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Historic England

MIDLANDS OFFICE

For attention of: Local Plan Team

**Ashfield Council**

Telephone: 0121 625 6851

Email: [kezia.taylerson@HistoricEngland.org.uk](mailto:kezia.taylerson@HistoricEngland.org.uk)

29 January 2024

Dear Sir, Madam,

**Re: Ashfield Council, Regulation 19 Local Plan consultation, January 2024**

Many thanks for consulting Historic England on the Ashfield Council's latest iteration of their Local Plan.

Our significant comments are appended to this letter in Table 1, which more easily sets out our comments in relation to specific and chronological areas of the Plan.

We welcome the opportunity to comment at this time and to have engaged with the Local Authority at every stage of the Plan preparation.

As the Council know, we raised the need for appropriate evidence base relating to the historic environment, to be used to inform the selection of suitable sites within the Local Plan. We welcomed the preparation of this document and our ability to engage in its production, throughout 2023. It would be recommended that this document is referenced within the Local Plan as an evidence base and that the avoidance/ mitigation measures and where appropriate, enhancement measures that have been identified, are now incorporated into the Local Plan; through appropriate decision making and within the site specific paragraphs. We note in some cases there is reference to the outcomes of this assessment, and yet the assessment itself is not cited as an evidence base document which sets out the reasons for the mitigation measures and in some cases the mitigation measures are not carried through. We consider that this is essential to justify the inclusion of some of the proposed site allocations in the Plan.

We have additionally made significant comments regarding Policy EV9 Historic Environment and we do not consider that the policy in its current format is sound as it is not legally compliant or effective. However, we do consider that with appropriate re-wording, of which we are happy to work with the Council on, that this policy could be appropriate. We would suggest to enter into a Statement of



Historic England, The Foundry/82 Granville Street, Birmingham, B1 2LH  
Telephone 0121 625 6870 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

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Common Ground with the Council on areas which we can agree to a suitable and necessary amendment.

With regards to other policies in the Plan, we have made suggestions where we consider the policy requires an amendment to be effective and justified and are willing to work with the Council on specific wording amendments, if appropriate.

We have made detailed comments with regards a number of the proposed site allocations in the Plan. As we have raised above, we welcome that a Heritage Assessment has been undertaken and we consider that the results of this assessment need to be fully incorporated into the Plan to make it justified and effective.

We maintain our objection to the two sites proposed for allocation at Junction 27, on the M1, for employment/logistics development and we do not consider that the Council has taken account of their own heritage assessment or its recommendations, in continuing to pursue these two sites. We consider that in line with the results of the Heritage Assessment, this could result in substantial harm to the heritage asset Annesley Hall Registered Park and Garden, Grade II\* and other associated heritage assets. The current policy text in the policy does not refer to any specific mitigation measures or information informed by the Heritage Assessment. We have objected to the live planning applications on these sites.

We support the removal of both Site 6 and Site 7, from the Local Plan, and we would have maintained an objection to their inclusion.

We have made recommendations on a number of other proposed allocations.

Many thanks for the opportunity to comment at this time.

If you have any questions, please contact us.

Yours faithfully,



Kezia Taylerson

Historic Environment Planning Adviser (Midlands)



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**Table 1: Historic England comments on Ashfield Council’s Local Plan Regulation 19 Consultation, January 2024**

Area of Plan	Historic England comments
Para 1.17	We would recommend that it states that the Plan has had engagement with statutory agencies such as Historic England, but does not state that the Plan ‘reflects’ our engagement. Please amend for accuracy.
Para 1.32	This is a useful paragraph to set out some of the Borough’s historic environment. We recommend that ‘historic assets’ are amended to ‘heritage assets’ in line with the National Planning Policy Framework (NPPF). It might be more beneficial to include a general sentence at the beginning about the wealth of heritage assets in the Borough and then move on to some specifics. The references to Annesley Hall and RPG would benefit from the same references as Hardwick Hall, about how development will affect the setting of these exceptional assets.
Page 25	We consider the para relating to the historic environment could be developed and set out how the Plan will have a positive strategy for the historic environment. It would also be beneficial to reference the Historic Environment Assessment Report and have a link to this evidence base here.
Vision	We note the reference to heritage and the commitment to ‘protect and enhance’ heritage.
SO14	We welcome a reference to heritage within this objective. We would have welcomed a separate indicator for heritage but we do welcome a separate clause within the objective.
Para 3.22	States that development cannot occur in the North of the District due to the impact of Grade I Hardwick Hall.
Policy S2	Clause 2) b should refer to the historic environment in this section. Para 3.27 refers to the built environment, yet if the policy refers to the historic environment then this will cover all heritage assets and not just the built environment.
Policy S5	The policy would benefit from specific information on what high quality design looks like so prospective developers can consider this when preparing applications.
Policy S6	We consider the policy is unsound through its proposed allocation of the two sites near to Junction 27 of the M1. There is no reference within the policy or the reasoned justification text to the Council’s Historic Environment Assessment Report, undertaken in 2023, and the results thereof. Whilst we recognise that there is a generic reference to the historic environment within each section of the two proposed site allocations, we do not consider that this accurately reflects the results of the Council’s own heritage evidence base.

