

Appendix Two – Heritage Considerations Strategic Employments Sites (Strategic Policy S6) M1 Motorway Junction 27, Annesley.

- 1.1 The NPPF, paragraph 190 requires 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.*
- 1.2 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset). This information should be taken into account when considering the impact of a proposal on a heritage asset to minimise conflict between the heritage asset's conservation and any aspect of the proposal. (Para 195).
- 1.3 NPPF paragraphs 199 to 208 outline the consideration of potential impacts of a proposed development on the significance of a designated heritage asset. This includes the concept of substantial harm to a designated heritage. Under paragraph 199, there are three levels of harm identified to the significance of designated heritage assets, substantial harm, total loss, or less than substantial harm to its significance. In relation to this aspect NPPF, Annex 2 defines the following:
- *Significance - “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....”*
 - *Setting – “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.”*
- 1.4 Planning Practice Guidance Historic Environment, identifies that within each category of harm, the extent of the harm may vary and should be clearly articulated. Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF. The NPPF identifies that great weight should be given to a designated heritage asset (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.

1.5 The NPPF identifies the following:

- Paragraph 200 makes clear that any harm to a designated heritage asset requires clear and convincing justification. It sets out that substantial harm or loss of
 - a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably 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, should be wholly exceptional.
- Paragraph 201 identifies that *“where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.”*
- Paragraph 202 sets out *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

1.6 The NPPF requires any harm to designated heritage assets to be weighed against the public benefits of the proposal. The PPG identifies that *“public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF paragraph 8. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.”*

1.7 The context for planning applications is that the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. Section 66 of the 1990 Act is relevant as it states that the decision maker, when exercising planning functions, must give special regard to the desirability of preserving a listed building and its setting. Section 72 of the 1990 Act provides protection for the character and appearance of Conservation Areas.

1.8 As part of the evidence base for the Local Plan the Council has commissioned Rocket Heritage & Archaeology Ltd to undertake a Heritage Impact Assessment (HIA) to understand the implications of proposals in the Local Plan on heritage assets. The purpose is to:

- gain an understanding of the cultural heritage assets in and around a site,
- evaluate the consequences of proposed change to the significance of heritage assets

It provides the Council with information to understand the impact of the proposals on the significance of any heritage assets affected.

- 1.9 In addition to the HIA, the two allocations are subject to planning applications but the sites reflect slightly different geographic areas that the proposed allocations. The site to the north East Junction 27 is planning reference V/2022/0360 and includes evidence in relation to heritage aspects by the RPS Group. The site extends further north than the proposed allocation including additional land to be utilised for landscape purposes.. The site to the south east is reference v/2022/0246 with heritage evidence from Locus Consulting Ltd. The site is slightly smaller than the proposed allocation.
- 1.10 Historic England have been consulted as part of the HIA, they have responded to the Local Plan Consultation 2021 and to both planning applications.
- 1.11 For the site to the north east of Junction 27 the HIA identifies there are 3 Scheduled Monuments, 1 Registered Park and Garden and 5 Listed Buildings within the vicinity of the site. There are 9 further non-designated heritage assets identified in the Nottinghamshire HER (See HIA Figure 1 and Figure 2). The key heritage assets are as follows:
- Scheduled Monument Fishponds 170m south of Damstead Farm.
 - Scheduled Monument All Saints Church and graveyard, 150m south of Annesley Hall Lodge.
 - Grade I Listed Ruins of Church of All Saints.
 - Grade II* Listed Registered Park and Garden Annesley Hall.
 - Grade II Listed Terrace to southwest of Annesley Hall.
 - Grade II Listed Gatehouse Range to Annesley Hall.
 - Grade II Listed Annesley Lodge.
 - Grade II Annesley Hall.

The Council's HIA identifies that due to the distance of several of these assets, as well as intervening topography and tree screening, there is a lack of visibility between many of these assets and the study site. The study site is not considered to form part of the setting of the following: All Saints Church and Graveyard, Ruins of Church of All Saints, Annesley Hall, Terrace to southwest of Annesley Hall, Annesley Lodge, Gatehouse Range to Annesley Hall.

