



Town and Country Planning Act 1990, Section 77

Town and Country Planning (Inquiries Procedure) (England) Rules 2000

The Proposed Development of Land to the West of Omega South and  
South of the M62 Bold, St Helens

# Topic Statement

## HERITAGE AND LANDSCAPE ASSETS

Planning Application Reference  
P/2020/0061/HYBR

Planning Inspectorate Reference  
APP/H4315/V/20/3265899

## **1. INTRODUCTION**

- 1.1 Topic Statements have been prepared to inform the Secretary of State on the matters identified in the Inspector's case management notes which are not addressed in the Council's main proofs of evidence. This Topic Statement is concerned with heritage and landscape assets.

## **2. THE APPLICATION**

- 2.1. A chapter on cultural heritage and a chapter on landscape and visual is included within the Environmental Statement (ES) accompanying the application. The application is supported by a Historic Environment Desk-based Assessment (HEBDA) which informs the ES.
- 2.2 The HEBDA states there are no designated within the application site, however, the site of Old Bold Hall moated site (Scheduled Monument 1010703), is located circa 300 metres west of the boundary. The HEBDA identifies four non-designated heritage assets within the application site which comprise the site of the medieval and Post-Medieval park at Old Bold Hall and Bold Hall, Booth's Wood (possible ancient woodland), the site of "Big Dam"; and an area of former ridge and furrow identified from the National Mapping Programme.
- 2.3 The applicant concludes that there would be temporary and permanent adverse impacts during both construction and operational phases, however any temporary impacts can be mitigated through the implementation of a CEMP.
- 2.4 Enhanced field surveys undertaken to identify any surviving boundary or archaeological features, concludes there is no clear evidence of human activity within the application site prior to post- medieval enclosure and the development of Bold Park.
- 2.5 The applicant argues that as the archaeological potential of the site is low, the harm is therefore limited, and the weight is also limited in the planning balance.

## **3. TECHNICAL REVIEW OF THE HERITAGE AND LANDSCAPE ASSETS**

### **Representations made by the Council's Design and Conservation officer**

- 3.1 The Council's Design and Conservation Officer commented on 31<sup>st</sup> March 2020. Their observations are summarised below.
- 3.2 A large number of designated and non-designated heritage assets lie on the land surrounding the site and are identified in the supporting documents (Chapter 8 of the Environmental Statement – Cultural Heritage).
- 3.3 The summary of the above document identifies a total of 57 heritage assets within the study area, 15 of which are designated (10 Listed Buildings and 5 Scheduled Monuments).
- 3.4 The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPAs should, in coming to decisions, consider the principal Act which states the following;

*Listed Buildings – Section 66(1).*

- 3.5 In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

*Planning Guidance and Policy/NPFF*

- 3.6 In determining planning applications LPAs should take account of;
- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c. The desirability of new development making a positive contribution to local character and distinctiveness.
- 3.7 Paragraph 193 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.
- 3.8 Paragraph 196 identifies that where a proposal would 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.
- 3.9 Paragraph 200 states that LPAs should look for opportunities for new development within CA's and within the setting of heritage assets to enhance or better reveal their significance. Proposals which preserve those elements of the setting that make a positive contribution to the asset should be treated favourably.
- 3.10 The Officer notes that they have read through the relevant supporting documents which includes Chapter 8 Cultural Heritage (Volumes 1 and 2 plus appendices) of the Environmental Statement produced by WSP, dated January 2020. This includes a Historic Environment Desk based Assessment. I am also mindful of the views made by Historic England in the letter dated 24 February 2020.
- 3.11 For avoidance of doubt The Officer records that comments relate to above ground heritage matters only.
- 3.12 The key heritage issues for the LPA to consider are:
1. The level of the impacts, if any, of the proposal, on the significance of any of the designated heritage assets identified, which includes their setting
  2. The level of impacts, if any, on any non-designated heritage assets

