Critical Appraisal of Heritage Matters

Strategic Area E, Chippenham, and related planning applications for Showell Farm and Rowden Park

For

Chippenham 2020 LLP

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CONTENTS

1 Introduction............................................................................................................................................................... 1
  1.1 Purpose of report.................................................................................................................................................... 1
  1.2 Methodology and sources of information............................................................................................................ 1
  1.3 Authorship of the statement.............................................................................................................................. 1
  1.4 Format of this statement..................................................................................................................................... 2

2 Executive Summary................................................................................................................................................ 3
  2.1 Wiltshire Council’s policy: Strategic Area E and its heritage........................................................................... 3
  2.2 The Showell Farm planning application (N/13/00308/OUT)........................................................................... 6
  2.3 The Rowden Park planning application (N/14/12118/OUT)........................................................................... 8

3 Wiltshire Council’s Policy: Strategic Area E and its Heritage............................................................................... 10
  3.1 General background – Wiltshire’s Core Strategy and related documents......................................................... 10
  3.2 The role of heritage in the Council’s selection of its first preferred strategic area ........................................ 13

4 The Showell Farm Planning Application (N/13/00308/OUT)............................................................................. 48
  4.1 Introduction............................................................................................................................................................ 48
  4.2 The heritage content of the Showell Farm planning submission...................................................................... 49

5 The Rowden Park Planning Application (N/14/12118/OUT)............................................................................. 61
  5.1 Introduction............................................................................................................................................................ 61
  5.2 The heritage content of the Rowden Park planning submission...................................................................... 61

6 Conclusions.............................................................................................................................................................. 76
1 INTRODUCTION

1.1 Purpose of report

This report provides a critical appraisal of the heritage evidence and assessments that underlay the decision taken by Wiltshire Council in February 2015 to select Strategic Area E to the south west of Chippenham as its first preferred area for development and two related planning applications, for employment development at Showell Farm in the south west corner of that preferred Area E and for a mixed use urban extension, including a riverside park, known as Rowden Park. Together, these two applications for planning permission submitted in February 2013 and December 2014, respectively, both before the Council’s selection process was completed, make up the preferred development site selected by the Council within Area E. The statement has been commissioned by Chippenham 2020 LLP.

1.2 Methodology and sources of information

The report has been based on:

- Site visits carried out by the author.
- Documentation relating to Wiltshire Council’s Core Strategy and its strategic area and site selection process available on its own website.
- Documentation relating to the Showell Farm planning application lodged on the Council’s online planning website.
- Documentation relating to the Rowden Park planning application lodged on the Council’s online planning website.
- Discussions at meetings with officers of South Hams District Council [SHDC] held on 20th January and 29th April 2014.
- Visits to view relevant material held at the Wiltshire and Swindon History Centre.
- Information from the Wiltshire Historic Environment Record available on the Council’s website.
- Use of online databases and sources of information, including the National Heritage List for England and Heritage Gateway/PastScape/Viewfinder.
- Other published sources about the heritage of the local area.
- Historical and modern maps.
- Relevant legislation and national heritage and environmental impact guidance and policy.

1.3 Authorship of the statement

This critical appraisal has been prepared by Heritage Places. The report has been written by Stephen Bond MA HonDArt FSA MRICS GradDipConsAA.
Heritage Places provides advice and professional services relating to the historic environment and its conservation for national and local government, public sector funding bodies, property management, development and institutional clients, charitable trusts, and other professional advisors. Typical services include the survey, assessment and recording of historic and architecturally important buildings and areas, conservation planning and the management of change within the historic environment, and the provision of specialist guidance and training.

Until setting up Heritage Places in 2008, Stephen Bond had been a partner in building surveyors and construction consultants, Tuffin Ferraby Taylor, since 1987. He trained firstly as an archaeologist and later as a chartered building surveyor. He is accredited by the Royal Institution of Chartered Surveyors for work as a surveyor in building conservation. From 1991-98, he undertook a seven year secondment to the Board of Historic Royal Palaces (at the time, a Government Agency), initially establishing and running its conservation and works operation as its Surveyor of the Fabric, and subsequently as Director of the Tower Environ Scheme - a major regeneration scheme focused on the urban setting of the Tower of London. He was closely involved in the establishment of the College of Estate Management’s Postgraduate Programme in Conservation of the Historic Environment at Reading University in 1990 and continues as its external course director today. He instigated and was the first Chairman of the RICS Conservation Group, and of both the RICS Conservation Committee and its successor, the Conservation Skills Panel. In the 1990s, he served on the Building Surveyor’s Divisional Executive and its Practice and Techniques Committee. He is a member of the advisory panel to the Journal of Architectural Conservation, published by Donhead, and a trustee of the Conference on Training in Architectural Conservation (CoTAC). He lectures widely on a range of topics, including conservation planning and the conduct of condition surveys of large and complex historic buildings. He received the Peter Stone Award from the Association of Building Engineers in 1993 for his contribution to the building surveying profession and the RICS ‘People in Conservation’ award in 1999. De Montfort University awarded him an honorary doctorate in 1998 in recognition of his contribution to building surveying and conservation. He jointly authored a book, *Managing Built Heritage – the role of cultural significance*, with Derek Worthing of the University of the West of England, published by Blackwells in 2008 – a new edition of which is due for publication in 2016.

### 1.4 Format of this statement

After this introduction, section 2 of this report provides an executive summary of its findings, broken down into the three constituent parts of the analysis: Wiltshire Council’s policy relating to Chippenham’s Strategic Area E and its heritage; the Showell Farm planning application; and, the Rowden Park planning application. Sections 3 to 5 of the report explore these three issues in detail and in the same order.
2 EXECUTIVE SUMMARY

2.1 Wiltshire Council’s policy: Strategic Area E and its heritage

Overall finding

This critical analysis demonstrates that Wiltshire Council’s strategic policy context for Chippenham, which framed its strategic area and site selection process, and the selection process itself were seriously flawed in terms of the consideration given to heritage issues. These flaws went to the heart of the selection process, leaving it fatally compromised. The conclusions reached by Wiltshire Council and its reasoning for selection of Area E as the first preferred strategic area for development and, with it, Option E2 as the preferred site, accordingly, were and are unsound. In particular, the policy formulation process and the manner in which it has been applied are in contravention of the duties imposed on the Council under the Planning (Listed Buildings and Conservation Areas) Act 1990.

By extension, determination to grant planning permission to any application for development based on the Council’s decision on selection of Area E as its first preferred strategic development area and Option E2 therein as its preferred site must also be unsound.

Individual findings

1) Although Wiltshire Council’s Core Strategy adopted in January 2015 gave recognition to the critical importance of its ‘rich and most varied…historic […] environment’ and despite the acknowledgement in Criterion 5 of the Chippenham Strategic Site Assessment Framework of the importance of ‘impacts on heritage assets, their setting and archaeological potential’, the Core Strategy’s Core Policy 10 for the Chippenham area failed to specify protection of significant components of the historic environment as being one of the six key criterion that would guide its identification of areas for growth and site allocations for development. In this way, the Council’s Core Strategy document ignored the duty imposed on local planning authorities to have ‘special regard to the desirability of preserving’ listed buildings and their settings and significance and to pay ‘special attention…to the desirability of preserving or enhancing the character or appearance’ of conservation areas by the Planning (Listed Buildings and Conservation Areas) Act 1990 [sections 66 and 72, respectively]. [Finding 1]

2) According to the Council’s own statement in two of its evidence papers, without the content of Evidence Paper 7 on Heritage Assets’, a ‘clear picture’ could not have been obtained of the preferred areas for development and the preferred sites therein. However, Evidence Paper 7 was not prepared until July 2015, 5 months after the completion of the selection process and the announcement of the preferred strategic areas and sites. It must be concluded, therefore, that a clear picture of heritage assets was not available at the time that the decision of preferred areas and sites for development was made. [Finding 2]
3) The Council’s Evidence Paper 4, on which it relied for heritage baseline information and impact assessment, was a landscape assessment undertaken by landscape specialists following landscape assessment principles and guidance. Heritage was not a primary focus of the Evidence Paper, which even failed to apply historic landscape characterisation approaches where these were appropriate. Any heritage content in Evidence Paper 4 was essentially incidental and not necessarily informed by heritage industry best practice or guidance available in the second half of 2014. [Finding 3]

4) Evidence Paper 4’s baseline assessment of designated heritage assets lying within Strategic Area E is badly flawed, failing to identify at least four, but arguably many more, designated assets within the baseline assessment. Accordingly, the Evidence Paper’s assessment significantly under-represented the value of Area E’s historic environment and, again, ignored the duty imposed on local planning authorities to have ‘special regard to the desirability of preserving’ listed buildings and their settings and significance and to pay ‘special attention...to the desirability of preserving or enhancing the character or appearance’ of conservation areas by the Planning (Listed Buildings and Conservation Areas) Act 1990 [sections 66 and 72, respectively]. [Finding 4]

5) The baseline assessment failed to consider and identify designated and non-designated heritage assets around the periphery of Area E, whose settings would receive adverse impacts from the strategic development in ways that would harm indirectly the significance of the heritage assets themselves. In this, the Council failed to comply with the requirements of Government policy, as set out in the NPPF. [Finding 5]

6) Just as with the baseline assessment of designated heritage assets lying within Strategic Area E (see Finding 4), Evidence Paper 4’s identification of non-designated heritage assets within Strategic Area E is seriously deficient. It fails to consider the likelihood of existence of assets that were not previously recorded on the HER and overlooked entirely the results of long running major research on traditional farmsteads within the historic landscape that was available at the time and had seemingly in part been commissioned and/or funded by the Council. Again, in this way, the Evidence Paper’s baseline assessment significantly distorted and under-represented the value of Area E’s historic environment. [Finding 6]

7) The summary and conclusions of the baseline assessment set out in Section 7 of Appendix A were exceedingly partial in coverage. They failed to define the totality of the historic landscape character, omitted any reference to the area’s high potential for heritage assets with archaeological interest relating to 18th and 19th century farmsteads and outfarms, and provided an assessment of the likely effects of development and possible mitigation that seriously lacked professional rigour and authority. This ‘summary and conclusions’ was then adopted and used as the direct basis for decision-making on the selection of the Council’s first preferred strategic area for development. [Finding 7]

8) Coverage of the built/designated heritage in the description of Area E within Evidence Paper 4’s ‘Development Capacity Recommendations’ is seriously partial in that it:

   - Excludes the majority of designated and non-designated heritage assets that are present in the area;
- Fails to consider adequately the foreseeable range of encroachment and impact issues arising from the area’s strategic development;

- Ignores settings issues that might affect the significance of assets; and,

- Considers visual prominence, but not local views within the area or those afforded from vantage points on high ground to the north west and north east.