- 1.12 The heritage assessments by the various parties are set out in summary below.

Asset: Annesley Hall Registered Park & Garden

- Rocket – **less than substantial harm, but substantial harm to the historic landscape character.**

The site is located approximately 470m northwest of the Registered Park and Garden. Although the proposed development area does not have much intervisibility with the park, it is located within its wider agricultural setting.

The site is comprised of several parcels of arable land and thus makes a positive contribution to the asset's setting, especially by providing an important buffer

between the park and the M1 motorway to the west. The impact of the proposed development on the historic environment would therefore be less than substantial harm, but substantial harm to the historic landscape character.

Due to topography involved, mitigation of extensive development would be very difficult and would be incapable of removing or minimising harm to a wholly acceptable degree.

- Historic England – **less than substantial harm.**

The proposed development would infill with development the last surviving area of rural landscape that connects Damstead Fishponds Scheduled Monument and Annesley Hall and Registered Park and Garden.

Even with planting to screen views of the development, there would be a loss of openness and the rural character of the landscape surrounding the fishponds that help to provide an understanding of their historic context and connection to the wider estate of which they were a part.

HE considers the harm to the significance that the scheduled fishponds and the registered park and garden derive from their setting to be less than substantial, but greater in the case of the fishponds, which would become isolated from the rest of the surviving historic estate at Annesley.

- RPS Group – **no impact on the significance.**

The proposed development site lies c.400m west of the boundary of the RPG at its nearest point, and may once have formed part of the Estate's wider landholding. However, there remains no legibility of any such historic connection at present, and whilst the study site currently comprises agricultural land, it is experienced in conjunction with the adjacent business park and motorway and therefore does not contribute to an appreciation of the asset's historic rural context. The boundary of the RPG and study site are visible sequentially along the A608 Mansfield Road. However, there is no direct intervisibility between the two, and the significance of the asset or any of the separately assets within, cannot be appreciated from the study site. Overall, it is therefore considered that the proposed development will have no impact on the significance of the Annesley Hall RPG (or any of the separately designated assets contained within).

Asset: Damstead Fishponds

- Rocket – **less than substantial harm.**

The site is located high upon the hillside to the south of Damstead Fishpond Scheduled Monument. The site it forms part of the skyline above the monument, as such, any development would potentially be highly visible and dominate the immediate setting of the Scheduled Monument. Development would consequently negatively impact the rural setting of the asset which makes an important contribution to its significance. The development is, therefore, likely to cause less than substantial harm to Damstead Fishponds.

- Historic England – **less than substantial harm.**

See the summary to the Registered Park and Garden.

- RPS Group – **low level of harm in the spectrum of less than substantial harm, reducing to no impact following maturing of the intervening planting.**

Damstead Farm Fishponds are primarily experienced in their immediate setting, which comprises the small valley in which they are set. It is considered that the study site makes a negligible contribution to the overall significance of the heritage asset. It is therefore considered that the proposed development will initially have a low level of harm to the significance of the Damstead Farm Fishponds within the spectrum of less than substantial harm, reducing to no impact following maturing of the intervening planting.

1.13 For the site to the south east of Junction 27 the HIA identifies there are 2 Scheduled Monuments, 1 Registered Park and Garden and 5 Listed Buildings (1 Grade I and 4 Grade II) within the vicinity of the site. There are also 11 further non-designated assets identified in the Nottinghamshire HER (Figure 1 and Figure 2). The key heritage assets are as follows:

- Scheduled Monument All Saints Church and Graveyard.
- Scheduled Monument Annesley Motte and Bailey Castle.
- Grade I Listed Ruins of Church of All Saints..
- Grade II* Listed Registered Park and Garden Annesley Hall.
- Grade II Listed Annesley Hall.
- Grade II Listed Annesley Lodge.
- Grade II Listed Gatehouse Range.
- Grade II Listed Terrace to south west of Annesley Hall.

