

**Rochford New Local Plan:  
Spatial Options Consultation 2021**

Topic Paper 8: Heritage

Temporary Cover

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**Advisory Note**

The National Planning Policy Framework (NPPF) was subject to a formal revision in July 2021, just before these papers were published. As a consequence, paragraph numbers and other references to the 2019 NPPF made in this document may no longer relate exactly to the latest version of the NPPF.

The principles set out in referenced paragraphs have not been subject to extensive change and references made are therefore still considered to be accurate reflections of national policy.

## 1 What is this topic paper about?

- 1.1 Rochford District Council is preparing a new Local Plan that will cover the period up to 2040. As a comprehensive and up to date evidence base is essential for plan preparation, the Council has prepared a range of technical studies, both in house and through external consultants, to support this process.
- 1.2 To help summarise the key topics that the new Local Plan will need to address, a series of ‘topic papers’ have been prepared to explain the national policy and legislative context for key topics and to set out how those key topics relate to local challenges and opportunities. These topic papers will be published alongside the Spatial Options consultation paper, allowing interested parties to understand these key topics in greater detail than what is contained in the consultation paper alone.

## 2 Introduction

- 2.1 This topic paper has been prepared to assess the national and local policy context for heritage to consider what should be incorporated into the new Local Plan, covering the period up to 2040.
- 2.2 It covers a broad range of heritage issues and summarises the latest available evidence relating to these matters. It also suggests how the Local Plan should deal with any important issues.

## 3 National Planning Policy

- 3.1 Local planning authorities are required to address various requirements set out in national policy and legislation in preparing their local plans, including the National Planning Policy Framework (NPPF, February 2019) and supporting National Planning Practice Guidance (NPPG).
- 3.2 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 3.3 The NPPF and accompanying NPPG sets out a number of heritage issues that Local Planning Authorities must take into account in the preparation of their Local Plans. The heritage issues relevant to plan-making include the following:

National Planning Policy Framework (NPPF)
Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for (inter alia) the <b>conservation and enhancement of the natural, built and historic environment</b> , including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation (Paragraph 20)
Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 172), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation.

<p>Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character (Paragraph 173)</p>
<p>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. (Paragraph 185)</p>
<p>When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest. (Paragraph 186)</p>
<p>Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to: a) assess the significance of heritage assets and the contribution they make to their environment; and b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future (Paragraph 187)</p>
<p>In determining applications, 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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. 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 (Paragraph 189)</p>
<p>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 (Paragraph 190)</p>
<p>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. (Paragraph 193)</p>
<p>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</p>

<p>buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional. (Paragraph 194)</p>
<p>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. (Paragraph 200)</p>
<p>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 (Paragraph 201)</p>
<p><b>National Planning Practice Guidance (NPPF)</b></p>
<p>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.</p> <p>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.</p>
<p>Local planning authorities need to ensure that an area has sufficient special architectural or historic interest to justify its designation as a conservation area. Undertaking a conservation area appraisal may help a local planning authority to make this judgment.</p>
<p>Local planning authorities must review their conservation areas from time to time (<a href="#">section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990</a>).</p> <p>A conservation area appraisal can be used to help local planning authorities develop a management plan and plan-making bodies to develop appropriate policies for local and neighbourhood plans. A good appraisal will consider what features make a positive or negative contribution to the significance of the conservation area, thereby identifying opportunities for beneficial change or the need for planning protection.</p>
<p>There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.</p> <p>Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.</p>

- 3.4 Above national policy there is a diverse legislative framework governing the protection of heritage assets. These include:
- The Town and Country Planning Act 1990 which provides the overall planning law framework for England
  - the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides specific protection for buildings and areas of special architectural or historic interest
  - the Ancient Monuments and Archaeological Areas Act 1979 which provides specific protection for monuments of national interest
  - the Protection of Wrecks Act 1973 which provides specific protection for wreck sites of archaeological, historic or artistic interest
  - the Historic Buildings and Ancient Monuments Act 1953 which makes provision for the compilation of a register of gardens and other land (parks and gardens, and battlefields).
- 3.5 Because of this legislative framework, many proposals affecting heritage assets not only require planning permission but also require forms of heritage consent, the most common of which being Listed Building Consent.

## 4 What is a heritage asset?

- 4.1 In the planning context, the issue of heritage is most commonly referred to in the context of heritage assets.
- 4.2 Heritage assets are typically buildings, structures or wider areas that hold identified significance that is worthy of preservation. Significance can include:
- archaeological interest: As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
  - architectural and artistic interest: These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.
  - historic interest: An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

- 4.3 Whilst heritage assets are often old, it is not a requirement for a building, structure or area to be old in order to hold heritage significance. It may be that a relatively modern building can still be a heritage asset, if it possesses particular architectural or artistic interest, such as being of a unique design.
- 4.4 Heritage assets can be either designated or non-designated.
- 4.5 The different types of designated heritage asset are:
- **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.
- 4.6 Designated heritage assets are typically the most significant assets worthy of the strongest protections. They are identified in a number of ways including by the Department for Culture, Media and Sport (listed buildings, scheduled monuments and protected wreck sites), Historic England (registered parks or gardens, and registered battlefields) or the United Nations Educational, Scientific and Cultural Organisation (world heritage sites). Conservation areas are typically designated by local Councils.
- 4.7 Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by local councils as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. They are typically identified by local councils through specific planning assessments and may be listed in a document often called the 'Local List'.