As a result, the Council severely under-represents the nature and quality of the historic environment in Area E. [Finding 8]

9) Evidence Paper 4 fails to give adequate consideration to Area E’s rural character on the southern approach to Chippenham, leading the Council to the erroneous conclusion that it can be safeguarded by maintaining a protective strip of grass and a thin barrier of trees similar to that along Pewsham Way. The wording of evidence has been subtly mutated to support the Council’s flawed argument and its failure to consider the relevance of this landscape as an important contributor to the significance of heritage assets in the area. [Finding 9]

10) The need for and nature of any mitigation of impacts on Rowden Conservation Area or any other heritage assets in Area E bar ‘Rowden Manor’ is not considered in the Council’s evidence. The mitigation measures proposed for foreseeable impacts on Rowden Manor are inadequately defined and, as they stand, are empty and insufficiently robust. [Finding 10]

11) Notwithstanding the duty imposed on local planning authorities to have ‘special regard to the desirability of preserving’ listed buildings and their settings and significance and to pay ‘special attention...to the desirability of preserving or enhancing the character or appearance’ of conservation areas by the Planning (Listed Buildings and Conservation Areas) Act 1990, none of the ‘Development Capacity Recommendations’ for Area E contained in Evidence Paper 4 related specifically to the area’s heritage, again demonstrating that the Council regarded heritage to be a subordinate matter. [Finding 11]

12) The formal summary of findings relating to Area E in Evidence Paper 4 reiterated the substantive flaws in analysis that have been identified in the analysis above, as well as those described in (d) below in relation to its Appendix D. [Finding 12]

13) The argument set out in Appendix D of Evidence Paper 4, although in some ways being the lynchpin of the Council’s heritage argument for Area E, is badly flawed. Its logic relies upon mistaken re-statement of policy and unsubstantiated and sometimes questionable factual claims, and it focuses purely on one designated heritage asset (Rowden Farm) to the exclusion of all other heritage assets. Ignoring best practice heritage guidance from English Heritage/Historic England, the Council’s evidence considers only intervisibility as an attribute by which setting can make a positive contribution to the significance of heritage assets. As a result of these deficiencies, its principal conclusion regarding the level of harm likely to be caused to Area E’s heritage from strategic development is unsafe, being neither convincingly proven by the flawed baseline assessment nor by the partial argument that the Evidence Paper provides. [Finding 13]
14) In determining that landscape, heritage and biodiversity (Criterion 5 for selection of preferred strategic areas and site for development) should be given less weight in the selection process than matters of employment, road travel and flood risk, the Council made no mention in its Site Selection Report, and appear to have disregarded, its statutory duty to attach considerable importance and weight to the preservation of affected listed buildings, conservation areas and their settings under the Planning (Listed Buildings and Conservation Areas) Act 1990. [Finding 14]

15) Based on the wording of section 3.4 of the Site Selection Report, in making its choice on its first preferred strategic areas for development, the Council either (i) relied upon evidence which was fundamentally flawed, providing only a partial and skewed baseline assessment of heritage assets and issues, and lacking any coherent, impartial professional assessment of levels of significance and the magnitude of impacts that are likely to accrue from strategic development in that area, or (ii) failed entirely to consider heritage impacts in making that selection. [Finding 15]

16) From a heritage perspective, the Council’s basis for selection of Area E as its first preferred strategic area for development, as set out in sections 4, 5 and 6 of the Site Selection Report, is rendered fatally compromised by the considerable and serious flaws in its Evidence Paper 4 on which it relies. In addition to the many failings previously noted, section 7 of the Site Selection Report acknowledges that ‘one of the main reasons’ Area E performed comparatively well in the Council’s analysis was the availability of suitably located and accessible employment land. Yet this land lies immediately adjacent to and within the settings of designated heritage assets that were not properly mentioned or assessed in Evidence Paper 4. [Finding 16]

17) Section 7.2 of the Site Selection Report proposes key development content for the selected preferred strategic site in Area E that is not considered or assessed in the Council’s supporting evidence. In particular, the major riverside park it proposes within the Rowden Conservation Area would strike at the very essence of its character, causing considerable harm to its significance. [Finding 17]

2.2 The Showell Farm planning application (N/13/00308/OUT)

Overall finding

The Showell Farm application was developed around a very restricted view of the nature and value of the local historic environment. Its heritage assessment concluded that only three heritage assets – the listed buildings at Showell Farm - needed to be considered. Its archaeological assessment (which may well not have been included in the validation submission) apparently found that the site was without archaeological interest, although the County Archaeologist is on record as stating that it contained a prehistoric settlement, is archaeologically sensitive and has significant potential for further discoveries. This critical analysis has shown the application’s heritage assessment to be badly flawed in key respects and deficient as regards the requirements of paragraph 128 of the NPPF. The Council’s Senior Conservation Officer appears to have responded to the application with a ‘light touch’, making limited (but still important) criticisms of its heritage content/approach and has subsequently accepted further design changes in mitigation of significant harm which leave in place design elements that she specifically identified previously as contributing to that level of harm. No
Individual findings

18) The Showell Farm application was validated on 21st February 2013, seemingly without the inclusion of the archaeological assessment by Cotswold Archaeology that was listed within the applicant’s Planning Report as forming part of the submission and despite the archaeological sensitivity of the site. According to the Planning Report, the archaeological assessment reached a conclusion about the archaeological baseline evidence - and hence the archaeological potential of the site itself – which was in direct and absolute contradiction of a statement made subsequently by the County Archaeologist in commenting on the application. There is no evidence on the Council’s online planning website to indicate that this serious difference in understanding and interpretation has yet been resolved. [Finding 18]

19) The application’s baseline assessment of the heritage assets that might potentially receive impacts from the development site is badly flawed, failing to consider and identify separately designated, curtilage listed, and non-designated assets in whose settings the application site might well be deemed to lie. As a result, the listed building/heritage assessment submitted to the Council as part of the application and validated by the Council on 21st February 2013 did not comply with the requirements of paragraph 128 of the NPPF. [Finding 19]

20) The Listed Building Assessment within the Showell Farm application contains an inadequate analysis of settings issues. It failed to identify and properly understand the significance of the presence of surviving farmsteads in the local historic environment. It did not explain their inter-relationship or the potential implications of this for heritage impacts arising from the development. Its identification of potential impacts is mainly limited to landscape and visual impacts and not to heritage impacts. Accordingly, it represents a badly flawed assessment of the baseline conditions within the local historic environment, underplaying its value and the potential for the development proposals to cause harm to the significance of heritage assets. As such, the Listed Building Assessment fails to comply with the requirements of paragraph 128 of the NPPF. [Finding 20]

21) The discussion of impact and mitigation issues in the Listed Building Assessment is partial, dealing only with potential impacts affecting the three listed buildings at Showell Farm and their mitigation. No consideration was given to the possibility of harmful impacts to the designated conservation area and/or its setting or any other assets, to the scale of any such impacts, and the measures necessary to mitigate these through design. [Finding 21]
22) The Council’s Senior Conservation Officer appears to have responded to the application with a ‘light touch’. She accepted without comment its assessment that the only heritage assets to be considered in relation to impacts from the proposed development were the three listed buildings at Showell Farm. Following post-submission discussions, she accepted changes to the scheme as mitigation to prevent ‘significant harm’ being caused to the three designated assets that were significantly more restricted than those she had originally indicated would be necessary, leaving in place design elements that she had specifically identified as contributing to significant harm. While the Council has contended that it has carried out its duty to pay ‘special regard to the desirability of preserving’ the three listed buildings at Showell Farm, and their settings and significance, it has not demonstrated that it has considered its duty under the same section of act in relation to other listed buildings or that it has discharged adequately its duty to pay ‘special attention…to the desirability of preserving or enhancing the character or appearance’ of Rowden Conservation Area under section 72 of the same act, given that the development site is likely to lie within the setting of that conservation area. [Finding 22]

2.3 The Rowden Park planning application (N/14/12118/OUT)

Overall finding

The Rowden Park application seriously under-represents the nature and value of the local historic environment. The methodology used in preparing the assessment had the potential to reduce artificially the identification of the range of heritage assets that might be affected by the development. That is exactly what has occurred. As a result, the cultural heritage chapter of the Environmental Statement, which constitutes the application’s heritage assessment, does not comply with the requirements of paragraph 128 of the NPPF. The heritage impact assessment is very partial in its coverage and demonstrably under-represents many issues and impacts, rendering it significantly flawed and unreliable and its conclusions lacking in credibility. If Wiltshire Council were to positively determine the application on the basis of the application’s heritage case, as it is currently presented, it is clear that the Council would fail to comply with its legal duties imposed under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Individual findings

