

**Chesterfield Borough Council**  
**Local Plan**  
**Heritage Impact Assessment 2018**

## **Introduction**

Chesterfield Borough Council is preparing a new Local Plan (2018-2033) which sets out the overarching strategy to positively plan and manage future growth, change and development across the borough. The Local Plan has identified sites for allocation which enables the council to demonstrate how it is positively meeting its need for housing and employment and secures land for infrastructure to support the anticipated level of growth.

A Heritage Impact Assessment is required to support the Local Plan by demonstrating that how the historic environment has been considered in the site allocation methodology and selection process. It also assesses the likely impact on heritage assets that are both designated and non-designated, and whether or how, any harm can be mitigated.

## **Chesterfield Borough and its Heritage Assets**

Chesterfield is an historic market town, having received its market charter from King John in 1204, with one of the largest open air markets in Britain. The town sits on a large coalfield which formed a major part of the area's economy along with pottery, engineering and chemicals, until the 1980s.

The Borough possesses a rich historic environment with an array of heritage assets. As of April 2016 the borough has a variety of nationally recognized heritage assets which includes 244 Listed Buildings, including 1 Grade I Listed, 17 Grade II\* Listed Buildings and a Grade II\* Listed Historic Park & Garden at Queen's Park. There are 2 Scheduled Ancient Monuments; (Brampton Barn and Tapton Castle Hill) and 12 Conservation Areas designated. A programme of Conservation Area Appraisals and Management Plans has been completed for all of the borough's conservation areas.

Within the Borough there are other locally recognised historic sites, such as the 4 locally important Historic Parks and Gardens at Tapton House and grounds, Ringwood Hall grounds, Tapton Grove and Dunston Hall Deerpark. There are other archaeologically important areas across Chesterfield borough that have been identified in the Historic Environment Record (HER); this includes an area known as the Historic Town Centre Core. Where possible, the council will work to conserve and enhance these areas through positive action and management.

In addition to the heritage assets which are statutorily nationally designated, the borough has many more non-designated buildings, structures, parks, gardens and views (including cemeteries and open spaces) that are special because of their local historic or architectural interest. These contribute to local heritage and local identity and their importance should be recognised for that reason. The Borough Council is in the process of identifying non-

designated heritage assets in a local list specifying the local heritage assets within the borough that will be afforded protection.

The rich historic landscape within the borough is described above and there is therefore the likelihood of heritage assets being affected by the sites proposed for development.

### **Purpose and scope of the Heritage Impact Assessment**

To support the preparation of the Local Plan, this Heritage Impact Assessment seeks to assess how the significance of any heritage assets affected by potential allocation has been considered in the site selection process and to assess the likely impact on heritage assets, (both designated and non-designated) and whether any harm can be mitigated. In doing so it is intended to be both a positive strategy and significance led as required by the NPPF and recommended in Historic England guidance.

The assessment will be used to highlight heritage considerations in the next stage of decision making and indicate how any impact can be mitigated. It also seeks to identify opportunities through site allocation for finding viable uses for heritage assets or whether there are other public benefits which might outweigh any harm to significance.

The following types of assets are considered in this assessment:

- Designated assets including statutorily listed buildings, scheduled monuments, nationally designated historic parks and gardens, and conservation areas.
- Non-designated assets such as parks and gardens of local historic interest, any buildings of local interest, Historic Landscape Characterisation, and potential for unknown Archaeology that may be revealed during the process.

For each of the sites, the HIA shows;

- Identification of heritage assets affected (designated and non-designated);
- Assessment of the site contribution to the significance of the heritage asset(s) identified;
- Assessment of the impact of the potential site allocation on the significance of heritage asset(s);
- Consider what enhancements to the historic environment could be achieved or ways to mitigate harm to the significance of the heritage asset(s);
- Conclusions and recommendations on the potential allocation.

### **National Planning Policy and Legislation**

#### **National Planning Policy Framework (NPPF)**

Local planning authorities are responsible for assessing applications and issuing decisions related to conservation areas, listed buildings and their settings and scheduled monuments. In considering the decisions they must take account of the statutory considerations and satisfy the relevant policies within the NPPF.