## 5 What is the heritage context for Rochford?

- 5.1 Rochford is home to a number of designated heritage assets which mark its long history, with local settlements dating back to the Domesday Book and a number of local buildings having existed for over 500 years.



5.2 Designated heritage assets in Rochford include:

- 10 conservation areas, at:
  - Battlesbridge
  - Canewdon Church
  - Canewdon High Street
  - Foulness
  - Great Wakering
  - Paglesham Churchend
  - Paglesham Eastend
  - Rayleigh
  - Rochford
  - Shopland
- Over 320 listed buildings, including one Grade I listed building at Rochford Hall
- 6 Scheduled Monuments

5.3 Around 120 non-designated heritage assets are listed on the Local List.

5.4 In addition, Rochford forms part of the Essex Historic Environment Record (EHER). Through the EHER, it is also possible to identify significant areas of Rochford District which are of archaeological interest or potential archaeological interest.

5.5 It is recognised that heritage forms an important part of place-making and that not every heritage issue can be attributed to a specific building or area. Whilst the focus of the current consultation, the Spatial Options document, is on identifying spatial challenges and opportunities, it is recognised that more general protections and emphasis will need to be given to heritage through policies in the new Local Plan.

## **6 Issues for the Rochford new Local Plan to address**

6.1 Local Plans have an important role in identifying heritage assets and the policies that apply to development affecting them or their setting.

6.2 It is therefore important that the new Local Plan is based on an up-to-date and robust understanding of the heritage assets within the District.

6.3 It is recognised that many heritage assets are not identified by the Council but by national bodies including DCMS and Historic England.

- 6.4 The heritage assets within the Council’s discretion include conservation areas and non-designated heritage assets, e.g. the Local List.
- 6.5 Conservation Areas are not typically identified through Local Plans but through a separate statutory process set out in legislation. Nevertheless, there is an important role for the Local Plan process to help identify new areas worthy of designation as conservation areas, as well as reviewing whether existing conservation areas are worthy of retaining such status.
- 6.6 The Council prepared a range of appraisals and management plans for each of its conservation areas in 2007. These appraisals and management plans can be reviewed alongside the Local Plan process to capture an up-to-date understanding of the significance, quality and threats relating to existing conservation areas. It is possible a concurrent process could also seek to identify any other areas worthy of conservation area status. This work is not currently being prepared but could follow on from the consultation, where initial feedback will be sought on spatial opportunities and challenges.
- 6.7 Similarly, the Council has a Local List Supplementary Planning Document which was adopted in 2013. This document identifies non-designated heritage assets, e.g. buildings, structures and spaces which are not formally designated but nevertheless hold heritage value worthy of preservation and enhancement. This document could be reviewed and updated alongside the Local Plan process to ensure we have an up-to-date understanding of the significance, quality and threats relating to existing non-designated heritage assets and to identify any other assets worthy of inclusions. As above, this work is currently not being prepared but could follow on from the consultation, where initial feedback will be sought on spatial opportunities and challenges.
- 6.8 In a more general sense, it is important that the overall strategy of the new Local Plan takes opportunities to preserve and enhance the historic environment, including heritage assets and the environment in a more general sense. As part of this process, the Council has commissioned Place Services to undertake an initial assessment of the impact that areas of land being promoted to development would have on both the built historic environment and archaeological assets. It is proposed that a more detailed assessment could follow, once the Council’s preferred strategy is known, which would then identify specific impacts of development on the historic environment and ensure the strategy delivered appropriate protections, mitigation and enhancements.
- 6.9 The options discussed above are set out below with an explanation of what these would involve:

Option	Explanation
Reviewing the list of existing designated heritage assets, including updating conservation area appraisals and management plans and considering the case for new conservation areas, providing for the protection and	Local authorities are expected to designate areas of land for conservation where an area justifies such status because of its special architectural or historic interest. Local authorities are also expected to periodically review

<p>enhancement of these assets through one or more policies</p>	<p>existing conservation areas to ensure they continue to hold special interest. This option would ensure that existing conservation areas were reviewed, and any new conservations identified, alongside the Local Plan process.</p>
<p>Reviewing the list of existing non-designated heritage assets, including updating the local list, and providing for the protection and enhancement of these assets through policies</p>	<p>Local authorities are encouraged to identify non-designated heritage assets which are heritage assets that hold value but which are not already identified as a designated heritage asset. This option would be to update the existing Local List, including to review existing entries and to add new entries where justified, alongside the Local Plan process.</p>