23) The methodology adopted by SLR in preparing the assessment set out in the cultural heritage/historic environment chapter of the Rowden Park application’s Environmental Statement was flawed in that it had the potential to reduce artificially the number of non-designated heritage assets that were identified as being possible receptors of impacts and the number of designated and non-designated assets whose settings might potentially be affected by the development proposals. [Finding 23]

24) The application’s identification of designated heritage assets lying within the application site and within its wider setting is badly flawed, misrepresenting the nature and value of the local historic environment. [Finding 24]
25) The application’s baseline assessment of the heritage assets that might potentially receive impacts from the development site is seriously flawed, failing to consider and identify separately designated, curtilage listed, and non-designated assets lying within the application site or in whose settings the application site might well be deemed to lie. As a result, the cultural heritage chapter of the Environmental Statement, which constituted the application’s heritage assessment, as submitted to the Council and validated by the Council on 23rd December 2014 did not comply with the requirements of paragraph 128 of the NPPF. [Finding 25]

26) The application’s heritage impact assessment is very partial in its coverage and demonstrably under-represents many issues and impacts, rendering it significantly flawed and unreliable. As such, it did not comply with the requirements of paragraph 128 of the NPPF. [Finding 26]

27) The conclusions of the application’s heritage impact assessment are not credible, resulting from a thoroughly inadequate assessment and understanding of the nature and value of the local historic environment and a partial and skewed assessment of impacts and effects thereon. [Finding 27]

28) As with the Showell Farm application, the Council’s Senior Conservation Officer appears so far to have responded to the application with a ‘light touch’. While the three concerns that she has expressed about with the development proposals are entirely valid, there are other equally significant issues with the heritage evidence base and impact assessment of the application that have been overlooked. It is a matter of considerable concern that to date the weaknesses and flaws in the application’s heritage case, and its lack of compliance with paragraph 128 of the NPPF, have not been comprehended. If the Council were to determine the application on the basis of the heritage assessment provided in the application’s ES, there is a very significant likelihood that it would fail to comply with its duties imposed under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. [Finding 28]
3 Wiltshire Council’s Policy: Strategic Area E and Its Heritage

3.1 General background – Wiltshire’s Core Strategy and related documents

3.1.1 The County’s general approach to heritage

Wiltshire Council’s Core Strategy, forming a key part of the County’s Local Development Framework was adopted in January 2015. Its Foreword noted that:

‘To meet the needs of Wiltshire’s communities we have prepared a development plan that provides for the new jobs required by our economy and the new homes for our growing and ageing population whilst balancing the need to protect the environment. This plan, the Wiltshire Core Strategy provides up-to-date strategic planning policy for Wiltshire and covers the period up to 2026.

[...]

The real test of the Core Strategy will be delivering the new jobs and homes, whilst providing for high quality design, infrastructure, environmental and community benefits.’

In respect to the County’s heritage, in its Introduction (section 1.16) the Core Strategy observes:

‘Wiltshire has one of the richest and most varied natural, historic and built environments to be found across the country. The evidence upon which this strategy is based clearly indicates that the quality of the environment is a key competitive advantage for Wiltshire in terms of attracting investment. While other parts of the country may have more readily available developable land, it is the quality of life that is a key attractor to investment in Wiltshire. Put simply the way that Wiltshire looks, is a key strength and the rich environments and heritage will be managed to act as a catalyst for the realisation of this strategy and not a barrier to it. This means the careful stewardship of our environmental assets so that growth is complimentary and does not erode the very qualities that make Wiltshire so attractive in the first place.’

This general approach to its historic environment is reiterated in section 2.17 of the document and in its spatial vision (section 3.1).

3.1.2 The Core Strategy’s Strategic Objective 5 and Core Policy 10 for Chippenham

Strategic objective 5 within the adopted Core Strategy (sections 3.8 & 3.9) is entitled ‘Protecting and enhancing the natural, historic and built environment’ and reflects the Council’s intention inter alia that:

‘Wiltshire contains some outstanding built heritage which is an important asset to be safeguarded and which should be reflected in new development. Well designed developments help to provide a sense of place, add to local distinctiveness and promote community cohesiveness and social well-
being. New development will need to respect and enhance Wiltshire’s distinctive characteristics. Wiltshire also has a rich historic environment...These sites will be protected from inappropriate development.’

Amongst the promised outcomes of the strategy are that:

- ‘Features and areas of historical and cultural value will have been conserved and where possible enhanced, including the sensitive re-use of historical buildings will have taken place where appropriate.
- Wiltshire’s distinctive built heritage will have been used as the inspiration for new developments.’

Core Policy 10 of the document sets out the spatial strategy for the Chippenham Community Area. This requires that:

‘Over the plan period (2006 to 2026), 26.5 ha of new employment land (in addition to that already provided or committed at April 2011) [and in a footnote it was recorded that the Showell Farm employment site was in this sense ‘not included as a site with planning permission’] and approximately 5,090 new homes will be provided. At least 4,510 should occur at Chippenham.

Allocations at Chippenham will be identified in the Chippenham Site Allocations Development Plan Document (DPD) and will accommodate approximately 26.5ha of land for employment and at least 2,625 new homes. The DPD will set out a range of facilities and infrastructure necessary to support growth. Areas for growth and site allocations within the DPD will be guided by the following criteria:

1. The scope for the area to ensure the delivery of premises and/or land for employment development reflecting the priority to support local economic growth and settlement resilience

2. The capacity to provide a mix of house types, for both market and affordable housing alongside the timely delivery of the facilities and infrastructure necessary to serve them;

3. Offers wider transport benefits for the existing community, has safe and convenient access to the local and primary road network and is capable of redressing transport impacts, including impacts affecting the attractiveness of the town centre

4. Improves accessibility by alternatives to the private car to the town centre, railway station, schools and colleges and employment

5. Has an acceptable landscape impact upon the countryside and the settings to Chippenham and surrounding settlements, improves biodiversity and access and enjoyment to the countryside

6. Avoids all areas of flood risk (therefore within zone 1) and surface water management reduces the risk of flooding elsewhere.’

From a heritage perspective, it is noticeable that, despite the Core Strategy’s insistence of the critical importance of the County’s historic environment and its associated built/designer cultural heritage
assets (as opposed to natural heritage assets), this was not expressly identified as one of the six criteria guiding selection of areas of growth and site allocations affecting Chippenham in the plan period until 2026. Moreover, this lack of overt recognition of built heritage as a fundamental criterion for selection of the Council’s preferred strategic areas of development ignored the duty imposed on local planning authorities to have ‘special regard to the desirability of preserving’ listed buildings and their settings and significance and to pay ‘special attention...to the desirability of preserving or enhancing the character or appearance’ of conservation areas by the Planning (Listed Buildings and Conservation Areas) Act 1990 [sections 66 and 72, respectively].

3.1.3 Criterion 5 from the Chippenham Strategic Site Assessment Framework

Rightly or wrongly, but perhaps recognising this weakness in the identification of defining criteria in the then unadopted Core Strategy, the Council’s ‘Chippenham Strategic Site Assessment Framework’ [CSSAF], published in December 2014 as part of its ‘Chippenham Site Allocations Plan’ [CSAP], expanded Criterion 5 from the foregoing list beyond its apparent intended focus on landscape, countryside, associated views and ecological biodiversity matters to include ‘Impacts on heritage assets, their setting and archaeological potential’ as an indicator (CSSAF, pg 7), justifying this on the basis that the ‘Quality of the environment will be distinctive by enhancing assets, but development might harm others’. The assessment framework document required that the evidence base brought forward to consider impacts on heritage assets should consist of ‘Features and characteristics identified by type, location and significance [and] Advice on how they may be protected or integrated into a built environment’.

For clarification, none of the other criteria (criterion 1, 2, 3, 4 and 6), as expounded in the Core Strategy and expanded in the CSSAF, involved consideration of Chippenham’s built/designed cultural heritage assets.

Finding 1

Although Wiltshire Council’s Core Strategy adopted in January 2015 gave recognition to the critical importance of its ‘rich and most varied...historic [...] environment’ and despite the acknowledgement in Criterion 5 of the Chippenham Strategic Site Assessment Framework of the importance of ‘impacts on heritage assets, their setting and archaeological potential’, the Core Strategy’s Core Policy 10 for the Chippenham area failed to specify protection of significant components of the historic environment as being one of the six key criterion that would guide its identification of areas for growth and site allocations for development. In this way, the Council’s Core Strategy document ignored the duty imposed on local planning authorities to have ‘special regard to the desirability of preserving’ listed buildings and their settings and significance and to pay ‘special attention...to the desirability of preserving or enhancing the character or appearance’ of conservation areas by the Planning (Listed Buildings and Conservation Areas) Act 1990 [sections 66 and 72, respectively].
3.2 The role of heritage in the Council’s selection of its first preferred strategic area

3.2.1 Introduction: the coverage of the Council’s evidence base at the time of its strategic site selection

The Council’s Site Selection Report [SSR] published in February 2015, again as part of its ‘Chippenham Site Allocations Plan’ [CSAP], refers in its section 2.9 to a ‘series of evidence papers’, which it lists (section 2.10) as:

- ‘Evidence Paper 1: Economy
- Evidence Paper 2: Housing and Community Facilities
- Evidence Paper 3: Transport and Accessibility (Parts 1 and 2)
- Evidence Paper 4: Landscape Assessment
- Evidence Paper 5: Biodiversity
- Evidence Paper 6: Flood Risk and Surface Water Management.’