The statutory duties stem from the Planning (Listed Buildings and Conservation Areas) Act 1990 and include special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. For conservation areas a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 185 of the NPPF states 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’. There is an expectation that planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise (paragraph 190).

The NPPF defines ‘setting of Heritage Assets as:

*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

### **Historic England Guidance**

Historic England suggests that in order to demonstrate that the sites that the local planning authority is putting forward as allocations are compatible with the requirements of the NPPF (and, where relevant, the Duties under the 1990 Act) there needs to be an assessment of the likely effect that the development of these sites might have upon the historic environment.

This type of assessment would need to assess:

- the contribution of the site to the significance of any of its heritage assets or those within the vicinity;
- the impact that the development of the site might have on elements that contribute to the significance of the heritage assets;
- if the development of the site is likely to cause harm, identify what measures are necessary to remove or adequately mitigate the harm;
- if mitigation measures are inadequate and the development of the site is likely to harm the significance of the heritage asset, assess whether the public benefit outweighs the harm. If there are no public benefits or the level of harm outweighs the public benefit then the site should not be allocated; and
- whether there is the potential for the allocation of the site to enhance the significance of the heritage asset.

Historic England’s Guidance “The Historic Environment and Site Allocations in Local Plans” (October 2015) outlines an approach to this which is reflected in the methodology set out below.

### **Methodology**

The methodology for the Heritage Impact Assessment adopts the form of a stepped approach which comprises the application of a series of assessments to identify the potential impacts and if/how these impacts can be mitigated. The methodology for the heritage impact assessment of the sites is a significance based approach which closely follows the 5 steps outlined in advice note 3 "*The Historic Environment and Site Allocations in Local Plans*" site selection methodology".

- Step 1: Identify which heritage assets are affected by the potential site allocation
- Step 2: Understand what contribution the site (in its current form) makes to the significance of the heritage asset(s)
- Step 3: Identify what impact the allocation might have on that significance
- Step 4: Consider maximising enhancements and avoiding harm
- Step 5: Determine whether the proposed site allocation is appropriate in light of the NPPF's tests of soundness

A pro-forma has been produced for each site to record the information and assessment of each stage.

### **Consideration of Setting**

Many of the site allocations will raise issues of 'setting' rather than direct impact. The assessment of contribution will consider the relationship of the site to the heritage asset and in particular the contribution of setting and contribution of open space to the character (especially at the edges) of the Conservation Areas. This will be assessed in accordance with Historic England advice contained in '*The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning: 3*'(December 2017).

Setting is understood to embrace all of the surroundings from which the heritage asset can be experienced, and does not have a fixed boundary. Views to and from an asset will play an important part in the way that the asset is experienced, but other factors such as the character of the view, screening and cumulative impacts of existing structures within the view need to be taken into account. This separates the concept of "setting" from that of "view" and so the perception or understanding of an asset or its context can still be appreciated despite changes within its view.

The Planning Court recently endorsed the broad approach to "setting" in the judgement *Steer v SSCL9* (2017) EWHC 1456 confirming that "setting" has a broad meaning which is capable of extending beyond the purely visual.

### **Step 1: Identify which heritage assets are affected by the potential site allocation**

This desk based assessment was undertaken to identify the sites that contained heritage assets and/or had heritage assets adjacent or near to them. The information was obtained via the council's GIS system as well as through local knowledge from internal stakeholders.

In this assessment all heritage assets, both designated and non-designated were considered, including HER data and advice from Derbyshire County Council Archaeologist (where available). In addition, any of these heritage assets that are 'at risk' or 'vulnerable' will be highlighted where relevant at this stage.

## **Step 2: Understand what contribution the site (in its current form) makes to the significance of the heritage asset(s)**

Understanding significance is essential in order to be able to assess the potential impact of any development. The Historic England document "*Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*" (2008) provides a useful basis for articulating significance, which is based on how a heritage asset or place is valued by this and future generations because of its heritage interest.

This may derive from an asset's:

- Evidential value: potential to yield evidence about past human activity
- Historical value: connection with a notable person or event
- Aesthetic value: design and appearance
- Communal value: connection with any current or past community

The guidance suggests that understanding significance should be 'in a proportionate manner'.