	<p>It is worth considering Historic England’s responses to the Heritage Assessment in March 2023 and later in September 2023 to fully understand our position on these sites, as well as our detailed correspondence relating to the two live planning applications, of which give further detail on our position.</p> <p>For Site S7 North the Heritage Assessment considers that removing a large proportion of the proposed allocation is necessary to reduce the harm to the identified heritage assets. This would mean that the employment site was not deliverable in terms of the ha set out in the Plan. The allocation is also not justified as it goes against the information contained within the Council’s own Heritage Assessment. Ultimately the Heritage Assessment concludes that there are no mitigation measures that could overcome the harm to Fishponds Scheduled Monument and Annesley Hall Registered Park and Garden Grade II*. Historic England’s view remains that this allocation would cause less than substantial harm to the identified heritage assets.</p> <p>For Site S8 South, the Heritage Assessment sets out the highly negative effect that the proposed allocation will have on Annesley Hall Registered Park and Garden Grade II* and recommends the removal of a large portion of this allocation in an attempt to mitigate the harmful effect, before concluding that there is unlikely to be any mitigation measures that can overcome the identified harm. This would mean that the employment site was not deliverable in terms of the ha set out in the Plan. The allocation is also not justified as it goes against the information contained within the Council’s own Heritage Assessment. Historic England’s view remains that this allocation would cause substantial harm to the identified heritage assessments.</p> <p>The cumulative effect of both developments proceeding could likely lead to substantial harm.</p>
Policy S7	There is no reference to the Historic Environment Assessment Report that Ashfield Council undertook in 2023 to try and evidence the site selection process.
Policy S8	<p>There is no reference to the Historic Environment Assessment Report that Ashfield Council undertook in 2023 to try and evidence the site selection process.</p> <p>Clause 2) d) we do support this reference where it is appropriate heritage led regeneration and welcome the Council seeking opportunities for this.</p>
Para 3.100	This para sets out that the Council will seek to ‘protect and enhance’ ...‘Annesley Hall’ we do not consider with the approach to allocate the two proposed employment allocations for logistics development on Junction 27 of the M1 that the Council is adhering to this statement within their Local Plan.
Figure 6	How was the Conservation Area been considered when proposing to allocate a development opportunity site, within the its core?