Of these, Evidence Papers 4 (landscape assessment) and 5 (biodiversity) related to Core Strategy Policy 10 Criterion 5, but the expansion to include heritage matters reflected within the CSSAF did not extend to preparation of a specific evidence paper on the historic environment and heritage assets. The title given for Evidence Paper 4 reiterates the lack of importance placed by the Council on consideration of built cultural heritage as a criterion for its strategic site selection. Evidence Paper 4 was prepared for Wiltshire Council by consultant, TEP (The Environment Partnership), and was completed in December 2014. QA annotations on an inner page of the report indicate that, within TEP, it was written by Tim Johns (‘TJ’), checked by Tracy Snell (‘TS’) and approved by Ian Grimshaw (‘IJG’). If this attribution, based on TEP’s People web page, is correct, then none of the three principal personnel mentioned as being associated with preparation of the report are built heritage specialists: Tim Johns is listed as a Principal Consultant specialising in ‘Green Infrastructure’; Tracy Snell is a Principal Landscape Architect; while Ian Grimshaw is identified as a landscape manager and planner. Moreover, it is instructive that the evidence paper’s introduction describes it specifically as ‘a landscape setting assessment’ (section 1.1) before explaining (section 1.2) that:

‘There are numerous factors that the Council will need to take into account before determining which land should be taken forward for development. Landscape setting forms one element.’

In short, built cultural heritage, which cannot simply be regarded a subset of ‘landscape setting’ (and may have very different interests to it), is not given any visibility in the evidence paper’s introduction, even when discussing its aim, which is described as being:

‘...in broad terms is to identify key landscape and visual characteristics of land around Chippenham and the key sensitivities and capacity of the settlement’s landscape setting, and the setting to some of the outlying villages to accommodate development.’

None of the foregoing is intended to imply that built heritage was not considered during preparation of the various evidence papers, but it does strongly suggest that, subconsciously or otherwise, it was regarded as being subordinate to landscape setting and therefore was not subject to the special regard or attention required under the Planning (Listed Buildings and Conservation Areas) Act 1990.
Subsequent to the Council’s selection of its preferred strategic areas and related sites in February 2015, two of these six evidence papers (EPs 1 and 5) were revised. Inside the covers of the revised versions, both dated July 2015, it is stated unequivocally that:

‘This is one of 7 evidence papers prepared to support the development of the Chippenham Site Allocations Plan. The evidence papers are:

- Evidence Paper 1: Economy
- Evidence Paper 2: Housing and Community Facilities
- Evidence Paper 3: Transport and Accessibility (parts 1 and 2)
- Evidence Paper 4: Landscape Assessment
- Evidence Paper 5: Biodiversity
- Evidence Paper 6: Flood Risk and Surface Water Management
- Evidence Paper 7: Heritage Assets

The evidence in these papers need to be read as a whole in order to gain a clear picture of the emerging preferred areas for development and thereafter the preferred sites within those areas.’

It is unclear why these evidence papers were being updated after the Council’s strategic area and site selections had been made, since the final sentence quoted above could be taken as implying that the revised content of Papers 1 and 5 and the whole content of Paper 7 had been taken into account in the process of selecting ‘preferred areas for development and thereafter the preferred sites within those areas’. Conversely, looked at another way, a further implication from this same wording is that, without ‘Evidence Paper 7: Heritage Assets’, a ‘clear picture’ could not have been obtained of the preferred areas and the preferred sites therein during the Council’s selection process. In fact, Evidence Paper 7 was not prepared until July 2015, 5 months after the completion of the selection process and the announcement of the preferred strategic areas and sites. Indeed, even in December 2015, this extra evidence paper, although mentioned in passing on one webpage on the Council’s website, seemed not to be available in the public domain, despite extensive searches, and had to be obtained through an email request to Council officers.

In view of the above, it is not intended that this critical appraisal should examine in detail the content of Evidence Paper 7: Heritage Assets, since that would blur appreciation of the evidence relied upon by the Council in selecting its preferred strategic area for development. However, in passing, it is worth noting that EP7’s stated purpose (its paragraph 1.12) was to ‘bring together the existing evidence on the historic environment in and around Chippenham into one easily accessible document and inform the way in which the draft [Chippenham Site Allocations] Plan should respect and enhance that environment’. In doing that, it amalgamated evidence from EP4 with previous evidence prepared in 2011-12 for the Core Strategy process by Land Use Consultants and with that submitted by planning applicants for individual sites. Correctly, it acknowledged that TEP and Land Use Consultants had worked to very different briefs, which affected the conclusions reached in their reports. Of course, the same might and should be said of the evidence submitted by planning applicants. As a result of amalgamation of evidence from different sources, in preparing EP7 in July 2015, the Council integrated evidence, assessment and mitigation proposals from the Rowden Park application (section 5 of this report) into its own evidence paper at its sections 4.28-4.35. This could be seen as an unusual step
and, in view of significant flaws identified in the Rowden Park application’s heritage case below (section 5 of this report), an unsound one. Overall, EP7 constituted a rehashing and recycling of existing evidence, an attempt to bring together somewhat incompatible data, rather than a new look at Chippenham’s historic environment. It did not improve understanding and, by accepting flawed data without reconsideration or challenge, it simply compounded past errors.

**Finding 2**

According to the Council’s own statement in two of its evidence papers, without the content of Evidence Paper 7 on Heritage Assets’, a ‘clear picture’ could not have been obtained of the preferred areas for development and the preferred sites therein. However, Evidence Paper 7 was not prepared until July 2015, 5 months after the completion of the selection process and the announcement of the preferred strategic areas and sites. It must be concluded, therefore, that a clear picture of heritage assets was not available at the time that the decision of preferred areas and sites for development was made.

### 3.2.2 The underlying available evidence on heritage in February 2015 – general observations on the scope and methodology underlying Evidence Paper 4

As has already been noted, TEP’s Evidence Paper 4 ‘Chippenham Landscape Setting Assessment’, which was finalised in December 2014 provided the heritage evidence base for the Council’s decision making on its preferred strategic areas for development and, with those areas, its preferred strategic sites for development. As we have seen, subsequently, a seventh paper – specifically dedicated to heritage assets – was prepared and published in July 2015, but this cannot have influenced the decision making process in February 2015. As is to be expected, there was no heritage content within the other evidence paper available in February 2015 that was linked to Core Policy 10 Criterion 5 – namely, Evidence Paper 5: Biodiversity – except in so far as that paper provides evidence on the ecological aspects of heritage assets, such as the agricultural nature and the character of the open land in Rowden Conservation Area, the significance of derelict agricultural buildings (which may nonetheless be heritage assets) for roosting bats, and the ‘ideal opportunity’ the conservation area represents for ‘informal recreation and interpretation of the importance of the landscape for wildlife’.

As we have also already observed, TEP’s Introduction within Evidence Paper 4 revealed clearly the focus placed in it on landscape setting assessment and the related subservience of built/designed cultural heritage within TEP’s (and the Council’s) approach.

Evidence Paper 4 does not provide any express information about the brief given to TEP by the Council to steer its preparation of the document. However, indirect clues in its Appendices B and C indicate that the commission must have been awarded to TEP in late June or early July 2014. This correlates with online evidence of the publication of the tender notice for the ‘landscape assessment’ contract on 29th May 2014. TEP’s ‘Projects’ area on its web site reinforces the emerging indication that the brief concentrated on landscape not heritage issues. Unlike its summaries of other commissions for Wiltshire Council, which make passing reference to listed buildings and conservation areas, TEP says of its work on the ‘Chippenham Landscape Setting Study’:
‘TEP identified landscape and visual characteristics of land around Chippenham and surrounding settlements to define what gives them a sense of place. The study identified the landscape and visual characteristics of land around Chippenham and the capacity of that land to accommodate change in the form of development.

Guidance was provided about where and how development could best be managed to minimise adverse effects on landscape and views. This included recommendations on landscape, townscape, visual character and key qualities to be safeguarded.’

Heritage receives no mention and at best must be read as an ancillary subset of landscape and visual characteristics. Moreover, in summarising its team’s work for Wiltshire Council on ‘a variety of landscape assessments’, including that for Chippenham, the practice confirms that:

‘TEP’s work has been led by a small team of very experienced landscape architects who specialise in landscape sensitivity and capacity analysis, adopting the principles set out in Guidelines for Landscape and Visual Assessment Third edition (GLVIA3) and Techniques and Criteria of Judging Capacity and Sensitivity (Landscape Character Assessment, Topic Paper 6).’

There is no suggestion of any key contribution made by cultural heritage specialists or the application of principles and guidance relevant to built/designed cultural heritage assessment and the web page’s ‘Services’ side bar does not flag the project as one in which the TEP service ‘Historic Environment & Archaeology’ had significant involvement.

Without belabouring the point, an identical message is received from the methodology used in the assessment, which is described in the Evidence Paper’s sections 2.3-2.5:

‘The method comprises three main stages. Firstly a baseline study to establish an understanding of the existing conditions of Chippenham and its outlying settlements. The second stage involves an analysis of landscape sensitivities considering key approaches to Chippenham, townscape and landscape role and function and the identification of special qualities to be safeguarded. The final stage identifies which strategic areas can best accommodate development and which special qualities require safeguarding, mitigation or potential enhancement.