1.14 The heritage assessments by the various parties are set out in summary below.

Site	Heritage Asset	Level of Harm to the Historic Environment	Level of Change to the Historic Landscape Character	Recommendation	Level of Harm to the Historic Environment	Level of Harm to the Historic Environment
Rocket Consultants (ADC) - Heritage Impact Assessment (HIA)					Historic England	Planning application HIA
S8 – North east of M1 Motorway J27, Annesley	Annesley Hall Grade II* Registered Park and Garden	Less than substantial harm (Cumulatively: substantial harm, if allocated with S8 – Southeast of J27)	Major	Remove allocation	Less than substantial harm.	No impact on the significance

	Damstead Fishponds Scheduled Monument (SM)	Less than substantial harm			Less than substantial harm.	Less than substantial harm, at the lower level following maturing of trees, reducing to no impact with intervening planting.
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Asset: Annesley Hall Registered Park & Garden

- Rocket – **less than substantial harm, but substantial harm to the historic landscape character.**

Proposed allocation is located immediately adjacent to the Annesley Hall Registered Park and Garden, and it forms something of a backdrop to the estate being the highest point within the vicinity of the estate for some distance.

Development upon the site would have the potential to dominate the landscape and this would irreparably alter the setting, views and experience of several of the nearby heritage assets.

Development would result in further encroaching urbanisation around the Park and Garden and its associated heritage assets, which lie within an area that has remained relatively intact from such change. This would have an extremely negative impact upon both the immediate and surrounding setting of the heritage assets.

Overall, the proposed development would cause less than substantial harm to the historic environment, but substantial harm to the historic landscape character. Due to topography involved mitigation of extensive development would be very difficult and would be incapable of removing or minimising harm to an acceptable degree.

- Historic England – **likely to be substantial harm.**

The Registered Park and Garden at Annesley Hall, containing Annesley Hall, are heritage assets of the highest significance and national importance. They are associated with literary works of international importance through the poetry and prose of Lord Byron and DH Lawrence, and also with the life of Lord Byron.

The proposed development for B2-B8 units on land in the sensitive landscape immediately adjacent to the registered park would not contribute to local distinctiveness, would erode the estate setting of these important heritage assets, including the buffer between the M1 and the registered park, and have a harmful visual impact in key public views that would impair the ability to appreciate these assets in their historic setting.

Considered that there is likely to be substantial harm to Annesley Hall Registered Park and Garden.

- Locus Consulting Ltd – **less than substantial harm, at the higher end of the scale.**

The proposed development will bring about a less than substantial harm, at the higher end of the scale, to the heritage significance of the Grade II* Registered Park and Garden of Annesley Hall.

The proposed development will bring about a less than substantial degree of harm, at the lower end of the scale, to their heritage significance of Annesley Hall and its associated gatehouse and terrace, Annesley Motte and Bailey Castle Scheduled Monument, the Grade I listed building of the Ruins of the Church of All Saints and the 'All Saints Church and Graveyard' scheduled monument within which it sits.

Asset: Annesley Hall (including All Saints Church and Graveyard SM, Annesley Motte and Bailey Castle SM, and Grade I Listed Ruins of Church of All Saints.

- Rocket – **less than substantial harm.**
- Historic England – **likely to be substantial harm.**
- Locus Consulting Ltd – **less than substantial harm, at the lower end of the scale.**

See the summary commentary on the Registered Park and Garden.

As well as harm to individual heritage assets the HIA and Historic England consider the cumulative harm. It is to be noted that the line of HS2 and associated compound areas remains a safeguarded route to the east and south east of M1 Jct 27.

Rocket's Conclusions - Together the Junction 27 sites (KA020 & KA025) and Whyburn Farm (HK028) would cause substantial harm to Annesley Hall Registered Park and Garden. As a result, it is recommended that both Junction 27 sites be removed from being allocation. It has been raised with Rocket whether the removal of Whyburn Farm would change the above recommendation but they remain of the view that while the removal of the Whyburn Farm allocation does lessen the overall (cumulative) harm to Annesley Park, the two employment sites together would still, result in substantial harm to the significance of the asset.

