

Land South of Keeley Lane, Wootton (Site 771)

Heritage Representation

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1. Introduction

- 1.1 The following report on heritage matters has been prepared by the Environmental Dimension Partnership Ltd (EDP), as specialist heritage advisors to Rainier Developments Limited regarding Land South of Keeley Lane, Wootton (Site 771), hereafter referred to as 'the site', which is promoted for inclusion in the Bedford Borough Local Plan 2040 (see further below).
- 1.2 This report provides commentary on the results of the Bedford Borough Council's ('the Council') assessment of the site in July 2020, as part of the selection process for allocations in the emerging Local Plan. As discussed further below, this was based on the Council's *Site Selection Assessment Methodology* (SSAM; Bedford Borough Council 2020). Whilst the Council's assessment provides little specific commentary on heritage matters, it makes some broad conclusions regarding the potential effects on heritage assets through the development of the site.
- 1.3 The following will consider the accuracy of these conclusions, in light of the revised SSAM (July 2021) and the results of a site specific archaeological and heritage assessment undertaken by EDP in August 2020. Thereafter, the report considers the appropriateness, in terms of heritage, of the allocation of the site in the Local Plan.

2. Archaeological and Heritage Matters

EDP Report (August 2020)

- 2.1 The assessment undertaken by EDP in August 2020 involved consultation of the following sources:
- Bedford Borough Historic Environment Record (HER) on known archaeological sites, monuments and findspots within the site and its vicinity;
 - Maps and documents held by the Bedfordshire Archives;
 - The National Heritage List for England (NHLE) curated by Historic England; and
 - Aerial photographs held by the Historic England Archive (HEA).

- 2.2 This was further augmented by a site walkover to ground proof the information gathered from these desk-based sources.
- 2.3 This assessment identified that the following heritage assets could be affected through the development of the site for the quantity of housing envisaged in its promotion (EDP 2020 should be consulted for the full details of the assessment):
- Grade II listed 18 and 20 Keeley Lane (1249348), c.55m to the north-east, which would be affected through the erosion of its 'rural' setting, albeit through the conversion of a moderately distant field from pasture to housing. This would be experienced through heavily obscured views from the asset and would only result in a very small loss of significance, which would unquestionably be at the very lower end of less than substantial harm;
 - Grade II listed Pear Tree Cottage (1373948), c.110m to the north-east, which would be affected by a change to the view toward the north-east corner of the site from pasture to residential, albeit this includes offset of built form, and would be heavily obscured and moderately distant. This would result in a negligible level of harm, at the lowest end of less than substantial;
 - Loss of part of the 'low significance' ridge and furrow within the site, with the intention of preserving the earthworks along the west side, where they are best preserved within the site. The ridge and furrow within the site forms one part of a much larger 15 hectare (ha) block of earthworks that extend to the south and west. The areas of ridge and furrow that would be removed from within the site represent no more than a poor to moderate survival, with much of it truncated by later farming activity or quarrying;
 - Non-designated buildings comprising The Rose and Crown Public House, and 29 and 31 Keeley Lane, both of which are considered to have a limited/very limited significance. These would be affected through the erosion of their 'rural setting', albeit only resulting in 'very limited harm'; and
 - Potential for 'low value' buried archaeological remains, the level of harm to which would depend on the final form of development, but is likely to result in the removal of a large part of them within the footprint of the site.
- 2.4 Whilst it was also identified that there could be a potential effect on the Grade II listed 35 Keeley Lane (1249335) which is c.30m to the north, when the opportunity for sensitive masterplanning was also considered, it was concluded that there was every reason to believe that the site could be delivered without resulting in harm to this asset.



- 2.5 Considering this collection of low levels of harm, with many of the affected assets themselves only being of low/limited/very limited significance to begin with, the archaeological and heritage assessment (EDP 2020) concluded that:

“...it is the finding of this report that the potential impacts of the draft allocation on designated and non-designated heritage assets are of insufficient scale to warrant development being prevented or severely restricted, such as to make its deliverability unviable. Therefore, in archaeological and heritage terms, there is no reason as to why the site should not continue to be allocated, given that there is every reason to believe that it could be delivered in accordance with the relevant provisions of the NPPF and the provision in the adopted Local Plan (2030)”.

Council Assessment (2020)

- 2.6 Subsequent to the provision of the EDP report, the Council also undertook their own assessment of the site in 2020. The details of this assessment stated firstly that:

“[The site] contains non-designated lionhead standpipe or did? Potential to cause moderate less than substantial harm to 35 Keeley Lane (removal of rural setting) and lower degree of harm to L[isted] B[uilding]s in Keeley Green”.