The assessment will be undertaken in accordance with guidance contained in:

- The Guidelines for Landscape and Visual Assessment, Third Edition (Landscape Institute and Institute of Environmental Management and Assessment 2013 (GLVIA3))’

This was a landscape assessment undertaken by landscape specialists following landscape assessment principles and guidance. Any heritage content was essentially incidental and not necessarily informed by heritage industry best practice or guidance available in the second half of 2014, such as:
English Heritage’s ‘Conservation Principles, Policy and Guidance’ (2008),

English Heritage’s ‘Understanding Place: Conservation Area Designation, Appraisal and Management’ (2012),

English Heritage’s ‘Understanding Place Historic Area Assessments: Principles and Practice’ (2010) and its sister publication from the same year, ‘Understanding Place: Historic Area Assessments in a Planning and Development Context’ (both of which were revised in 2012 to take account of the publication of the National Planning Policy Framework),

The cultural heritage adaptation of the Landscape Institute’s LVIA guidance set out in English Heritage’s ‘Seeing History in the View’ (2011; pages 18-25 and Tables 1-5), or, for instance,

The Environmental Assessment cultural heritage chapter (HA 208/07) in the ‘Design Manual for Roads and Bridges’ published by the Highways Agency et al (2013) – a methodology sponsored from within central Government that has the added benefit of having been subjected to scrutiny within the planning system, including Public Inquiries, and, as a result, that has been adopted for use by amongst others, English Heritage, when dealing with sensitive impact assessments of heritage assets.

It is not that the landscape assessment approach was inappropriate for dealing with the generality of heritage issues in the Chippenham area. It was not and is not. However, the complete absence of reference to historic environment and heritage interests and guidance in the methodology for Evidence Paper 4 is revealing. As different example of the same issue, as we have seen, the Evidence Paper’s section 2.4 cites ‘Landscape Character Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity’ as a guiding document for the assessment process, but overlooks Topic Paper 5 in the very same series on ‘Understanding Historic Landscape Character’, written on behalf of the Countryside Agency and Scottish Natural Heritage by English Heritage and Historic Scotland and ‘exploring the relationship between Landscape Character Assessment and Historic Landscape Characterisation/Historic Land-use Assessment’. Among the important guidance this second topic paper contains is the recognition that (paragraph 29):

‘HLC/HLA [that is, Historic Landscape Characterisation/Historic Land-use Assessment] character assessment is complementary to Landscape Character Assessment, not least because it uses a Landscape Character Assessment-type approach. However, it normally needs to be carried out separately, because it calls for different skills, operates at different scales and tends to have a longer duration. Its facility to inform a Landscape Character Assessment is only one of its purposes, because HLC/HLA has wider uses than landscape planning and management, notably underpinning all aspects of historic environment management, not just at landscape scale. It is important, however, that HLC/HLA is integrated with Landscape Character Assessment...to produce more holistic far-reaching landscape understanding and appreciation.’

There can be little doubt that the wider landscape context to Chippenham constitutes a historic landscape (and this will be explored further below). Indeed, specifically in Area E and as TEP records in its Appendix A: ‘Chippenham – historic development’ to Evidence Paper 4 under the heading ‘Role and function of landscape’ (sections 7.4.1-7.4.2):
‘A large portion of Strategic Area E is within Rowden Conservation Area. The Conservation Area appraisal notes that the extension of the conservation area boundary in 1996 “was to include a large part of the lands within the River Valley in view of the history associated with the area. As well as the small group of buildings forming the Rowden Farm settlement, the Conservation Area consists of farmland, bisected north/south by the river Avon.

“The Conservation Area of Rowden exhibits the unusual combination of an intensely rural and agricultural domain surrounded by the peripheral development of a large town. The topography of the area seems to make Rowden Farm, as the historic focus of the Conservation Area, both visible and vulnerable from development into the general field of view. By virtue of its protected river valley nature, it is one of the two green fingers of countryside that follow the line of the river Avon right into the centre of Chippenham.”

This landscape has been designated for protection by the Council as a heritage asset because of its historic character, interest and importance. It might appropriately and beneficially have been assessed using Historic Landscape Characterisation/Historic Land-use Assessment methodology, given the overwhelmingly long term importance of the task at hand. The Evidence Paper fails to reflect this possibility and any consideration thereof by the Council and its appointed consultant.

**Finding 3**

The Council’s Evidence Paper 4, on which it relied for heritage baseline information and impact assessment, was a landscape assessment undertaken by landscape specialists following landscape assessment principles and guidance. Heritage was not a primary focus of the Evidence Paper, which even failed to apply historic landscape characterisation approaches where these were appropriate. Any heritage content in Evidence Paper 4 was essentially incidental and not necessarily informed by heritage industry best practice or guidance available in the second half of 2014.

### 3.2.3 The underlying evidence on heritage – Strategic Area E

In line with the foregoing, the assessment made of Strategic Area E in Evidence Paper 4 is a landscape assessment not a heritage assessment. No attempt is made to assess the significance of the local historic environment in Area E as a totality; the historic landscape character is not considered; there is no assessment of ‘the history in the view’.

The assessment of heritage within Area E is covered in four places within the evidence paper:

a) In section 7 of Appendix A: ‘Chippenham – historic development’;

b) Within section 5.0 ‘Development Capacity Recommendations’ on five A3 pro-formas under the subheading ‘Site Ref: Strategic Area E’ located between pages 45 and 46 in the main report;

c) Within the ‘Summary of Findings’ (sections 6.40-6.46, pages 58-61); and,

d) In Appendix D: ‘Response to Wiltshire Council regarding assessment of Strategic Area E’. 
a) The baseline assessment in Section 7 Appendix A: ‘Chippenham – historic development’

Section 7.1 of Appendix E to the evidence paper identifies designated heritage assets within Strategic Area E as follows:

‘There are six designated heritage assets within the approximate Strategic Area E:

- One Conservation Area; Rowden Conservation Area
- One Scheduled Monument; Moated site and fishponds south east of Rowden Farm
- One grade II* listed buildings; Rowden Farmhouse with barn, outbuilding and gate piers attached
- Three grade II listed buildings:
  o 1198642 Stable at Rowden Farm
  o 1363912 Barn at Rowden Farm
  o 1363969 Patterdown Farmhouse

A further designated asset, Chippenham Conservation Area, is not within the approximate Strategic Area E but is adjacent to it.’

This is factually, arguably significantly, incorrect. Drawing D4646.020F forming the last of five A3 pro-forma pages in TEP’s main report (located between pages 45 and 46) purports to show Strategic Area E. The shaded area representing Area E on that plan contains three further grade II listed buildings over and above those identified in section 7.1 of Appendix A, these being:

- Showell Farmhouse (list entry no. 1022145)
- Granary to the south of Showell Farmhouse (list entry no. 1363926)
- Barn to south east of Showell Farmhouse (list entry 1198151)

These were variously listed in 1960 and 1987, so were designated at the time that the evidence paper was being prepared. It is unclear why they are excluded from the baseline analysis in Appendix A when the area of these listed buildings is actually ringed on the plan and annotated ‘Listed building (setting around buildings important to retain).

Conversely, if the area identified by TEP on Figure 2 of Evidence Paper 4 as the study area for Strategic Area E were used for this baseline assessment (which arguably would be normal practice), numerous additional listed buildings should have been included as designated heritage assets within the Area.

Moreover, as noted above, section 7.1.2 of Appendix A to Evidence Paper 4 states that ‘A further designated asset, Chippenham Conservation Area, is not within the approximate Strategic Area E but is adjacent to it’. If the area shown on TEP’s drawing D4646.020F is considered, this is true; if the study area shown on Figure 2 is used, this claim is incorrect, for part of Chippenham Conservation Area lies well within the marked study area for Area E. However, perhaps most pertinently, the Council’s own plan of its preferred first strategic area (Option E1 on Figure 4 within the SSR) shows a long finger of land running north absorbing part of the designated Chippenham Conservation Area. Thus, in contradiction to the statement made in section 7.1.2 of Appendix A to the evidence paper, the
Chippenham Conservation Area is a further designated heritage asset which lies partly within Strategic Area E and the baseline evidence should have indicated as such.

Finding 4

Evidence Paper 4’s baseline assessment of designated heritage assets lying within Strategic Area E is badly flawed, failing to identify at least four, but arguably many more, designated assets within the baseline assessment. Accordingly, the Evidence Paper’s assessment significantly under-represented the value of Area E’s historic environment and, again, ignored the duty imposed on local planning authorities to have ‘special regard to the desirability of preserving’ listed buildings and their settings and significance and to pay ‘special attention...to the desirability of preserving or enhancing the character or appearance’ of conservation areas by the Planning (Listed Buildings and Conservation Areas) Act 1990 [sections 66 and 72, respectively].

As TEP’s response to Wiltshire Council in Appendix D recognises, the NPPF requires attention be given to the effects of development on the settings of heritage assets, including those that will not receive direct physical impacts from the development themselves. This is because (NPPF paragraphs 132 and Annex II (definition of ‘setting’) respectively):

‘Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting’, and,

‘Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.’

Furthermore, paragraph 129 of the NPPF requires that:

‘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 assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.’

