



Historic England

BY EMAIL:

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27 July 2015

Dear Sir/Madam,

Cuckney, Norton, Holton and Welbeck Draft Neighbourhood Plan

Thank you for consulting Historic England on the above draft Neighbourhood Plan.

We have reviewed the document and we have set out our detailed comments in the attached schedule. Please note that we have made extensive comments and raised a number of concerns relating to the plan. As written we do not consider that it meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. Specifically we do not consider that it meets condition 'a' as the proposals put forward by the plan are not consistent with the National Planning Policy Framework.

Given the level of our concern, we would be willing to meet with the Neighbourhood Plan Group along with Bassetlaw District Council in order to further discuss our concerns and in order to seek a positive resolution.

Please do not hesitate to contact me if you wish to discuss any of these comments.

Yours sincerely

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SCHEDULE OF COMMENTS ON THE DRAFT CUCKNEY, NORTON, HOLBECK AND WELBECK NEIGHBOURHOOD PLAN – 23 JULY 2015

The area covered by the CNHW Neighbourhood Plan encompasses a number of designated and non-designated heritage assets. notably, these include numerous assets at Welbeck Abbey (including Grade I listed Abbey itself and Grade II Registered Park and Garden), Scheduled Monument - the remains of the 12th century Motte and Baily Castle in Cuckney as well as numerous grade II listed buildings, conservation areas and other non-designated heritage assets, all situated in a pleasant rural landscape setting and forming a wider part of 'The Dukeires' - the name given to the area of North Nottinghamshire where palaces and vast estates had been created against the backdrop of Sherwood Forest..

In line with national planning policy, it will be important that the strategy for this important area safeguards those elements which contribute to the significance of these assets so that they can be enjoyed by future generations.

Our detailed comments are set out below:

Housing

The Neighbourhood Plan seeks to allocate a number of sites within the various settlements covered by the plan. The adopted Core Strategy designates Cuckney as a Rural Service Centre and the settlements of Holbeck, Norton and Holbeck Woodhouse were considered inappropriate for development other than in exceptional circumstances. Bassetlaw has recently withdrawn its Preferred Options Site Allocations DPD, however, this document sought to allocate a single small site in Cuckney for 5 dwellings – a site in which Historic England (formally English Heritage) did flag up in relation to impacts upon the historic environment.

We are concerned with the amount of development proposed by the draft plan. We consider that this is unsustainable, as it gives rise to harmful impacts upon the historic environment. It is also not in conformity with the Adopted Core Strategy which seeks to deliver development in the most sustainable settlements as per its development hierarchy. It is recognised that Bassetlaw does not have a 5-year housing land supply, however we do not consider that this is justification for levels of growth proposed within these exceptionally sensitive settlements.

The draft Neighbourhood Plan does discuss balancing competing demands in paragraphs 1.25-1.28, recognising that historically policies have focused on protecting the unique character of the area and as such have resulted in only building 4 dwellings across the Plan Area in the last 70 years. Paragraph 1.34 sets out the position in relation to why more housing is proposed – we note the concerns that communities will not thrive and that the small scale developments proposed will not meet the objectively assessed need for affordable housing, or the needs of the three communities to be met. The plan therefore proposes residential development on 7 sites that will bring forward at least 60 houses.



While we appreciate the desire for accommodating new housing in the plan area, we can find no supporting evidence or justification in relation to why specifically the plan is seeking to deliver over 60 dwellings. At the time of writing our consultation response, there is no published strategic environmental assessment or sustainability appraisal which assesses the levels of growth and scenarios for this and we can find no evidence to justify the scale of development put forward by the plan to assist in our understanding of this. The NPPG (Paragraph: 040 Reference ID: 41-040-20140306) states with regard to evidence, while there is no 'tick-box' list of evidence required, proportionate and robust evidence should support the choices made and approach taken. Please note that we have accessed a copy of the assessment of individual allocations, as undertaken by Bassetlaw's Regeneration and Investment Team, however this is not a substitute for justification for the growth levels pursued, balanced against the other facets of sustainable development.