- 2.7 Secondly, the Council stated that there was the potential for *“high harm to (?)locally [ibid] significant archaeological remains = low/moderate overall impact? [ibid]: Thought to contain extensive ridge and furrow.”* Whilst recognising what the conclusions of the EDP report were in terms of the ridge and furrow, as discussed above (see paragraph 2.3 bullet point 3), the Council dismiss these findings by stating that *“R&F appears well preserved and extensive of LIDAR and recent aerials”.*

- 2.8 Thirdly, the Council stated (similar to the second point) that there was the potential for *“high harm to (?)locally [ibid] significant archaeological remains = low/moderate overall impact? [ibid]”* appearing to refer to underlying archaeological remains. The Council further concludes that *“[i]f allocated, pre-determination archaeological evaluation will be required in the western part of the site”.*

- 2.9 Given the content and tone of the Council’s assessment, it is evident that the commentary on the site was made without the benefit of a site walkover, such as informed EDP’s report and would have eliminated much of the uncertainty that is evident in the Council’s conclusions. For instance, the standpipe mentioned in the Council’s conclusions is certainly no longer present on the site and the level of preservation of the ridge and furrow is variable, with much of it flattened by later activity. Why direct and up-to-date (for the time) site observations were dismissed in favour of only desk-based sources is unclear.

- 2.10 Why the level of harm to the Grade II listed 35 Keeley Lane is identified as ‘moderate’, as opposed to the ‘no harm’ identified in the EDP report, may be due to the latter taking account of sensitive masterplanning. Regardless, there is no detail provided on how the conclusions

were reached and it suffice to say that EDP's report, undertaken in-line with GPA3, provides a transparent setting assessment where the considerations that led to the level of harm identified are laid out. The Council do not provide any additional or new information to dispute these findings.

2.11 In considering how the conclusions of the Council's assessment was translated into a review of the suitability of the site for allocation, it is worth considering their adopted methodology. This comprised, at that time, of the July 2020 version of the SSAM, the stated purpose of which is as follows:

"The site selection process aims to identify sites that bring forward development in accordance with the development strategy and objectives of the plan. The methodology is designed to balance sustainability and deliverability objectives in a way which ensures that the plan's purpose and the development targets it contains are met".

2.12 In terms of heritage, the relevant criteria within the SSAM is "4a. Likely to impact on designated or non-designated heritage assets or their settings?", for which there are six categories comprising (from most positive to most negative):

- *"Proposal includes measures to enhance heritage assets which are under immediate threat or risk;*
- *Proposal includes measures to enhance heritage assets;*
- *Proposal does not include measures to enhance heritage assets, or further information/assessment is required;*
- *Proposal is unlikely to have a direct impact on any heritage assets;*
- *Proposal may have some adverse effect on heritage assets or their setting; and*
- *Proposal likely to cause substantial harm to heritage assets or their setting."*

2.13 At this point it is worth considering that the National Planning Policy Framework (NPPF) distinguishes between 'designated' and 'non-designated' heritage assets and affords differing levels of protection to them based on their level of significance. For instance, a scheduled monument, which is a designated heritage asset of national importance, is given more protection than a non-designated heritage asset, such as archaeological remains of only local importance. Whilst this distinction is recognised in the title of Criteria 4a, it is not carried through to the six categories of effect, which instead only addresses the effect on 'heritage assets' generally.

2.14 The NPPF directs, under paragraph 199, 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)”.

2.15 Furthermore, under paragraph 200, any harm to a designated heritage asset would require “clear and convincing justification” and, depending on the asset’s significance, planning permission allowing ‘substantial’ harm should be ‘exceptional’ or ‘wholly exceptional’. In cases where the harm would be ‘less than substantial’, at paragraph 202 the NPPF directs that the “harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

2.16 In considering the threshold between ‘substantial’ and ‘less than substantial’ harm, the Government’s Planning Practice Guidance highlights the following details in respect of the identification of substantial harm:

“Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all”.

2.17 Furthermore, paragraphs 24 and 25 of the High Court judgement in respect of *Bedford BC v Secretary of State for Communities and Local Government* [2013] EWHC 2847 also reiterate the high threshold required for a development proposal to constitute substantial harm, and also serve to emphasise the very broad spectrum of ‘less than substantial harm’ in terms of proposed development:

“What the inspector was saying was that for harm to be substantial, the impact on significance was required to be serious such that very much, if not all, of the significance was drained away. Plainly in the context of physical harm, this would apply in the case of demolition or destruction, being a case of total loss. It would also apply to a case of serious damage to the structure of the building. In the context of non-physical or indirect harm, the yardstick was effectively the same. One was looking for an impact which would have such a serious impact on the

significance of the asset that its significance was either vitiated altogether or very much reduced”.