Aside from a discussion in the Appendix D ‘response’ about the impact of development of Area E on part of the setting of the Rowden Conservation Area and the listed Rowden Manor, which will be evaluated further below, Evidence Paper 4 and its relevant appendices contain no reference to these other heritage assets (whether designated or non-designated), lying around the periphery of Area E, whose settings may receive adverse impacts from the strategic development in ways that harm indirectly the significance of the heritage assets themselves (for example, the potential effect of development on the setting of Lackham House to the south as viewed from Naish Hill). Patently, identification of such heritage assets should have taken place in the baseline assessment and potentially affected assets should have been recorded in sections 7.1 (for designated assets) and 7.2 (non-designated assets) in Appendix A. The number of assets missing from the baseline assessment of the historic environment as a result of this failing depends upon the boundaries for Area E that are selected (as per the discussion above). At a minimum, taking the area shaded green on TEP’s A3 pro-
forma drawing D4646.020F (the final insert between pages 45 and 46 of the main evidence paper) as representing Area E, TEP’s Figure 3 suggests perhaps a further seven or eight designated assets (all listed buildings) lie in sufficiently close proximity to the boundary to have been recorded in section 7.1 of Appendix A, to which must be added an unknown number of non-designated assets. If a wider area is taken for strategic area E, a far greater number of potential receptor assets have gone unrecorded in the baseline assessment.

**Finding 5**

The baseline assessment failed to consider and identify designated and non-designated heritage assets around the periphery of Area E, whose settings would receive adverse impacts from the strategic development in ways that would harm indirectly the significance of the heritage assets themselves. In this, the Council failed to comply with the requirements of Government policy, as set out in the NPPF.

Section 7.2 of Appendix A deals with ‘known non-designated heritage assets’ lying within Area E. As noted in the previous paragraph, TEP has failed to identify non-designated assets lying outside the boundary of area E whose settings may be adversely affected by the development. This should be taken as read and will not be commented upon again.

Regarding non-designated assets lying within the area, the evidence paper reports (sections 7.2.1 and 7.2.2):

‘There are 16 non-designated heritage assets within the approximate Strategic Area E:

- Evidence for Neolithic settlement at Showell Nurseries
- Evidence for Bronze Age settlement at Showell Nurseries and south of Rowden Farm
- An Iron Age and Roman settlement site at Showell Nurseries
- Rowden Farm medieval site
- Two post medieval linear features north and west of Rowden Farm
- Three World War II Pillboxes

‘The baseline evidence summarised above indicates a high potential within Strategic Area E for heritage assets with archaeological interest dating to the prehistoric, Roman and medieval periods. These assets are likely to range in heritage significance, but the Roman settlement is potentially of high heritage significance, equivalent to a scheduled monument. The medieval site at Rowden Farm is associated with a scheduled monument and could also be of equivalent significance.’

There are several problems with TEP’s baseline assessment of non-designated heritage assets. The key to understanding why the analysis is deficient lies in the subsection’s heading ‘known non-designated heritage assets’. Use of the word ‘known’ implies the list of non-designated heritage assets was compiled from one or more specific sources, which, unacceptably, TEP did go on to identify in the Appendix. The content of the list in section 7.2.1 and the normal anticipated starting point for identification of non-designated assets would suggest that a single source, the Wiltshire and Swindon
Historic Environment Record [HER], was consulted in order to identify affected non-designated heritage assets.

Stepping back for a moment from the content of the list of such assets provided in section 7.2.1 of Appendix A, it can be noted fairly that the Council’s strategic area and site selection process, which drove production of the evidence paper, foreshadowed wide ranging and permanent transformation of the historic environment in any area that was finally identified and selected as the preferred strategic area for development. In such circumstances, it was essential that rigorous professional efforts were made to identify the full extent of heritage assets (both designated and non-designated) that would be affected and to understand and quantify the likely effects of the strategic development.

At the time that TEP was preparing Evidence Paper 4, Government heritage policy for England was set out in the NPPF, but associated guidance relied on the Practice Guide to the NPPF’s policy predecessor, PPSS, which officially remained in force. In regard to non-designated heritage assets, the PPSS Practice Guide explained:

‘Some non-designated assets, such as buildings of good local character or sites of archaeological interest, are of heritage significance but not at a level that would pass the threshold for national designation. Such assets can, singularly and collectively, make an important, positive contribution to the environment. The desirability of conserving them and the contribution their setting may make to their significance is a material consideration, but individually less of a priority than for designated assets or their equivalents...The requirements for recording and understanding any such assets that are to be lost...apply to these assets just as they do to designated assets, although the requirement imposed upon any permission will need to be proportionate to the nature and lower level of the asset’s significance.’

The Practice Guide also noted that local planning authorities could identify such non-designated heritage assets formally through processes such as local listing, while they also ‘hold evidence of a wide range of non-designated heritage assets in their areas through the information held on their Historic Environment Records’. However, neither the then-still-in-force PPSS Practice Guide nor the NPPF suggest, as would seem to have happened in this case, that non-designated heritage assets only need to be considered materially if they are recorded on the County Historic Environment Record [HER]. In fact, the NPPF makes clear (paragraph 128) that consultation of the HER is the ‘minimum’ requirement for assessment, whatever circumstances are involved, but in this case, given the considerable import of the strategic area and site selection process, more rigorous, extensive and thorough efforts to identify potentially affected non-designated assets must surely have been an essential pre-requisite of an appropriate and robust evidence base. Indeed, that was made even more important, given that it had already been recognised by Wiltshire Council that its evidence base on its historic environment was deficient and did not meet fully with the NPPF’s stipulation (paragraph 169) that:

‘Local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment. They should also use it to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the
future. Local planning authorities should either maintain or have access to a historic environment record.’

In February 2013, the Council had agreed a Statement of Common Ground with English Heritage relating to the Council’s Core Strategy, which inter alia implicitly acknowledged that the Council lacked adequate information on non-designated heritage assets by jointly asserting that:

‘The anticipated Heritage Guidance will provide details on heritage issues in Wiltshire; including the endorsement of establishing a new local heritage list, in line with English Heritage’s Good Practice Guidance (May 2012).’

Fittingly, the Statement of Common Ground also reflected common acceptance that the Council’s area strategies needed to be informed by ‘evidence documents such as The Historic Landscape Assessment January 2012 and Salisbury Historic Environment Assessment, April 2009’. The same, therefore, should have been true of TEP’s baseline assessment, which was to inform area strategies, rather than relying upon the HER, which by common acknowledgement did not amount to a local list as far as identification of non-designated heritage assets was concerned.

Writing in December 2015, it is problematic verifying the full content of an HER search of Area E (even given uncertainties on the boundaries of Area E to be applied) made in say August 2014. That is because additional information and records have been added to the HER in the interim and the online version of the HER does not record the dates on which this was done. Furthermore, for reasons which are unclear, TEP has seemingly carried out some form of grouping of the sixteen non-designated assets they identified, as well as leaving out their HER reference numbers, so that many of the individual HER entries are far from obvious. What can be said is that the ‘Rowden Farm medieval site’ included in the list in section 7.2.1 of Appendix A is presumably HER reference no. MWI5239. If so, this is actually an entry for the Rowden moated courtyard house that was demolished in 1645. Its moat survives along with associated fishponds and, together with the archaeological remains of the demolished mansion, these constitute a scheduled monument (ref. 12036). Accordingly, this is a designated heritage asset not a non-designated one. The other thing which is immediately apparent from TEP’s consolidated list of non-designated sites is that, bar three WWII pill boxes, there are no built/standing structures included as being – to paraphrase paragraph 83 of the PPSS Practice Guide - of sufficient good local character to be of some heritage significance, even though not at a level that would pass the threshold for national designation. Even for a rural historic area, this is surprising and unusual, and perhaps especially so since a significant part of the landscape had been designated as a conservation area by the Council in the 1980s and 1990s ‘in view of the history associated with the area’. It brings us back to the fundamental point that simply consulting the HER as a means of identifying non-designated heritage assets that might be affected by the strategic development within Area E was not good enough. Detailed site analysis and research into and use of primary and secondary documentary sources of information (as English Heritage had advised in 2013) was also essential.

Even a cursory visual inspection of Area E would have revealed an interesting dispersal of nucleated pre-20th century farmsteads, such as Showell Farm, Milbourne Farm, Rowden Farm and Lower Lodge Farm, in the landscape. Existing buildings on some of these farms are listed, which should have alerted a professional viewer on a site inspection to the likelihood that other such farmsteads were likely to
contain further buildings of good local character falling short of list-able quality – in other words, non-designated heritage assets. Moreover, the scattering over the landscape of these historic farmsteads suggests that as built groupings they might well be of sufficient significance to be considered non-designated assets for the evidence they patently provide of substantively surviving traditional patterns and arrangements of land use. All that is apparent from a very rapid visual assessment of the area from different vantage points. However, there is another more striking reason that all this should have been evident to the Council and its consultant, TEP. In June 2014, Forum Heritage Services’ major report for English Heritage and Wiltshire Buildings Record, ‘Wiltshire & Swindon Farmsteads & Landscape Project’ was published, building on Wiltshire and Swindon Farmsteads Guidance prepared by the Council and English Heritage and related documentation produced since 2012. As the Council’s own Wiltshire and Swindon History Centre web site recognises:

‘Traditional farmsteads and buildings are heritage assets which make a significant contribution to both local distinctiveness and, through a diversity of uses, to local communities and economies. English Heritage has supported Wiltshire Council in developing guidance to help assess the issues for change and, also with the Wiltshire Buildings Record, their historic character and significance. Wiltshire Council and Swindon Borough Council intends to adopt these documents as informal planning guidance in due course, further to consultation and following the adoption of both Council’s Core Strategies.’