Historic England's Conclusions - Taken together these two employment allocations, along with the proposed New Settlement at Whyburn Farm, would have a cumulative harmful impact on the significance derived from its setting of Annesley Hall Grade II* Registered Park and Garden. Annesley Hall Registered Park and Garden would be increasingly surrounded by development and would lose much of its remaining rural setting on the north, west and south sides. This is especially pertinent given that Annesley Hall is Ashfield's only RPG (with the exception of a small portion of Hardwick Hall RPG, which mostly falls within Derbyshire) and is also highly graded at II*.

NPPF paragraph 201 in relation to substantial harm consent sets out that an application should be refused unless it can demonstrated that the substantial harm is necessary to

achieve substantial public benefits that outweigh that harm or loss. Under paragraph 202, where the proposal will lead to less than substantial loss harm should be weighed against the public benefits. In relation to the historic environment the Planning Practice Guidance Historic Environment (PPG) states that:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.”

The PPG applies a broad meaning to the concept of "public benefits". While these may include heritage benefits, the guidance confirms that all types of public benefits can be taken together and weighed against harm. The public benefits below sets out how they can outweigh the harm.

Public Benefits

The public benefits substantially arise from the economic aspects of sustainable development.

- The National Planning Policy Framework identifies that significant weight should be placed on the need to support economic growth and productivity including addressing the specific location requirements of different sectors with storage and distribution (logistics) being specifically identified. The Council has adopted a positive approach to sustainable economic growth at a local level which is reflected in the Regulation 19 Local Plan which recognised the need to respond to the wider sub regional demand for logistics. This is reflected in the policy approach which identify the following:
 - Strategic Policy 1: Spatial Strategy to Deliver the Vision sets out the ambition to *“Maximising the economic development potential of key sites including land adjacent to M1 junction 27 and Sherwood Business Park.”*
 - Strategic Policy S6 identifies two strategic allocations at Junction 27 of the M1 Motorway which are identified as being accessibility to the strategic road network which will create high quality business space to contribute towards meeting the regional demand for logistics.
 - Strategic Policy S8: Delivering Economic Opportunities identifies that *“The Council is committed to developing a sustainable, diverse and resilient economy, reducing low wages and improving skill levels in order to narrow the difference between District and national figures by: a. Providing for the growth of the local and sub-regional economy by ensuring sufficient and appropriate employment land is available within the District to meet local needs and to contribute towards future regional needs of businesses”*.
- The Logistics Sector makes a substantial contribution the national and regional economy. There is an urgent requirement for meeting the needs of the Logistics Sector along the M1 corridor in Nottinghamshire as demonstrated through the evidence base on employment needs generally and the logistics sector specifically in relation to demand and supply.

- For Ashfield jobs in the manufacturing sector are predicted to decline. The development of logistics on the allocation contributed toward providing job opportunities for local people, for local economic growth and value added to the local economy. The multiplier effect of the significant investment at Junction 27, with increased expenditure to support other local businesses. There are anticipate to be positive impacts for Ashfield residents reducing employment deprivation and income deprivation.
- Under statute, local planning authorities and county councils are under a duty to co-operate with each other and other prescribed bodies, on strategic matters that cross boundaries. The evidence from the Nottinghamshire Core & Outer Housing Market Area Employment Land Needs Study, 2021 (ELNS), the Logistics Study and the Greater Nottingham Partnership Strategic Distribution and Logistics Background Paper is that there is a significant demand for logistics space which will not be met. There urgent requirement for meeting the needs of the Logistics Sector along the M1 corridor in Nottinghamshire as demonstrated through the evidence base on employment needs generally and the logistics sector specifically in relation to demand and supply. In this context the site at Junction 27 make a significant contribution towards meeting this requirement.
- The need to identify sufficient employment land to meet local needs and contribute towards the wider requirements for the economy with the associated benefits from investment, job creation and value added to the local economy. Strategic logistics sites have come forward in Ashfield including land at Castlewood Business Park and land off Common Road Huthwaite. However, these business parks have been substantial completed and currently very limited opportunity to meet the logistics sector requirements in alternative locations in Ashfield.
- Sherwood Business Park at Junction 27, is a prime location for the logistics sector having already developed. The evidence from the Council's Employment Land Needs Study and Logistic Study and the Avison Young report all reached a conclusion that the site is a suitable and prime location for strategic distribution uses which will serve both a regional and national market requirements. There are opportunities to expand the Business Park to meeting the on-going economic needs of the logistics sector.
- Junction 28 has seen substantial development around the Junction, and there is a requirement for long term improvements to Junction 28 reflecting the congested transport system in this location.
- Sherwood Business Park has been developed to the east of Junction 27 of the M1 Motorway. The character of the local area is already defined by a Business Park with it associated existing built form and overall massing of logistic and office units. The area is also influenced by its role as a key transport link to the significant urban areas of Kirkby-in-Ashfield and Hucknall. This will gain more prominence with the development of Top Wighay Farm along the A611. Therefore the area, particularly the area to the north east, already has a more commercial feel to it rather than rural tranquility. Consequently, the development of logistics units is not out of character with the local area as it stands.