- 2.18 Turning to the effect on non-designated heritage assets, the approach taken by the NPPF is notably different to that taken toward designated heritage assets. Instead of discussions requiring ‘clear and convincing justification’ and distinguishing between levels of harm, at paragraph 203 it directs that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

- 2.19 The Council’s methodology for rating impacts on heritage assets is therefore considered non-NPPF compliant as it does not allow for the subtleties of considering the level of significance of the effected assets. As mentioned above, it instead groups all heritage assets into a single category.

- 2.20 Turning to the Council’s conclusions regarding the site, as included in their 2020 assessment, under Category 4a it is awarded the lowest rating and states that:

“The proposal has the potential to cause very high harm (which may reach the level of substantial harm) to a heritage asset. Development with this level of impact will be removed from further consideration unless it can be demonstrated that the harm can be avoided, mitigated or outweighed by substantial public benefits”.

- 2.21 It does not state which heritage assets it considers would be affected in this way. Indeed, it is clear from the Council’s evidence that they do not consider that there is the potential for a ‘high’ or ‘substantial’ level of harm to any designated heritage assets.

- 2.22 The Council identifies a potential “*high harm to (?)locally [ibid] significant archaeological remains*”, albeit suggesting that the overall impact would be “*low/moderate*”. However, it is not clear that this potential effect would result in the site being placed in the lowest category of Criteria 4a. This is because other potential allocated sites are not given the lowest categorisation despite having the same potential level of effect (i.e. high harm to locally significant remains, with an overall low/moderate impact).

- 2.23 Turning to the ridge and furrow within the site, the Council similarly conclude that the overall impact would be “*low/moderate*” overall. This may be in consideration that there is the opportunity to preserve the best surviving ridge and furrow within the allocation of the site and that loss of earthworks should be seen in the context that it represents eroded elements in a much wider 15ha block of ridge and furrow.

- 2.24 Therefore, the results of the Council’s desk-based assessment do not clearly relate to the outcome of the process, i.e. that the site would result in high levels of harm, possibly

substantial, to heritage assets. Indeed, it suggests that the site, having no more than a 'moderate' level of harm to any designated heritage assets and a 'low/moderate' level of harm overall to non-designated heritage assets, would more appropriately be classified within the fifth category of the criteria, i.e. "*proposal may have some adverse effect on heritage assets or their setting*".

- 2.25 This would also more closely align with the findings of the detailed archaeological and heritage assessment undertaken by EDP in 2020, whereby only low levels of harm were identified to two listed buildings, two non-designated historic buildings and a small area of ridge and furrow, which is of no more than local significance. Whilst harm to underlying archaeological remains may be higher, this is in the context that any remains are also likely to be of no more than local significance.

3. Conclusions

- 3.1 Based on the review of the Council's process above, it is considered that the categories of the heritage criteria (4a) are non-NPPF compliant and do not allow for distinction between the significance of heritage assets, which would more closely align with the NPPF approach to resolving conflict between the desirability to preserve the significance of heritage assets and the need to deliver sustainable development.

- 3.2 It is also clear that the details of the Council's assessment do not align with the site's categorisation under Criteria 4a. In this regard, the site would most appropriately sit within the "[p]roposal may have some adverse effect on heritage assets or their setting" category, given the small selection of mostly low levels of harm to heritage assets. This is a very broad category, and includes all sites that would result in low levels of harm to a single asset up to sites that would have moderate levels of effect on multiple assets. Indeed, it is notable that over 390 out of 439 sites considered for allocation in the Local Plan during 2020 were identified as falling into this category, which suggests that it is not unusual to expect some level of effect on heritage for development around Bedford Borough Council.

- 3.3 This category has been updated within the new SSAM (June 2021), as follows:

"The proposal has the potential to cause harm to heritage assets. This harm may range from low to high. There may be options, to avoid, reduce or mitigate this harm. Where sites have not been ruled out altogether, a heritage impact assessment may be undertaken to provide further information on the significance of the heritage assets that will be impacted, to set out how their significance will be impacted and to demonstrate how such harm to them could be avoided, reduced or mitigated..."

- 3.4 The site has already been subject to an assessment (EDP 2020) demonstrating the level of harm on the affected assets, and there is every reason to believe that, given the approach outlined in the NPPF, the site is deliverable for the amount of development that it is promoted for. Therefore, the site should continue to be allocated within the Local Plan.