An entire raft of documentation on these farmsteads - including the four mentioned above as examples and others within Area E, as well as on its periphery – was in the public domain and available to the Council and TEP at the time Evidence Paper 4 was being commissioned and then during its preparation. Much of this work, which includes assessments of significance of individual (unlisted) buildings, was seemingly in part commissioned and/or funded by the Council. It is noted above that additional entries relating to non-designated heritage assets in Area E (and elsewhere) have been included on the HER in the past year to eighteen months. In fact, these amount to a considerable number of individual standing farmstead buildings, surviving farmstead ensembles, and buried/archaeological traces of demolished farmsteads and outfarms. Most, if not all, should have been included in section 7.2.1 of Appendix A, and, together would have transformed the evidence being presented on the quality and character of the local historic environment in Area E.

Such built non-designated heritage assets have settings, which may contribute to their significance, just as designated assets do. Again, these settings have not been mentioned or assessed in this section or elsewhere in the Evidence Paper.

**Finding 6**

*Just as with the baseline assessment of designated heritage assets lying within Strategic Area E (see Finding 4), Evidence Paper 4’s identification of non-designated heritage assets within Strategic Area E is seriously deficient. It fails to consider the likelihood of existence of assets that were not previously recorded on the HER and overlooked entirely the results of long running major research on traditional farmsteads within the historic landscape that was available at the time and had seemingly in part been commissioned and/or funded by the Council. Again, in this way, the Evidence*
Paper’s baseline assessment significantly distorted and under-represented the value of Area E’s historic environment.

Section 7.3 of Appendix A covers the historic landscape character in two short paragraphs. It simply mentions field patterns north of Rowden Farm suggestive of ‘more formal post medieval enclosure, [which] could result from parliamentary enclosure of land’ and the predominance of ‘informal, earlier post medieval enclosure’ in the fields to the south of the farm, and finds that ‘There is very little change in the field boundaries between [18th and 19th century] mapping and the modern field pattern’. No conclusion is drawn from this (for example, that the modern landscape therefore represents a strong survival reflecting land use patterns from the 17th and 18th century and, as with section 7.2.1, there is no consideration of the substantive survival of a pattern of farmsteads within this historic landscape.

Section 7.4 of Appendix A provides a summary and conclusions to the baseline analysis of Area E’s historic environment’, with the ‘Role and function of landscape’, ‘Special qualities to be safeguarded’, and ‘Likely effects of development’ covered in two short paragraphs each.

The ‘Role and function of landscape’ (sections 7.4.1 and 7.4.2) comprises a quotation from the Rowden Conservation Area Statement prepared in 1996 when it was separated from Chippenham Conservation Area and extended to include a large area of the landscape in today’s Strategic Area E surrounding Rowden Farm. It is true that the Council’s reasons for including this considerable strip of countryside in the newly separated conservation area are important, not the least because it demonstrates the Council’s strength of feeling in the mid-1990s that this historic landscape was so important and its protection so critical that it felt able to take such a step contrary to published guidance at the time. PPG15, the equivalent of today’s NPPF, which became Government policy in 1994, advised (section 4.6):

‘...designation is not likely to be appropriate as a means of protecting landscape features, except where they form an integral part of the historic built environment...Designation is clearly not a proper means of controlling activities (eg. agricultural operations) which do not fall within the definition of development. Designation may well, however, be suitable for historic parks or gardens and other areas of historic landscape containing structures that contribute to their special interest...’

In its 1996 Rowden Conservation Area Statement, the Council justified its decision with the following key statements:

- The designated area was extended ‘to include a large part of the lands within the River Valley in view of the history associated with the area. As well as the small group of buildings forming the Rowden Farm settlement, the Conservation Area consists of farmland, bisected north/south by the river Avon’.
- Extended in this way, ‘The Conservation Area of Rowden exhibits the unusual combination of an intensely rural and agricultural domain surrounded by the peripheral development of a large town’.
‘The topography of the area seems to make Rowden Farm, as the historic focus of the Conservation Area, both visible and vulnerable from development into the general field of view’.

‘By virtue of its protected river valley nature, it is one of the two green fingers of countryside that follow the line of the river Avon right into the centre of Chippenham’.

Strangely, the subsection of the baseline summary and conclusions on the ‘Role and function of landscape’ contains nothing apart from the extract from the 1996 Conservation Area Statement. It says nothing about the role and function of that part of the landscape in Area E that is not included in the conservation area and it provides no commentary and draws no conclusions from the Conservation Area Statement extract.

The next subsection (section 7.4.3 and 7.4.4) summarises the ‘Special qualities to be safeguarded’. It correctly notes that Area E contains ‘a grade II* listed building and [a] scheduled monument, the land around these assets is also designated a conservation area. This designation is designed to preserve the special interest of the area that, which specifically includes the agricultural land that is associated with, and contributes to the significance of, Rowden manor and farm’. It then records that ‘Strategic Area E has a high potential for heritage assets with archaeological interest dating from the Roman period in the vicinity of Showell Nurseries and from the medieval period in the vicinity of Rowden Farm’. That summary is unarguably true, although in keeping with similar omissions that have already discussed above, it fails to recognise that the area also has high potential for heritage assets with archaeological interest relating to 18th and 19th century farmsteads and outfarms.

Finally, the baseline assessment for Area E seeks to summarise the ‘Likely effects of development’ (sections 7.4.5 and 7.4.6). Despite the high strategic importance of the task in this instance, this does not take the form of a quantified impact assessment as might be found in an Environmental Statement. Instead, the Evidence Paper firstly addresses the effects on buried archaeological assets, noting that development could result in substantial harm being caused to ‘any non-designated heritage asset of high heritage significance’. Then, without provision of any detail or discussion of appropriateness in this instance, it concludes that ‘mitigation of effects on heritage assets with archaeological interest is achievable; either through preservation in situ of discrete areas of archaeological remains and archaeological recording for more widespread remains’.

After this coverage of non-designated archaeological assets (which makes no mention of impacts and effects on the designated scheduled monument and its setting), the Evidence Paper repeats that:

‘Strategic Area E is partly within a Conservation Area, designated to preserve the special historical character of an area of agricultural land with strong associations with Rowden Farm, a medieval manor.’

It makes no assessment of the likely effect of strategic development on Rowden Conservation Area and its significance. Moreover, it fails to consider or mention in any way possible effects of development on the significance of any of the listed buildings, built non-designated assets or Chippenham Conservation Area. It makes no reference to mitigation of the effects of development
other than preservation in situ of ‘discrete areas’ of buried archaeology and recording before destruction of ‘more widespread’ archaeological remains.

**Finding 7**

The summary and conclusions of the baseline assessment set out in Section 7 of Appendix A were exceedingly partial in coverage. They failed to define the totality of the historic landscape character, omitted any reference to the area’s high potential for heritage assets with archaeological interest relating to 18th and 19th century farmsteads and outfarms, and provided an assessment of the likely effects of development and possible mitigation that seriously lacked professional rigour and authority. This ‘summary and conclusions’ was then adopted and used as the direct basis for decision-making on the selection of the Council’s first preferred strategic area for development.

**b) Section 5.0 of the main paper - ‘Development Capacity Recommendations’ for Area E**

Along with a map showing two identified viewpoints: one presenting a good view of Chippenham and the other a more restricted local view (which is presumably intended to demonstrate that Chippenham is not visible from all parts of Strategic Area E), the five A3 pro-forma sheets that together constitute the evidence paper’s ‘Development Capacity Recommendations’ for Area E also summarise:

- Key features of landscape character area
- Strategic Area E description
- Landscape Quality
- Visual Quality
- Landscape Sensitivities/ Qualities to be safeguarded
- Strategic site assessment framework
- Development Capacity/Scope for mitigation
- Recommendations
- Drawing D4646.020F – a detailed plan of and labelled ‘Strategic Area E’.

The built/designed cultural heritage content of the analysis provided on these five sheets is limited and partial, reflecting the fundamental flaws found in the baseline assessment in Appendix A that has already been examined above. The same criticisms on omissions will not be reiterated in unnecessary detail again here.

The strategic area description notes the presence of the Grade II* listed ‘Rowden Manor’ (the listed property is actually ‘Rowden Farmhouse with Barn, Outbuildings and Gatepiers Attached’) and the presence and reasons for designation dating from 1996 of Rowden Conservation Area, but there is no reference to the scheduled monument (the ‘Moated site and fishponds south east of Rowden Farm’), the three listed buildings at Showell (which lie inside the boundaries shown for Area E, and indeed are recorded indirectly as a group, on drawing D4646.020F), Chippenham Conservation Area, any built/standing non-designated heritage assets, or the settings of other heritage assets lying just outside the boundary of Area E, as shown. The description concludes that ‘Preservation and appropriate enhancement of the Conservation Area will be a key consideration in any development proposals going forward in Area E’, but there is no consideration of whether the setting of the conservation area makes
any contribution to its significance and no suggestion that preservation of the settings of other heritage assets might also be an issue for consideration.

The next specific mention of built/cultural heritage matters in this section is under the subheading ‘Landscape Sensitivities/Qualities to be safeguarded’, where it is noted that:

‘Informed by the Chippenham Landscape Setting Assessment, qualities to be safeguarded in Area E include:

- Integrity of River Avon valley and functioning floodplain
- Strong network of mature intact hedgerows which create an enclosed wooded character to the southern part of the area
- Some views towards the limestone ridge of Naish Hill and Bowden Hill
- Setting to Rowden Manor and associated buildings
- Views of roofline/skyline of Chippenham’s historic core, including St Paul’s and St Andrew’s church spires
- Undulating landform of the area, with smaller tributary valleys linking with River Avon valley
- Mortimore’s Wood and strip of woodland north of Showell Farm Nurseries
- Higher level of southern approach compared with Area E, maintaining a separation between the road and proposed development and maintaining views from the road across the wider landscape
- Rural character of southern approach.’