*Impact on the setting to designated heritage assets*

- 3.13 The documentation supporting the application was considered generally to be a fair and robust desk top assessment and the methodology was appropriate.
- 3.14 Historic England's advice on setting is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. Whilst setting is often expressed by reference to visual considerations it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.
- 3.15 The observations from the Officer's site visit were that the landscape was flat farmland interspersed with large wooded areas which have the effect of breaking up long distant views. This is true of the south and south west where woodland limits the extent of views across the site. To the north the land is more open and appears to fall down towards the M62. These more distant views are already degraded by other large scale developments.
- 3.16 The closest heritage asset is Old Bold Hall moated site which sits within a wider non-designated medieval and post medieval park land setting, which includes 2 listed buildings (gate piers and bridge). Whilst the development of the logistics 'shed' is likely to be noticeable from the location the level of harm to the setting because of the distance will only be minor.
- 3.17 There are 10 designated Listed Buildings within the area. Table 7-3 of the Historic Environment Desk Based Assessment (HEBDA) in Volume 2 of the Environment Statement identifies the contribution made by the settings to the significance of the heritage assets. The Officer agreed with the finding in this Table which identifies the contribution made by setting and the level of harm caused by the development.
- 3.18 Harm is identified to;
- Walled garden adjoining site of former Bold Hall negligible
  - Farmhouse at former Bold Hall Estate adverse harm
  - Former stables at Bold Hall Estate adverse harm
- 3.19 A summary of the impacts on heritage assets is included in Table 8.8 of Volume 1 of Chapter 8 of the ES. The summary for the each of the assets identified is agreed.
- 3.20 Overall, the proposed development would only likely lead to a low level of harm to the significance which is regarded as being slight within the spectrum of less than substantial harm as identified under p.196 of NPPF.
- 3.21 This slight harm may be mitigated by undertaking appropriate landscape works to reduce the visual impact of the buildings within the wider landscape.
- Impact on non-designated assets*
- 3.22 The recorded non designated assets relate to a mix of above and below ground assets, identified in Table 5-3 of Volume 2 of the Historic Environment Desk based Assessment. On the whole these assets are of a lower significance. Any harm caused to their historic settings should be regarded as negligible.

- 3.23 The findings of the submitted ES were agreed and the proposal would cause some low level (slight) harm to the setting of the listed buildings on the former Bold Hall Estate. Other harm to the setting of heritage assets are identified in the submission, these relate to the scheduled monuments at Old Moat House and Old Bold Hall. The level of harm is likely to be low. You need to clarify this matter with your Archaeological advisor
- 3.24 This harm should be regarded as being contrary to Chapter 16 of the NPPF, Policy CQL4 of the St Helens Core Strategy and Policy ENV24B of the Saved Policies of the St Helens 1998 Unitary Development Plan.

#### **Representations received by Historic England**

- 3.25 Historic England initial comments were received on 24<sup>th</sup> February 2020 and subsequent comments on 20<sup>th</sup> May 2020. Initially there was criticism of the information accompanying the application. However, following additional work being undertaken confirms that the Proposed Development will have minimal impact on key designated assets or their settings.
- 3.26 Historic England raise no objection to the application on heritage grounds.

#### **Representations made by Merseyside Environmental Advisory Service (Archaeology)**

- 3.27 MEAS (Archaeology) noted that the proposed development site contains the following non-designated heritage asset recorded on the Merseyside Historic Environment Record: MME8654 – Former site of medieval and Post-medieval park connected to Old Bold Hall and Bold Hall (MME8654).
- 3.28 The proposed development area was the subject of a Historic Environment Desk Based Assessment (HEDBA), undertaken by WSP in January 2020. In addition to the non-designated asset identified on the Merseyside HER, Section 8.1 of the assessment also identified three further sites of potential archaeological interest, including: Booth's Wood (possible ancient woodland); the site of 'Big Dam' (depicted on historic OS mapping) and an area of former ridge and furrow identified from the National Mapping Programme (NHL1605040).
- 3.29 As there is potential for archaeological deposits of the medieval and Post-medieval periods, to be encountered by the proposed development, a programme of predetermination archaeological investigation has been recommended. This work comprises an enhanced field survey, undertaken to identify any surviving boundary features of the Medieval park and Booth's Wood, and to investigate whether any archaeological features survive within Booth's Wood or the site of the "Big Dam". This work is currently being undertaken by WSP and a report containing the results should be available within the next 12 weeks.
- 3.30 In light of the above, submission of a planning application to develop the site is likely to meet with advice from MEAS that the applicant be required to undertake a programme of pre-construction archaeological works, secured by means of an appropriately worded planning condition.
- 3.31 Following amended information MEAS Archaeology commented further. Having reviewed the results of the survey its' advice is that no further archaeological works are required for this application and as such archaeology does not need to be considered further.