Figure 8	How was the Conservation Area been considered when proposing to allocate a development opportunity site, within the its core?
Policy SP14	<p>We welcome a strategic policy on the historic environment within the Plan. How does this policy marry up with the proposed allocations in the Plan that are harmful to the historic environment, without appropriate avoidance/ mitigation measures including sites at Junction 27 of the M1?</p> <p>We welcome the references in the justification paragraphs. Amend ‘historic parks and gardens’ to ‘Registered Parks and Gardens’.</p>
Para 3.89	This para could be enhanced by including a bullet point that sets out the Council will seek to promote development in the Borough which does not have a harmful effect for the historic environment.
Para 4.12	This para raises some interesting issues and we consider that this issue should be incorporated into Policy CC1 to ensure that appropriate mitigation measures are incorporated to protect the environment, including the historic environment.
Policy CC2	This policy would benefit from a clause that seeks to ensure that any water management measures do not prejudice the historic environment but instead consider how the proposals may impact on the historic environment and protect and conserve the significance of heritage assets, including their setting. For example, how changes to the watercourse may affect water-logged archaeology further downstream. Some text in the justification paragraphs would be beneficial.
Policy CC3	This policy would benefit from a clause that seeks to ensure that any flood alleviation measures/ SUDs do not prejudice the historic environment but instead consider how the proposals may impact on the historic environment and protect and conserve the significance of heritage assets, including their setting. For example, how changes to the watercourse may affect water-logged archaeology further downstream. Some text in the justification paragraphs would be beneficial.
Policy EV2	<p>This policy would benefit from a reference to historic farmsteads and how prospective developers should consider the approach to historic farmsteads in order to protect and conserve them and respect local character and identity.</p> <p>I attach some additional information for you to consider: <a href="https://historicengland.org.uk/advice/caring-for-heritage/rural-heritage/farm-buildings/">https://historicengland.org.uk/advice/caring-for-heritage/rural-heritage/farm-buildings/</a></p>
Policy EV3	We consider that the Policy needs additional detail relating to Clause 1)g. Alterations may require listed building consent/ scheduled monument consent or may be inappropriate due to their harm to the significance of the historic environment, heritage assets and their setting. Any proposals should be appropriate in the historic context and should conserve ad where possible enhance heritage assets and their setting. Our comment above on historic farmsteads may also be relevant here. Further, para 5.66 would benefit from the inclusion of additional detail.
Policy EV4	The policy could benefit from a reference to the historic environment as a component of Green Infrastructure, and for the policy to seek opportunities to enhance/ better reveal the historic environment, through any provision of Green

	<p>Infrastructure/ biodiversity provision. The policy should recognise the value of the historic environment in contributing to the multi-functionality of green-blue infrastructure via cultural heritage, recreation, and tourism through assets such as registered parks and gardens, local historic parks, canals, heritage/ historic landscapes etc. This would help establish a holistic positive strategy for the historic environment throughout the Plan. It would be further beneficial to include a definition/ description of Green Infrastructure in para 5.73 which incorporates the historic environment.</p>
<p>Para 5.147</p>	<p>Amend 'historic parks and gardens' with 'Registered Parks and Gardens'. We welcome the reference to non designated heritage assets here. Does the Council have a Local List? This would be beneficial to include here or a reference within this section and a link to the document.</p>
<p>Policy EV9</p>	<p>Clause 1 – the policy should ensure that any proposed development does more than 'have regard to its impact'. Any development proposal should seek to conserve the significance of heritage assets, including their setting and this specific wording should form somewhere in the opening clause.</p> <p>Clause 2 – It should be clear in the first or second clause that proposals which harm the significance of heritage assets, including their setting will be refused. There may be possibilities where the public benefit tests apply, but these should be exceptional and relate to significant public benefits. The clause should have wording to reflect this point.</p> <p>We support reference to a Heritage Statement/ Heritage Impact Assessment and this should be undertaken by an appropriate, qualified professional. We would recommend additional detail in the justification paragraphs that sets out what a HS/ HIA should include to ensure it is a fit for purpose document and looks at issues such as how does the development parcel contribute to the significance of the heritage assets/ setting assessment/ views analysis/ relationship between other heritage assets in the landscape and how the proposed development interacts with that relationship, harm avoidance and mitigation measures, appropriate design considerations etc. If archaeological assessment is required then this should be desk based to begin with but then may require field evaluation and a set of measures agreed with local archaeology officers.</p> <p>Clause 3 – This would benefit from a catch all statement such as 'respect local character and distinctiveness' through measures such as 'massing, height, density, scale, appropriate materials etc. This is also a judgement on a case by case basis as to what is appropriate in the context of a heritage asset so it should relate to the significance of heritage assets and the need to conserve their significance.</p> <p>Clause 4 – This statement would be better at the beginning of the policy and relate to proposals which harm the significance of heritage assets, including their setting, will be refused. Then where appropriate the public benefit tests would apply but the policy should be clear, like the National Planning Policy Framework (NPPF), that heritage assets are</p>

an irreplaceable resource and harm should be wholly exceptional with clear and convincing justification and significant public benefits. See Chapter 16 of the NPPF and ensure that the wording reflects this national policy.

Clause 5 – would have a definition of heritage assets within the Glossary rather than the policy.