### **Definition of Significance**

The term significance is used to describe the value or weight given to a heritage asset and is defined (for heritage policy) in Annex 2 of the National Planning Policy Framework (NPPF):

***Significance (for heritage policy):*** *The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.*

The significance of heritage assets is determined by professional judgement, and guided by statutory and non-statutory designations, national and local policies, and archaeological research agendas. Paragraph 194b of the NPPF recognises that heritage assets with the highest level of significance as scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites.

**Table 1 – Criteria for assessing the importance/significance of heritage assets**

Criteria	Issue	Red  Criteria is not satisfied	Amber  Criteria may be capable of being satisfied	Green  Criteria is satisfied	Comments
Historic Environment	Would there be a potential impact on any aspect of the historic environment in terms of its significance, character and/or setting relating to any designated heritage assets (i.e. listed buildings; scheduled monuments; registered parks & gardens, world heritage site & its buffer zone, and conservation areas) and any non-designated heritage assets?	Development of the site is likely to result in harmful impact to/on the significance/setting of a listed building (I, II*, II); a scheduled monument; a registered park or garden (I, II*, II); world heritage site & its buffer zone, a conservation area; a non-designated heritage asset.	Development of the site may result in harmful impact to/on the significance/setting of a listed building (I, II*, II); a scheduled monument; a registered park or garden (I, II*, II); world heritage site & its buffer zone, a conservation area; a	Development of the site is likely to result in minimal or no impact to/on the significance/setting of a listed building (I, II*, II); a scheduled monument; a registered park or garden (I, II*, II); world heritage site & its buffer zone, a conservation area; a	<i>Officer comments provided to support assessment.</i>

		<p>It is unlikely that impacts can be mitigated.</p>	<p>non-designated heritage asset.</p> <p>It is likely that impacts can be avoided/mitigated.</p>	<p>non-designated heritage asset.</p> <p>It is likely that no mitigation is required.</p>	
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### **Step 3: Identify what impact the site allocation might have on the heritage asset**

This stage involves making an assessment of how the allocation of the site might impact on the heritage assets, including an assessment of how the extent, location, siting, form, appearance, or other impacts might affect the significance of the heritage asset including its setting.

At this point the likely degree of harm to significance is assessed. Likely harm should be given weight according to the value of the asset in line with the NPPF: total loss/substantial harm/less than substantial harm.

### **Step 4: Consider maximising enhancements and avoiding harm**

This step identifies some of the possible means of avoiding harm and identifying opportunities for enhancement. Any means of avoiding harm or opportunities for enhancement should be identified as part of this step.

For example, harm could be minimised through constraints on the site boundary, the location, density, height, form, materials, or through retaining key views depending on the nature and significance of the affected heritage asset.

This stage should also identify opportunities for enhancement or to better reveal significance. For example, enhancement could come through opportunities for improvements to consolidate historic character and street scene or there might be an opportunity to bring into sustainable use a heritage asset at risk. Other opportunities include possibilities of improving interpretation or increased public access (to better enjoy the heritage asset).

If there is some harm to the heritage asset(s) likely as a result of the site's development it is particularly important that means to avoid harm or opportunities for enhancement to offset harm are identified here in order to make a balanced judgement in the next step.

### **Step 5: Recommendation - Determine whether the proposed site allocation is appropriate in light of the NPPF's tests of soundness**

This stage involves reviewing the results of the previous steps to ascertain whether, on balance, the identified constraints could be overcome via mitigation measures and restoration/enhancements to heritage assets to enable the site to be suitable for allocation in accordance with the NPPF's tests of soundness.

The final recommendation categories are intended to reflect the requirement in Planning Practice Guidance to take into account planning policy when assessing suitability. National planning policy<sup>1</sup> currently permits a balancing of harm to heritage assets versus public benefits and the above categories take this into account.



		Heritage Impact
Heritage		Positive
		Neutral or Uncertain
		Adverse effect mitigable or public benefits outweigh harm
		Adverse effect not mitigable or harm outweighs public benefits

The final assessment will be summarised in a table and will then inform the next stage of site selection in the local plan.