## **Representations by the Council's Countryside Development and Landscape officer**

- 3.32 A full description of the representation is set out in the Committee Report.
- 3.34 The site lies within an area covered by the Bold Forest Park Area Action Plan, which is a statutory document which sets out detailed policies and actions to develop and sustain the Forest Park. Bold Forest Park is seen as a place for outdoor recreation and activity providing a platform for economic growth and rural entrepreneurship, principally in the visitor economy, whilst providing leisure opportunities for the community and wider region.
- 3.35 Policy BFP ENV3: Heritage states that “St Helens Council will protect the heritage of Bold Forest Park by protecting designated and undesignated assets....” and “ensure that all new developments respect the significance and, where possible enhance the distinctiveness of the built and historic environment of the Forest Park area in their location, design and layout”. However, this proposal extends into the area designated as the medieval Deer Park and will remove key features of this landscape, particularly the protected woodlands and as such does not respect or conform to this policy. Had development been restricted to the zone identified in the Draft Local Plan for development this would not be the case (assuming the development was to a scale appropriate to the location).

## **4. OTHER REPRESENTATIONS ABOUT HERITAGE AND LANDSCAPE ASSETS**

- 4.1 A full description of the representations is set out in the Committee Report. The main issues raised are summarised as follows:
- Negative impact on the Bold Forest Park and many of the policies as set out in the Area Action Plan.
  - St Helens received £119,000 grant to plant trees.
  - High-quality woodland containing several wildlife ponds lost.
  - This area forms the eastern part of Bold Forest Park, which includes the site of the ancient Bold Estate deer park.
  - Tree Protection Orders (TPOs) that are meant to prevent this from happening.
  - Historically part of Bold Estate established in the 1300s and all the woodland was well established in the 1800s. Which can clearly be seen on maps dating back to 1840's.
  - Destroying ancient woodland
  - The proposal will compromise the success of the Bold forest Area Action plan that at a cost in excess of £140,000 was designed to bring economic growth and prosperity to the area by way of recreation and tourism
  - Loss of bridleway and public footpaths
  - Adverse impact on Bold Forest Park Action plan and heritage

## **5. POLICY**

- 5.1 Relevant planning policy is the following:

- St Helens Core Strategy Policy CP1: Ensuring Quality Development
- St Helens Core Strategy Policy CQL4: Heritage and Landscape

- National Planning Policy Framework (2019) (“NPPF”), paragraphs 189, 190, 192-195 and 198,
- Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990
- Unitary Development Plan (UDP) ENV23 ‘Archaeology’
- UDP ENV25 ‘Listed Buildings’
- Bold Forest Area Action Plan BFP ENV3 ‘Heritage’

## 6. ASSESSMENT

### *Heritage*

- 6.1 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.2 Paragraph 198 of the NPPF states local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
- 6.3 Paragraph 189 of the NPPF states local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 6.4 Paragraph 190 states local 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. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.
- 6.5 Paragraph 192 of the NPPF states in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets
- 6.6 Paragraph 193 states 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.
- 6.7 Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to 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.
- 6.8 Paragraph 195 states 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, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
  - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.9 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.
- 6.10 Policy CP1 in the Core Strategy requires new development to safeguard and enhance the built and historic environment, and to take full account of archaeological remains and, where it is demonstrated that preservation is not feasible, that adequate provision is made for the excavation and recording.
- 6.11 Policy CQL4 of the Core Strategy states the Council will protect, conserve, preserve and enhance St. Helens historic built environment and landscape character including designated and undesignated heritage assets. It should be of a high standard of design, reinforcing St. Helens' local distinctiveness; and ensuring that all development is located and designed in a way that is sensitive to its historic landscape and setting and retains or enhances the character and context.
- 6.12 Saved policy ENV23 of the Unitary Development Plan states in considering development proposals affecting archaeological sites or remains the Council will require developers, to take full account of known or anticipated archaeological remains in their proposals and normally resist any proposal adversely affecting a Scheduled Ancient Monument and normally refuse planning permission if in the opinion of the Council, insufficient information is provided to determine the archaeological impact or development; the development would prejudice the preservation of archaeological features where they are found; in those situations where preservation is not feasible, adequate provision has not been made for the excavation and recording of the site.
- 6.13 Saved Policy ENV25 in the UDP states that the Council will seek to protect Listed Buildings and their settings from harmful development.
- 6.14 Bold Forest Action Plan Policy ENV3: Heritage, states that the Council will protect the heritage of Bold Forest Park by protecting designated and undesignated heritage assets; ensuring that all new developments respect the significance and, where possible, enhance the distinctiveness of the built and historic environment of the Forest Park area in their location, design and layout; and working with appropriate partners and landowners to enhance and promote the heritage of the Forest Park. Figures 16 and 17 within the Plan identify the extent of a mediaeval deer park. The Application encroaches onto the area defined. However, key heritage sites are