Clause 6/7/8/9 reflect wording from the NPPF. It would be useful to have the first clause setting out that harm to the significance of heritage assets will be refused and having a strong indication from the beginning of the policy. Clause 8 for example, is a copy of paragraph 207 in the NPPF but not in its entirety, we consider it is unnecessary to include text verbatim from national policy but that a local heritage policy should set out any local considerations.

Clause 10 – could be reflected in a definition in the Glossary.

Clause 11/12 – are replicated from the NPPF. We would recommend a paragraph that seeks to conserve and enhance non designated heritage assets in the Borough and having a policy that seeks to ensure that they are protected in a positive way rather than a policy that sets out when demolition is acceptable. Clause 12 a) only relates to two types of significance. If there was minimal significance, then it is unlikely that the building would merit non designated heritage asset status – we are unclear what the policy intends by this statement. Clause 12) b would not be appropriate if the asset had been left to deteriorate and had not been appropriately managed etc.

Where demolition is unavoidable, and meets the conditions set out in the NPPF, then the Council should have a clause to ensure that a development will proceed before the loss of a heritage asset is agreed.

We recommend that the policy includes a section on archaeology and when archaeological assessment may be required and how to consider the conservation of archaeological assets.

The policy should also set out what happens when there is unavoidable loss to heritage and the need to record heritage information on the Historic Environment Record, as a minimum.

Does the Council require any local policy pertaining to any specific local issues that have arisen? For example, any policy required relating to development within Conservation Areas?

The justification text sets out some additional detail and in part reads like policy, of which some of the sections would benefit from being incorporated into the policy wording itself.



	<p>We welcome reference to heritage at risk within the justification text. What assets are at risk in the Borough, and can the Plan set out any positive strategies to bring them back into use?</p> <p>Regarding enabling development, Historic England, recommends that you refer to our up to date guidance:  <a href="https://historicengland.org.uk/images-books/publications/gpa4-enabling-development-heritage-assets/">https://historicengland.org.uk/images-books/publications/gpa4-enabling-development-heritage-assets/</a></p> <p>A clause relating to shopfronts would be beneficial to be included within the policy.</p> <p>The text relating to archaeology and archaeological assessments – elements of this should form a clause within the policy.</p> <p>Would consider re-ordering the justification paragraphs to reflect a re-ordered policy and so it is clear for prospective developers about which elements may be necessary to consider in their development.</p> <p>It is really beneficial to include text on heritage features such as historic hedgerows and we welcome the inclusion of this text in the Plan. Again, it may be beneficial to have a clause in the policy and then the paragraphs in the justification relating to the policy text.</p>
Policy EV10	<p>We welcome the reference to the historic environment within Clause 2) g. This would be further enhanced by reference to other historic environment considerations such as heritage as a component of landscape through heritage features for example.</p>
Housing Allocations	<p>This section of the Plan should reference the Historic Environment Assessment Report, that was undertaken by consultants on behalf of the Council, in 2023 and of which Historic England has engaged in. The site-specific paragraphs for the different sites should refer to this document and incorporate the relevant avoidance/ mitigation measures that were set out to inform prospective development.</p>
Site H1HD	<p>We welcome references within the policy text in para 6.22/6.23 to mitigation measures for this site. The housing site should reference the Historic Environment Assessment Report and the specific mitigation measures that are set out within the Report for all the heritage assets assessed. We consider para 6.22 should require a ‘management plan’ for the heritage asset and how it will be managed moving forward, as a result of the development. It should also ensure that an access to the heritage asset is maintained, as well as the physical conservation of the asset and there could be further potential for heritage tourism for this asset to give it a viable use. It is essential that the heritage asset is not preserved</p>

