

[REDACTED]

From: John Slater Planning [REDACTED]
Sent: 03 October 2017 11:26
To: [REDACTED]
Cc: Alma Howell
Subject: BURY Neighbourhood Plan- Parish Heritage Assets
Attachments: Extract from Report re Parish Heritage Assets.pdf; ATT00001.htm

Dear Mr Lewis

As you will know I have been appointed by the SDNPA to examine the Bury NP.

I am concluding my report but there is an area where I proposing making recommendations, partly on the basis of lack of evidence, relating to the designation of Parish Heritage Assets. I have copied extracts from my draft report which are set out in the attached document. Firstly there is an extract from my summary and then the analysis of the actual policy.

Before issuing my final report I consider that it may be helpful to me , to allow you to have sight of my draft conclusions and to offer the Steering Group the opportunity of to make any representations or provide any additional evidence relating to the heritage assets I am proposing to exclude in my recommendations.

This is somewhat unusual but I know that these matters will be of importance to the Parish and I felt I ought to set out my reasoning and offer you the opportunity to respond before I finalise my report.

In order that the issuing of my final report could I ask that you respond to me by Monday 16th October.

In the interest of the transparency of the examination process, could I ask that a copy of this email and your response be put on the respective websites.

Extract from Overview

There are a couple of themes that I would wish to comment on. It is clear that there are a number of particularly important and valued areas within the plan area that the neighbourhood plan seeks to protect. However, the plan seems to place multiple designations on these sites, which would imply an additional level of protection. That is not the case. Indeed, it could be argued that attempts to protect an amenity without the necessary justification, actually devalues the importance of the other assets. In particular, I have had to recommend a number of parish heritage assets to be removed from the list. That is not to say the areas will be any more vulnerable to development or be any less protected, as a result of my recommendation. Neighbourhood plan policies have to be evidence-based and was generally the supporting evidence on this plan is sound, but there are some areas where insufficient justification for the policies have been given.

BNDP Policy 8—Parish Heritage Assets

The neighbourhood plan proposes to designate a number of Parish Heritage Assets “to provide special protection against development for buildings and features with particular importance to local communities”. The important criterion is that to qualify as a “heritage asset” under this policy is that the asset must be a *building or feature*. I have read carefully the supporting document “Character, design and heritage assets” produced as part of the plan’s evidence base. I have that particular regard to the assessment of the seven sites, set out in Appendix 2 - Detailed Assessment of New Designations. The Glossary to the NPPF describes a *heritage asset* as a:

“building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning to decisions, because all its heritage interest. Heritage assets include designated heritage assets and assets identified by the local planning authority (including local listings)”.

The methodology used a set of locally derived criteria, to establish whether the proposed *building or feature* merits designation as a heritage asset. I do have some concerns regarding the applicability of some of the criteria, which appears to attach historical importance and hence a need for their protection, when their importance to the Parish are more appropriately covered by other policies of the Plan. I would give the following examples:

– *Demonstrably special to a local community* “if the building plays a special role by providing important community or amenity facilities that are not replicated elsewhere in the village”.

– *Longevity of the assets in the community's interest* “an asset's community value may relate to its actual (e.g. providing amenity space) or perceived (e.g. symbolic significance) value.

I have to assess whether the 7 designated assets meet the definition of being “a heritage asset” rather than amenities that are important to the village and which can be protected by other policies/designations. I set out my conclusions in terms of each proposed designation:

Ref 1: The historic black-and-white WSCC finger post. I consider that this meets the criteria by being a physical feature which is important to the village as the only remaining historic signpost in the village which also records the location of the defunct ferry.

Ref 2: The Coffin Trail– This is a public right-of-way, which like many footpaths in the countryside owe its existence to the routes used by parishioners, in previous centuries, for moving about the area, prior to the arrival of motorcar. Its importance is that the route follows the same alignment as it did in the past, but as far as I am aware there are no physical manifestations by way of physical remnants, beyond the fact that if it is the same route has been used for many centuries. One could use the analogy of the route of a Roman Road or the Pilgrim's Way, all routes of some historical importance but which are not designated as heritage assets. The route is already protected by virtue of it being a public right-of-way. Furthermore, I do not believe it meets the criteria for being a *building or feature*–it is a right of way. I do not consider it merits designation as a heritage asset for planning purposes.

Ref 3: The Serpent Trail- There is a sort section of this long-distance path within the plan area. The Serpent Trail was created in 2005 and whilst it may be “a much enjoy popular trail use regularly by many parishioners” and it may be “a tranquil and beautiful amenity with outstanding views” or it made through an area of particular ecological importance for the “extremely rare species of field cricket” that in itself or collectively justify this section of a long-distance footpath's designation as a heritage asset.

Ref 4: The Wharf and Common Land at the Wharf- I accept that this area does have historic importance to the village which is already recognised and protected as a location by being part of the conservation area. It is also to be protected as a Local Green Space which is more appropriate than a policy that relates to a building or feature.

Ref 5: The Pill Pond - The assessment does not explain why the pond is of historical interest. The supporting text refers to its amenity value but I have no basis for understanding its heritage value. Accordingly, without the evidence I cannot recommend its designation as a historic asset

Ref 6: Bury Sandpit - Again the assessment does not say why this area is of historical importance except that it is an “ancient quarry”, that is said to be of geological importance and it is “common land” and has tranquillity. I do not have the evidence on which to conclude it is a heritage asset.

Ref 7: Bury and West Burton Cricket Club Pavilion and recreation grounds - This facility at least does meet the plan's criteria for being a building. I note that the pavilion was built in the 1950s and this would not in my mind justify designation as a heritage asset. I note that the club was established in 1745 but I have no information whether it there has been continuity of use on this particular site. Again, this asset can be better protected by being a protected recreational facility as well as a Local Green Space.

Ref 8: Bury Church of England Primary School - I am satisfied that the original school buildings do warrant designation as a heritage asset as it dates back to 1844. However, I do not consider that the modern extensions should be protected as a heritage asset notwithstanding that it is an important part of the community

In terms of the policy itself, these Parish Heritage Assets will be classed, in the terminology of the NPPF, as "non-designated heritage assets" The determination of any application affecting the asset or its setting will have to consider the significance of the asset, requiring the making of a judgement as regards the scale of harm or loss and the significance of the heritage asset." The requirement to have to submit a heritage statement, cannot be imposed by a neighbourhood plan policy, as previously referred to, but a planning application can be expected to describe the significance of the asset and the effect of the development on that significance.

Recommendations

In the second paragraph delete "provide a heritage statement" and insert "describe the impact of the development on the significance of the heritage asset".

Delete Heritage Assets 2,3,4,5,6, and 7 from the policy and the Map.

In 8. (to be renumbered) add at the start "The original school buildings at".