It is our opinion that the levels of growth put forward by the plan would give rise to harm to the historic environment. No evidence exists to suggest otherwise. This is both from individual sites, as well as cumulative impacts. Our detailed comments for individual site allocations are set out in further detail later on in this letter. As a more general point, we consider that the levels of growth are in clear conflict to the strategic policies of the Core Strategy.

Local Context

We note the area profiles for each of the settlements. It would be helpful to set out the numbers and types of heritage asset as part of this in order to give a factual context in relation to the areas unique historic environment resource. Information on assets at Parish level can be accessed via the National Heritage List for England: <https://historicengland.org.uk/listing/the-list/>

Possible Delivery Mechanisms – Enabling Development

Policies 1-4 set out requirements for housing in the plan area. Paragraphs 8.28-8.35 make reference to enabling development as a delivery mechanism, giving reference to two specific schemes allocated by the Plan. Paragraph 8.34 states that “this plan supports the principle of enabling development having established significant community support for the redevelopment of both sites to provide housing for local people. “

Historic England are extremely concerned regarding the contents of the draft plan in relation to enabling development. Paragraph 140 of the NPPF states: ‘*Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.*’ Historic England have also produced guidance entitled ‘Enabling Development and the Conservation of Significant Places.’ <https://content.historicengland.org.uk/images-books/publications/enabling-development-and-the-conservation-of-significant->



[places/enablingwebv220080915124334.pdf](https://www.gov.uk/guidance/places/enablingwebv220080915124334.pdf)) This document defines enabling development as *'development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. The key public benefit to significant places is usually the securing of their long term future.'* In seeking to promote enabling development, through the allocation of sites to deliver housing, the plan is in direct conflict with the NPPF (paragraph 140) and our associated guidance. The premise of enabling development is to support the conservation of heritage assets; it is not, as has been misinterpreted in this plan, to address and support housing need. For example, housing proposals may cause harm to the significance of heritage assets (including their setting). There may also be other options for the delivery of enabling development for the benefit of the heritage assets, for example through schemes for retail, commercial or other; it is not limited to housing.

Section 2.2 of our guidance makes clear that since enabling development is by definition contrary to policy, plans can do no more than set out criteria against which applications will need to be assessed. It also states that site specific provision within plans should be resisted as the case for enabling development can only be properly considered in the context of a specific application. In addition, it makes clear that site allocations in a plan would also become development on accordance with the statutory plan, and thus would not be enabling development by virtue of its definition.

We have made specific comments on the specific sites later on in this letter, however as a general observation, there should be no such allocation of sites within the plan, in order for it to be compliant with the NPPF. Historic England therefore considers that this should be removed from the plan.

If there is a wish to have an Enabling Development policy, which is not a requirement, then this should not be badged as a delivery mechanism for new homes section and must be properly aligned with paragraph 140 and our guidance, focusing on the future conservation of heritage assets. One other mechanism would be for the plan to recognise heritage at risk in general terms and put forward a policy to support tackling this, at a broad level, without specifying specific proposals for housing or otherwise.

We would also like to comment on the text in paragraph 8.32 which discusses why sites for enabling development will not be marketed (as is required by our guidance). The reason for this is cited that Welbeck Estate does not have any intention of selling any of its assets. Reference is made here to the exemption made in our guidance in exceptional circumstances where the place forms part of a larger historic entity. While it is arguable that the specific assets referenced by the plan would not form part of the wider estate and meet this exceptional circumstance (as set out in paragraphs 4.9.6-4.9.12 in our guidance), there is a misinterpretation here of market testing the site. It is irrelevant whether there is any intention to sell part of the Welbeck Estate. The point of the marketing exercise is to establish whether there is an alternative owner out there who would be willing to repair the heritage asset without the need for Enabling Development and if there is then there is



less likelihood of granting permission for Enabling Development. No sale needs ever take place just a test to establish if there is interest and any credible alternatives. In addition, should it be argued that the historic entity exemption is applicable, this would mean that that marketing should not be required but that instead an estate wide approach to the management and funding of all the required repairs is appropriate. The natural consequence of this will be a more detailed examination of the estate accounts as a whole entity is required and the collective costs of repairs. This would also need to include any gains from development of other (non-enabling) allocation sites which are in the ownership of the Welbeck Estate. Consideration of off-site enabling development proposals would also need to be made; given the ownership of the land, it need not be the case that this is delivered on-site to achieve the benefits.