	<p>in isolation with no access or future maintenance opportunities otherwise the proposed development will prejudice the future opportunity of this important heritage asset. Mitigation measures will also need to relate to the archaeological evaluation and any measures be incorporated into the 'management plan'. Any masterplan will need to consider how best to incorporate development and landscaping and how to conserve and enhance the heritage asset with a future use and interpretation to better reveal its significance.</p>
Site H1Sd	<p>We welcome reference to heritage issues within this section, and again refer the Council to their evidence document which sets out the specific mitigation measures required for the site.</p> <p>Where there is reference to views across to Kings Mill Reservoir, our initial comments related to the setting impacts of the development in respect of the setting of Hamilton Hill and views from the hill top monument over the proposed allocation site and reservoir and the counterpoint view back across the water to the hill. We note that some consideration to these views is given in the heritage assessment and additional detail of what this means and how future development must consider this is required to be included within the Plan, to ensure the policy is justified and effective. We support the removal of Site S7 which is also in the setting of Hamilton Hill Scheduled Monument and cumulatively with this development could have resulted in substantial harm to the heritage asset.</p>
Site S6	We support the removal of this site from the Plan.
Site S7	We support the removal of this site from the Plan.
Site H1Sf	We remain concerned about the development in the setting of Dalestorth House Grade II, and the cumulative impact of the developments H1Ss and H1Si. We recommended additional detail within the Heritage Assessment and again we consider that further consideration is required of the cumulative impacts and what mitigation measures are possible and appropriate to bring forward to reduce the harm to this heritage asset. Please see our original comments in March 2023 and we consider that additional mitigation measures are essential. A masterplan for development in this vicinity could be useful to understand the cumulative effects and solutions.
Site H1Ss	We remain concerned about the development in the setting of Dalestorth House Grade II, and the cumulative impact of the developments H1Sf and H1Si. We recommended additional detail within the Heritage Assessment and again we consider that further consideration is required of the cumulative impacts and what mitigation measures are possible and appropriate to bring forward to reduce the harm to this heritage asset. Please see our original comments in March 2023 and we consider that additional mitigation measures are essential. A masterplan for development in this vicinity could be useful to understand the cumulative effects and solutions.
Site H1Si	We remain concerned about the development in the setting of Dalestorth House Grade II, and the cumulative impact of the developments H1Ss and H1Sf. We recommended additional detail within the Heritage Assessment and again we consider that further consideration is required of the cumulative impacts and what mitigation measures are possible and appropriate to bring forward to reduce the harm to this heritage asset. Please see our original comments in March 2023

	and we consider that additional mitigation measures are essential. A masterplan for development in this vicinity could be useful to understand the cumulative effects and solutions.
Site H1Kc	As we raised before we consider that more specific mitigation measures are required and whilst we support the references in para 6.33 we consider that more detail is required to make the policy effective and ensure that harm is minimised when the planning applications are received. See our comments from the Heritage Assessment in March 2023 for additional detail.
Policy H2	Clause 2) a should be specific to biodiversity or the historic environment and not cover both issues. The policy should set out the need to conserve and enhance the significance of the historic environment, heritage assets and their setting and we recommend that the wording is amended.
Policy H2 a	Any proposed site allocations should be subject to appropriate heritage assessment and Historic England would welcome site of any relevant heritage assessments for these sites, where harm may occur to heritage assets, including their setting.
Policy EM2 Site EM2S3	The policy should refer to the Historic Assessment undertaken in 2023 and set out appropriate mitigation measures to overcome the identified harm to Hamilton Hill SM as a result of the proposed development and cumulatively with housing development on the other side of the road. Please see our comments on the Heritage Assessment in March 2023.
Policy SH1	This policy would benefit from reference to Conservation Areas/ historic cores of high streets/ retail centres etc and how to enhance heritage assets in a retail setting to benefit the wider economy of the area. Our High Street Heritage Action Zones have been successful cases of how to do this. Could also benefit from reference to what type of design considerations are appropriate in the context of Conservation Areas and heritage assets such as shopfronts.
Policy SH3	The policy should include a specific clause on how to deal with Shopfronts on heritage assets and in Conservation Areas.
Policy SD2	We support the references to the historic environment within this section and consider additional detail could be utilised relating to local character and distinctiveness, materials, scale and heights. Links to evidence base such as Conservation Area Appraisals and Town Centre Character Assessments would be useful.
Policy SD7	We support the reference in the policy to the historic environment.
Policy SD9	This policy would benefit from a reference to the historic environment. For example, when considering lighting issues to ensure that there are no adverse effects on the significance of heritage assets. This should be reflected through out the different environmental considerations.
Policy SD12	Clause d) we welcome reference to the historic environment and would recommend that the wording is amended to ensure that there is no adverse effect to the significance of heritage assets including their setting. The advertisements should also consider issues such as lighting. Para 9.122 should be incorporated into a clause in the policy to ensure that developers are aware of this requirement.