identified in the Plan at Table 6 and Figure 4. The mediaeval deer park is not identified in this table or figure.

- 6.15 The application is supported by a Historic Environment Desk-based Assessment (HEBDA) which has informed the ES. The ES has considered the proposed development site as a whole.
- 6.16 A total of 57 heritage assets have been identified within the study area, 15 of which are statutory designations (5 scheduled monuments and 10 Grade II listed buildings). All designated assets are located outside of the application site. Of the 42 non-designated heritage assets identified, four are located within the application site.
- 6.17 A total of 3 designated assets and 3 non-designated assets have been identified within the ES as being key sensitive receptors.
- 6.18 The Council's Conservation Officer generally agrees with the assessment reached within the HEBDA regarding the contribution made by setting and the level of harm caused to designated assets by the proposed development. In terms of harm to Old Bold Hall moated site, the officer is of the view that whilst the buildings would be visible the level of harm to the setting because of the distance will only be minor which is categorised as less than substantial harm.
- 6.19 Overall the Conservation Officer considers the proposed development would only likely lead to a low level of harm and less than substantial harm as identified by paragraph 196 of NPPF.
- 6.20 Historic England is statutory consultee. The initial comments requested clarity over the exclusion of a scheduled monument 'Old Moat House Medieval site'. The applicant clarified that the exclusion of the was due to the proposed development being assessed as having less than substantial harm (minor) to the asset. Historic England accepted this explanation and have advised that the development will have minimal impact on key designated assets or their settings.
- 6.21 The recorded non-designated assets relate to a mix of above and below ground assets identified within the HEBDA. The key sensitive receptors are the Site of Medieval and Post-Medieval Park and sites of potential archaeological interest were Booth's Wood, possible ancient woodland, site of "Big Dam" and an area of former ridge and furrow.
- 6.22 The ES recommends a programme of historic environment field survey (archaeological investigation) to identify any surviving boundary features of the Medieval Park and Booths Wood, and to investigate whether any archaeological features survived in the others.
- 6.23 On the advice of the archaeologist from MEAS, the applicant submitted a 'archaeological works (field survey)'. MEAS and Historic England have reviewed the report and commented to say no further archaeological works are required.
- 6.24 The harm caused to the setting of the listed buildings and the Old Moat would be contrary to policies ENV25 and CQL4. It also means that there is conflict with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 because the development would fail to preserve the setting of two listed buildings. Consequently, the harm caused to the setting of the listed buildings should be given significant weight against the proposed development.

## **7. OVERALL SUMMARY AND CONCLUSION ON HERITAGE AND LANDSCAPE ASSETS**

- 7.1 The harm caused to the setting of the listed buildings and the Old Moat would be contrary to policies ENV25 and CQL4. It also means that there is conflict with Section 66 of the Planning (Listed Building and Conservation Areas) Act because the development would fail to preserve the setting of two listed buildings. Substantial weight should be given to this harm in the planning balance. The Application encroaches onto the area identified as a mediaeval deer park in the Bold Forest Action Plan. There would also be conflict with BFP Policy ENV3. The harm to the setting of the listed buildings would be “less than substantial”. The encroachment of the application onto the identified mediaeval deer park, which is a non-designated heritage asset, would also cause harm. NPPF paragraphs 196 and 197 apply. The harm to the setting of the listed buildings should be weighed against the public benefits of the proposal. In respect of the mediaeval deer park, whilst it is not identified as a heritage asset, a balanced judgement is necessary having regard to the scale of any harm and the significance of the heritage asset.