While this point is irrelevant in the context of our previous comments as the plan should not include any reference to enabling development, for the purposes of clarity, we wish to make this matter clear at this stage.

Policy 9: Energy Efficiency of New Development

We note part 2 of the policy which relates to listed buildings and conservation areas. While we support this, we consider that the wording should be amended to better reflect the language of the NPPF – as written this appears confused and only makes reference to systems in conservation areas or near listed buildings, rather than affecting them directly or their setting. We suggest the following:

“2. Proposals for renewable energy systems affecting heritage assets, including conservation areas and listed buildings, and their setting, will only be supported where they avoid harm to the significance of that asset.”

Cuckney Site Allocations

As previously stated, we do not consider that there is justification for the levels of growth proposed in the plan area. The plan proposed around 40 dwellings within Cuckney in particular which is around a 40% increase in its size (based on number of dwellings). We consider that cumulatively, this will cause harm to heritage assets here. The need for such levels of growth have not been evidenced or justified for Cuckney. Our detailed comments for individual sites are set out below. These should be read in the context for the proposals for growth of Cuckney as a whole.

Policy 10: former Depot Site and adjoining field, Budby Road, Cuckney

This is a partial brownfield site within the conservation area. There are a number of grade II listed buildings in proximity to the site, and the site also contains non-designated heritage assets, such as outbuildings and extensive stone walls. These also make a positive contribution to the character of the conservation area.



Should the need for housing be demonstrated, we consider this site has the most scope for development within Cuckney. However we are concerned at the contents of the policy, which makes no reference to ensuring that the character of the conservation area is preserved or enhanced, in accordance with s72 of the Planning (Listed Building and Conservation Areas) Act 1990. While the policy as written makes reference to layout, landscaping and retention of hedgerows, there is no reference to the retention of the walling and outbuildings, and no consideration of numbers of houses, density or general protection of the historic environment.

We are also concerned that comments made within the assessment of sites performed by Bassetlaw's Regeneration and Investment Team have not been taken forward. This makes particular reference to the density and amount of housing, layout and the compliance with the Core Strategy. There is no SEA/SA appraisal of the site to assist in our assessment in this regard. We also consider that the number of houses on this site should be properly assessed as it may not be able to deliver 15-20 houses, given all of the constraints.

Overall, further work is required to ensure that the site is sustainable. In respect of the historic environment, we consider that a lack of a reference here is a significant omission. Should the site be further assessed and considered to be appropriate, we suggest the following amendments:

“g) The scheme adequately protects the character of the conservation area. Proposals should be informed by an assessment of the significance of heritage assets including detailed consideration of housing numbers, density, layout, scale and materials. The stone walls and historic outbuildings within the site should be retained.”

Policy 11: Land North of Budby Road

Historic England have provided advice on this site as part of the (now withdrawn) site allocations document for 5 dwellings. Here we cited that the site could affect a number of heritage assets, including the church of St Mary (grade I), Cuckney Motte and Bailey Castle (scheduled monument) and Conservation Area. More recently, we have given pre-application advice for this site, where we identified less than substantial harm arising from proposals for 7 dwellings. We also cited that the degree of harm was not justified. We do not consider that this site is appropriate for allocation, particularly at this scale.

Should the case be made for the site, on the basis of further evidence and impact assessment, we do not consider that the policy is adequate in relation to heritage assets. Criteria b, requires amendment to reference the scheduled monument, and to go further than the current reference which is restricted to the design of dwelling as viewed from Norton Lane.

