could come forward without causing harm to a designated heritage asset, there is no clear justification that the proposed allocation site could demonstrate public benefits to outweigh such identified harm. Therefore, there is reasonable potential that the allocation site would not be found sustainable against the tests in Section 16 of the NPPF 2019, and would be contrary to strategic policies 2, 4 and 32 of the development plan.

2.26 Nor is there evidence to show that the allocation could in fact deliver the number of homes required to meet Horsham District Council's housing needs contained within

Strategic Policy 15. If the sites cannot deliver the requisite number of homes as a result of heritage impact, this has potential to lead to speculative development in the village to make up the housing numbers, which would not deliver the benefits achieved through evidenced plan-making. For this reason, the neighbourhood plan cannot be considered to contribute towards sustainable development, have regard to national policy, not undermine strategic policies (paragraph 29 of the NPPF 2019), or be in general conformity with strategic policy 15 in the development plan, contrary to basic conditions a), d) and e).

3.0 Summary

3.1 In summary:

- Any neighbourhood plan must meet the basic conditions set out within paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, namely to have regard to national policy (condition a), to be in general conformity with strategic policies in the development plan (condition e) and to contribute towards the achievement of sustainable development (condition d).
- The preservation and enhancement of heritage assets has been demonstrated to be a core theme running through the presumption in favour of sustainable development, and national and strategic policy and therefore is fundamental to a neighbourhood plan demonstrating it can, through its policy and allocation strategy, meet these conditions.
- There is a clear potential that the proposed allocation ASH11 would cause harm to the setting of the Grade II* listed church in particular, but also other surrounding heritage assets by virtue of the urbanisation of the currently sympathetic setting of the land and access routes to the south of the church.
- Given the potential for allocation of other sites, such as those to the north of Ashington which would not have an impact on heritage assets, it is questioned whether there would be justification to demonstrate the public benefits outweigh the identified harm and therefore for the allocation site to be deliverable.
- Overall, there is reasonable doubt about whether the allocation site ASH11 could come forward without causing harm to the setting of the Grade II* listed building, which would therefore not amount to sustainable development in national policy, contrary to basic condition a) and d), and would not accord with strategic policies (condition e).
- This identified harm could affect the delivery of homes on the allocation site, thereby raising a clear potential for speculative development during the plan period, further eroding sustainable development in the future. Therefore, the allocation strategy has not been suitably evidenced and there is a clear potential that it would not contribute towards the achievement of sustainable development (condition d), would not be in general conformity with strategic policies (condition e) and would not have regard to national policy (condition a).