

## Guidance relevant to Rockfish Drill Hall Proposal

1) <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

i) Plan-making: historic environment

What is a positive strategy for conservation and enjoyment of the historic environment?

In line with the National Planning Policy Framework (paragraph 185), plans should set out a positive strategy for the conservation and enjoyment of the historic environment. In developing their strategy, plan-making bodies should identify specific opportunities within their area for the conservation and enhancement of heritage assets, including their setting. This could include, where appropriate, the delivery of development that will make a positive contribution to, or better reveal the significance of, the heritage asset, or reflect and enhance local character and distinctiveness with particular regard given to the prevailing styles of design and use of materials in a local area.

The delivery of the strategy may require the development of specific policies, for example, in relation to use of buildings and design of new development and infrastructure. Plan-making bodies will need to consider the relationship and impact of other policies on the delivery of the strategy for conservation.

Paragraph: 003 Reference ID: 18a-003-20190723

Revision date: 23 07 2019

ii) How can proposals avoid or minimise harm to the significance of a heritage asset?

Understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm. Analysis of relevant information can generate a clear understanding of the affected asset, the heritage interests represented in it, and their relative importance.

Early appraisals, a conservation plan or targeted specialist investigation can help to identify constraints and opportunities arising from the asset at an early stage. Such appraisals or investigations can identify alternative development options, for example more sensitive designs or different orientations, that will both conserve the heritage assets and deliver public benefits in a more sustainable and appropriate way.

Further advice on assessing the significance of heritage assets can be found on Historic England's website.

Paragraph: 008 Reference ID: 18a-008-20190723

Revision date: 23 07 2019

iii) How are World Heritage Sites protected and managed in England?

England protects its World Heritage Sites and their settings, including any buffer zones or equivalent, through the statutory designation process and through the planning system.

The Outstanding Universal Value of a World Heritage Site, set out in a Statement of Outstanding Universal Value, indicates its importance as a heritage asset of the highest significance to be taken into account by:

the relevant authorities in plan-making, determining planning and related consent applications (including listed building consent, scheduled monument consent, development consent orders and Transport and Works Act Orders)

and, where relevant, by the Secretary of State in determining such cases on appeal or following call in

Effective management of World Heritage Sites involves the identification and promotion of positive change that will conserve and enhance their Outstanding Universal Value, authenticity, integrity and with the modification or mitigation of changes which have a negative impact on those values.

Paragraph: 026 Reference ID: 18a-026-20190723

Revision date: 23 07 2019

iv) How is the setting of a World Heritage Site protected?

The UNESCO Operational Guidelines seek protection of “the immediate setting” of each World Heritage Site, of “important views and other areas or attributes that are functionally important as a support to the Property” and suggest designation of a buffer zone wherever this may be necessary. A buffer zone is defined as an area surrounding the World Heritage Site which has complementary legal restrictions placed on its use and development to give an added layer of protection to the World Heritage Site. The buffer zone forms part of the setting of the World Heritage Site.

It may be appropriate to protect the setting of World Heritage Sites in other ways, for example by the protection of specific views and viewpoints, both from and to the site. Other landscape designations may also prove effective in protecting the setting of a World Heritage Site. However it is intended to protect the setting, it will be essential to explain how this is to be done in the relevant development plan policies.

Decisions on buffer zones are made on a case by case basis at the time of nomination and reviewed subsequently through the World Heritage Site Management Plan review process. Proposals to add or amend buffer zones following inscription are submitted by government for approval by the World Heritage Committee who will consider and adopt the proposals as appropriate.

Paragraph: 033 Reference ID: 18a-033-20190723

Revision date: 23 07 2019

What is the setting of a heritage asset and how can it be taken into account?

The setting of a heritage asset is defined in the Glossary of the National Planning Policy Framework.

All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset’s curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell

and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

Paragraph: 013 Reference ID: 18a-013-20190723

Revision date: 23 07 2019

What are the different types of designated heritage assets?

Listed building - a building which has been designated because of its special architectural or historic interest and (unless the list entry indicates otherwise) includes not only the building itself but also:

- any object or structure fixed to the building

- any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948

Scheduled monument - a monument which has been designated because of its national importance.

Protected wreck site - the site of a vessel lying wrecked on or in the sea bed, designated because of the historical, archaeological or artistic importance of the vessel, or of any objects contained or formerly contained in it.

Registered park or garden - a designed landscape which has been designated because of its special historic interest.

Registered battlefield - a battlefield which has been designated because of its special historic interest.

World heritage site - a cultural and/or natural heritage site inscribed because of its outstanding universal value.

Conservation area - an area which has been designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

Paragraph: 023 Reference ID: 18a-023-20190723

Revision date: 23 07 2019

2) <https://www.legislation.gov.uk/ukpga/1990/9/part/II>

i) 72 General duty as respects conservation areas in exercise of planning functions.

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any [F1] functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

(2) The provisions referred to in subsection (1) are the planning Acts and Part I of the M1 Historic Buildings and Ancient Monuments Act 1953 [F2] and sections 70 and 73 of the Leasehold Reform, Housing and Urban Development Act 1993].

[F3] (3) In subsection (2), references to provisions of the Leasehold Reform, Housing and Urban Development Act 1993 include references to those provisions as they have effect by virtue of section 118(1) of the Housing Act 1996.]

[F4] (4) Nothing in this section applies in relation to neighbourhood development orders.]

3) <https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para195>

i) 185. 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.

ii) 190. 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.

191. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

192. In determining applications, local planning authorities 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.

200. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

201. Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

<https://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/sidmouth/>