- The allocation links with Sherwood Business Park which results in the clustering and more efficient working practices for existing local businesses.

Alternative sites

The Court in *Forge Field Society v Severnoaks District Council* ([2014] EWHC 1895 (Admin)) sets out the “need for suitably rigorous assessment of potential alternatives” where any harm is identified to the significance of a heritage asset, but there is a need for the type of development to be considered and any alternative site on which such harm can be avoided all together. When the Draft Local Plan 2021 was consulted upon the Council Strategic Housing and Economic Land Availability Assessment (SHELAA) did not identify any alternative sites to meet the anticipated local and the regional need particularly for logistics requirements with a requirement for land close to the M1 Motorway. Subsequently, the following sites have been submitted and assessed as part of the SHELAA. They are located in close proximity to Junction 27 or 28 of the M1 Motorway and potential could be an alternative to provide logistics in Ashfield:

- East of Pinxton Lane and South of the A38, Sutton in Ashfield (SHELAA - SA086). The site is located of the A38 to the east of Castlewood Business Park. There is a current planning application for the site which has not been determined (v/2023/0021). However, at this stage there are issues associated with ecology, potential impacts on air quality and highway access both in relation to accessing the site and to the strategic highway network.
- Land east of Sherwood Business Park A611, Annesley (SHELAA - KA053). The site is substantially smaller comprises a gross area of approximately 8.97 ha and therefore does not have the same capacity to deliver strategic logistic sites. The site is also subjects to constraints which further reduce the capacity. It is located in the Green Belt and adjacent to the Annesley Hall Registered Park and Garden. Consequently it is not considered to be an alternative to the sites allocated.

Historic England Response to Planning Applications

Planning application v/2022/0360 (Land At Junction Of Willow Drive, Mansfield Road, Annesley, Nottinghamshire) is located on the Councils website at:

<https://planning.ashfield.gov.uk/planning-applications/search-applications/?civica.query.FullTextSearch=v%2F2022%2F0360#VIEW?RefType=GFPlanning&KeyNo=226938&KeyText=Subject>

Planning application v/2022/0246 (Land Adjacent To Junction 27 Of The M1, Mansfield Road, Annesley, Nottinghamshire) is located on the Councils website at:

<https://planning.ashfield.gov.uk/planning-applications/search-applications/?civica.query.FullTextSearch=v%2F2022%2F0246#VIEW?RefType=GFPlanning&KeyNo=226285&KeyText=Subject>

Historic England Official Entry Lists

Annesley Hall Registered Park and Gardens.

Historic England official entry list for Annesley Park Register Park and Gardens is available on their website at <https://historicengland.org.uk/listing/the-list/list-entry/1001077?section=official-list-entry>