Policy 12: Land South of Creswell Road, Cuckney



This site lies adjacent to the Conservation area. The existing estate cottages opposite ('new cottages') are non-designated heritage assets which contribute positively to the character of the conservation area. There is the potential for harm here and again we consider that justification has not been made in support of this site.

Should the case be made for the site, on the basis of further evidence and impact assessment, we do not consider that the policy is adequate in relation to heritage assets as it makes no reference requiring the protection of these. Reference will therefore be required should the site be put forward.

Policy 13: Development of Village Hall and Car Park on former Allotments, Creswell Road, Cuckney.

This site is within the conservation area, and is surrounded by other heritage assets. This site was assessed by the Bassetlaw's Regeneration and Investment Team for housing. Comments from the Conservation Team set out the significance of the site as an important open space and overall the paper considers that the principle for allocating this site for housing is not supported.

This policy seeks to propose 4 houses and a village hall. Again, without any evidence of how this has come about, it is difficult for us to fully assess the impacts. It may be preferable for the site to simply house a village hall, in the location of the proposed dwellings to minimise impacts upon the conservation area. We are also concerned that the policy does not make any reference to the retention of existing features, such as the bow top railings and trees to the roadside. Car parking should also be carefully designed to maintain the openness and significance of the site.

Policy 14: Woodhouse Hall Farm, Holbeck

We object to the inclusion of this site in the plan as an 'enabling development' proposal. The allocation of this site for housing is in direct conflict with the NPPF (paragraph 140) and the Historic England enabling development guidance.

Please refer to our previous comments relating to enabling development, marketing and exemptions.

Please also note that in relation to the schematic masterplan, provided within the site assessment document by Bassetlaw's Regeneration and Investment Team, we consider that the scale and amount of additional development would constitute harm to the significance of the listed barns, as derived from its setting. There may also be harm to Woodhouse Hall.

Policy 15: lady Margaret Hall ,Holbeck



This site falls within the registered park and garden, conservation area and there is a listed building opposite the site. While there is no objection to the principle of improvement to this Hall, this needs to be carefully considered in relation to its impact upon heritage assets – this goes further than simply relating to the ‘layout’ of the scheme being compatible with the registered park, and as such criteria a) of this policy should be amended accordingly.

Policy 16: Eddison’s Cottage, Norton Lane

This site is put forward as an enabling development site. The allocation of this site for housing is in direct conflict with the NPPF (paragraph 140) and the Historic England enabling development guidance and we therefore object to the inclusion of this site in the plan.

Please refer to our previous comments relating to enabling development, marketing and exemptions.

Please also note, due to the proximity of other designated assets, the character of the conservation area, new development within the immediate vicinity of this cottage may not be able to be accommodated without harm; assessment is required in this respect.

Policy 17: Lady Margaret Crescent, Norton

These sites are within the conservation area and listed buildings are situated adjacent to the site. There are likely to be impacts here, particularly from the site to the south of Grade II listed Norton Grange. These issues have also been raised in more detail by Bassetlaw’s Conservation Team.

Again, as there is no detailed justification supporting the housing numbers and need in the plan area, we consider that this site may constitute unsustainable development.

Should the case be made for the site, on the basis of further evidence and impact assessment, we do not consider that the policy is adequate in relation to heritage assets as it only makes reference to the conservation area. The number of units will need to be justified as we are concerned over the land adjacent to Norton Grange – the development may be more acceptable if restricted to one site only (fronting Lady Margaret’s Crescent) in an alms-house type design.

Policy 19: Provision of Business Space at Hatfield Plantation

This plantation is a significant landscape feature as part of the historic Welbeck Estate. We also consider it to be a non-designated heritage asset through its use in WW2 as an ammunition store. This should therefore be reflected within the policy as no reference to the protection of heritage assets is made. An assessment of the significance of the site is also required as part of any detailed design proposals for employment use of the concrete



hard-standings. There may also be wider sustainability issues in relation to its isolated location.

Policy 23: Designating Local Green Spaces

Given that the green spaces are also significant in terms of the historic landscape character, reference should be made in the policy to conserve, enhance and/or restore the historic landscape character of the area, where necessary.