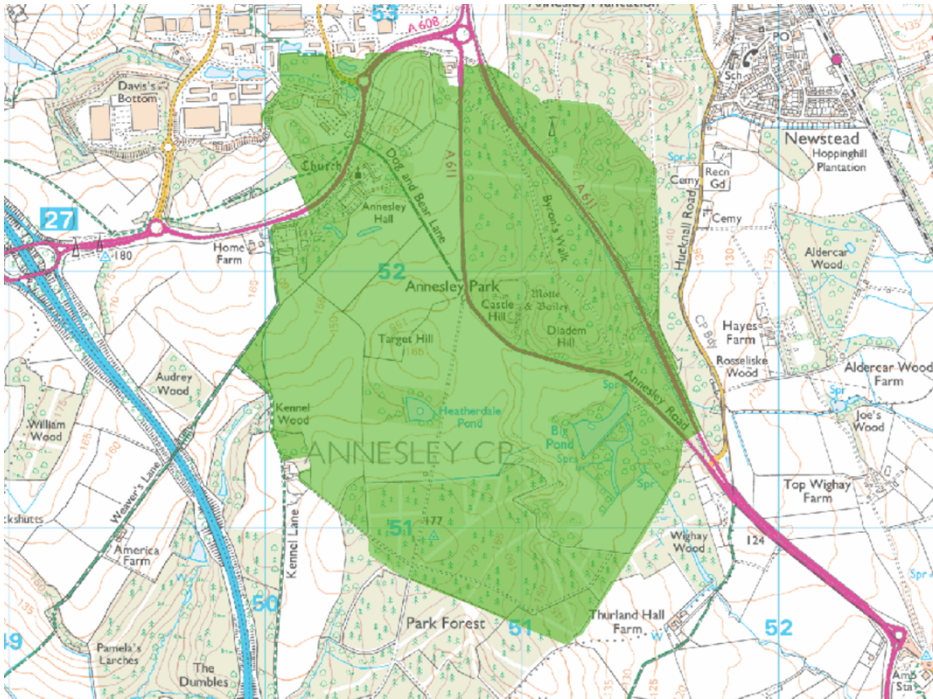
Official list entry

Heritage Category: Park and Garden

Grade: II*

List Entry Number: 1001077

Date first listed: 01-Jan-1986



Annesley Hall

Historic England official entry list for Annesley Park Register Park and Gardens is available on their website at <https://historicengland.org.uk/listing/the-list/list-entry/1234836?section=official-list-entry>

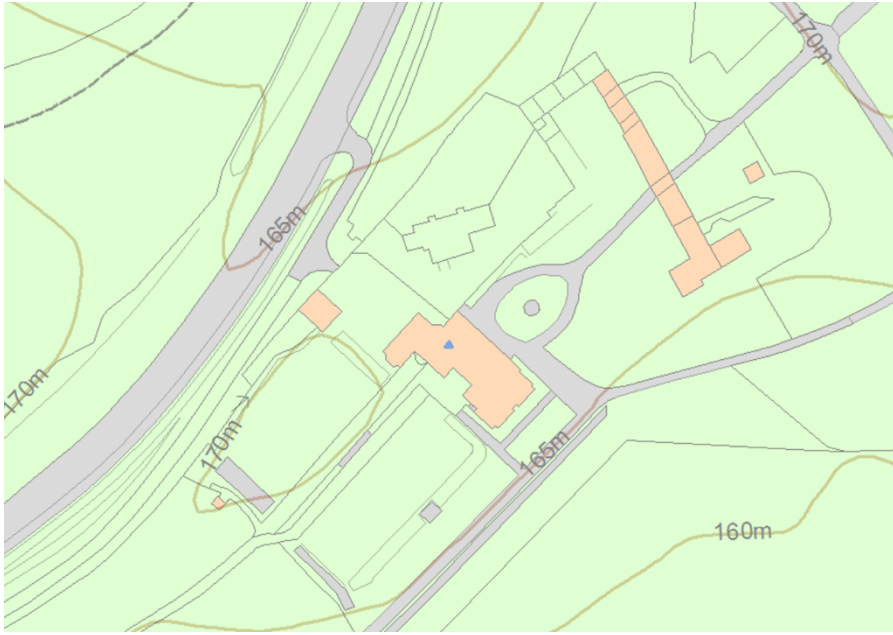
Heritage Category: Listed Building

Grade: II

List Entry Number: 1234836

Date first listed: 14-May-1952

List Entry Name: Annesley Hall



Other Designated Asset

The official entry list for designated heritage assets can be assessed through Historic England website <https://historicengland.org.uk/listing/the-list/>