This list of qualities to be safeguarded is interesting and important. In terms of specific mention of built/cultural heritage assets, it is interesting in that it again focuses on the Rowden Farm/Manor complex, but in this case to the apparent exclusion of all other assets (there being no express mention of Rowden Conservation Area in this subsection, despite the earlier comment, noted above, that ‘Preservation and appropriate enhancement of the Conservation Area will be a key consideration in any development proposals…’). However, indirectly the analysis in this list is of fundamental importance, for it acknowledges the key importance of the setting of Rowden Conservation Area in its reference in its final two bullets to the need to safeguard:

- ‘Higher level of southern approach compared with Area E, maintaining a separation between the road and proposed development and maintaining views from the road across the wider landscape
- Rural character of southern approach.’

The ‘southern approach’ (to Chippenham) was carefully defined earlier in this same section under the subheading ‘Visual Quality: Relationship to key approach route’:

‘After the roundabout with West Cepen Way, the approach route generally follows the same contour (50m) by first sweeping west towards the railway and then north towards the southern edge of Chippenham (Patterdown). Following the West Cepen Way roundabout, views into Area E are limited by residential properties near Showell Farm Nurseries, mature trees near Holywell
House and a continuous hedgerow near Milbourne Farm. However, where there are breaks in roadside vegetation there are some open views into the Area. The landform east falls away and therefore the Area is at a generally lower level than the approach route. The railway embankment to the west of the approach is an important feature as it is occupied by mature vegetation and provides a continuous screening feature of the Area from views from the west.’

As defined in Evidence Paper 4, this southern approach undoubtedly constitutes part of the immediate setting of Rowden Conservation Area and the acceptance here that its rural character should be safeguarded, along with the views it affords of the ‘wider landscape’ (being Rowden Conservation Area itself, for, as the description acknowledges, there are no views possible westwards due to the high railway embankment) is patently of considerable importance for any strategic development in the southern/western parts of Area E.

Under the subheading ‘Strategic site assessment framework: Encroachment of development’ it is recorded that:

‘Development could screen views towards the roofline/skyline of the historic core of Chippenham, however the retention of green buffers particularly along the River Avon would help mitigate the loss of some of these views. Development in the northern part of Area E would affect views from parts of Pewsham and Pewsham Way (southeast approach), however views of development could be filtered of screened by increased planting along the River Avon corridor and along the edge and within areas of new development. There is no potential intervisibility between Area E and the southern outlying settlements; Lacock, Derry Hill and Studley.’

That assessment is perhaps not contentious as far as it goes, but it is extremely partial as an assessment of encroachment issues. It fails to consider the impact of development on non-designated assets such as Milbourne Farm (unsurprisingly since the flawed baseline assessment failed to identify their existence, as discussed already) and it also fails to appreciate and examine the possibility of encroachment of development on the rural character of the southern approach to the town and the views across the wider landscape from that road, despite having these identified as being of such importance that they needed to be safeguarded from the effects of development in the immediately preceding pro-forma subsection.

The following subsection ‘Strategic site assessment framework: Impact on heritage assets’ is a shortened version of the already brief ‘summary and conclusions’ from section 7.4 of the Appendix A Vaseline assessment. The deficiencies of this text, including its failure to assess impacts despite the title of this subsection, have already been reviewed above.

Inevitably, being built on the flawed and partial assessments provided by its preceding subsections and Appendix A, in built/cultural heritage respects, the next subsection of section 5.0 on Area E ‘Development Capacity/Scope for mitigation’ reaches unsound conclusions. In stating that the area is:

‘...not generally visually prominent. Development could be accommodated in parts of Area E provided the setting of Rowden Manor is maintained and key features of the River Avon valley are preserved’
The analysis implies that local views are of less or no importance to visual prominence, which in turn negates the importance of locally distinctive character around which much national heritage policy is shaped. It also again demonstrates the Council’s overriding belief that the only heritage asset of value in Area E is the listed building that is frequently referred to the evidence paper as Rowden Manor. Once more this reflects the severe under-representation by the Council of the nature and quality of the local historic environment.

The subsection continues by stating:

‘Given the landscape sensitivities and qualities to be safeguarded the development capacity for the area forming the setting to the listed Rowden Manor and the flood zone associated with the River Avon have been ascribed a low development capacity.’

It is worth noting that nowhere in the baseline assessment or elsewhere in the evidence paper is any attempt made to define the extent of the setting of Rowden Farm (although tight dashed blue circles are shown around the listed complexes at Rowden Farm and Showell Farm on the closing plan in this section and these are ambiguously labelled ‘Listed building (setting around buildings important to retain)’. Rightly or wrongly, there seems an apparent assumption in some text in the evidence paper that the setting of Rowden Farm and the boundaries of Rowden Conservation Area are somehow connected and coincident. Such issues should have been analysed properly in production of strategically important evidence of this kind.

**Finding 8**

Coverage of the built/designed heritage in the description of Area E within Evidence Paper 4’s ‘Development Capacity Recommendations’ is seriously partial in that it:

- Excludes the majority of designated and non-designated heritage assets that are present in the area;
- Fails to consider adequately the foreseeable range of encroachment and impact issues arising from the area’s strategic development;
- Ignores settings issues that might affect the significance of assets; and,
- Considers visual prominence, but not local views within the area or those afforded from vantage points on high ground to the north west and north east.

As a result, the Council severely under-represents the nature and quality of the historic environment in Area E.

The subsection next concludes (without detailed discussion):

‘Whereas the western part of Area E has been ascribed a moderate-high development capacity as relative to some of the other strategic areas, the land is not visually prominent and is screened from views from the west by the wooded Great Western railway embankment. Views from the east are largely screened by the rising landform of Area D.’
Yet again, it is hard to understand (as no explanation is given) how this moderate-high development capacity for the western part of Area E accords with the requirement to safeguard the rural character of the ‘southern approach’ to the town and the views afforded from it across the ‘wider landscape’. On its face, the two would appear to be in conflict. However, in listing possible mitigation as follows, this becomes more apparent:

- ‘Retain rural/semi natural character of the southern approach to Rowden Hill through the retention of hedgerow and trees and potential green buffer (similar effect to Pewsham Way)
- Retain drystone walls on the approach to Rowden Hill
- Retain higher level of southern approach compared to Area E, maintaining a separation between the road and proposed development and maintaining views from the road over development across the wider landscape
- The surroundings of Rowden Manor make a positive contribution to its significance. This contribution is particularly derived from the association between Rowden Manor and the non-designated earthwork remains of a possible Civil War entrenchment to the north of the site, and the designated earthwork remains of a moat to the south of Rowden Manor, as well as the group of listed and non-listed historic buildings and the farmland in which they are experienced.
- The setting of Rowden Manor could be enhanced through the creation of a management plan to safeguard the archaeological interest and appearance of the non-designated Civil War entrenchment and designated moated site. Management options could include the use of the land as pasture and an appropriate grazing regime. Also, to safeguard and manage the rural appearance of the area surrounding Rowden Manor. Guidance on the management of earthwork monuments is provided in “A guidance manual for the care of archaeological earthworks under grassland management, compiled by J N Rimmington, 2004, English Heritage”.
- Ensure that new development does not increase the harsh urban influence on the surrounding landscape through appropriate planting of woodland belts, copses and trees on the edge of built development;
- Ensure any employment development is suitably screened by woodland development and entrances and buildings where visible are more reflective of a rural environment or extended farm than a business/industrial estate. Utilise woodland and hedgerow boundaries to entrance roads to ensure that development is not highly conspicuous from the roadside;
- Retain the mature network of hedgerows and trees within areas of greenspace to provide linkages through development to the wider countryside and retain the distinctive enclosed mature setting to the landscape;
- Use landform and arrange layout of built form to retain long views towards St Andrew’s and St Paul’s Church to the north and views towards the limestone ridge to the southeast;
- Protect the setting of the listed Rowden Manor site
- Potential to extend development as far south as West Cepen Way roundabout
- Area for safeguarding from development to include setting for Rowden Manor and flood zone.’
From this suggested mitigation, it is clear that the ‘rural character of the southern approach’ that is to be safeguarded in any development has been taken by the Council as being nothing more than a protective strip of grass and a barrier to outgoing views formed of a line of mature trees (the ‘similar effect to Pewsham Way’). While, obviously, definitions and perceptions of rural character vary, the Council’s is a very minimalist approach to its nature and safeguarding. It is also at odds with the third mitigation item, that of ‘maintaining views from the road over development across the wider landscape’. Breaks in the tree screening along the road will expose the dense new residential development immediately behind to view (just as happens along Pewsham Way, especially in winter when the housing is particularly evident) and so will dissolve the illusion of rural surroundings. Moreover, the wording of the third mitigation item reveals what can best be termed a sleight of hand to transform the need to safeguard ‘views from the road across the wider landscape’. The ‘Landscape Sensitivity/Quality to be safeguarded’ has been subtly mutated from:

- ‘Higher level of southern approach compared with Area E, maintaining a separation between the road and proposed development and maintaining views from the road across the wider landscape’

...to become a mitigation proposal (with emphasis added) to:

- ‘Retain higher level of southern approach compared to Area E, maintaining a separation between the road and proposed development and maintaining views from the road **over development** across the wider landscape.’

That is a very different prospect!

The analysis in Evidence Paper 4 has iteratively placed emphasis on the claim that this western part of Area E is ‘...is not visually prominent’ and, while it admits there are views into the area itself from the southern approach, the ‘attractive backdrop’ of the wooded limestone ridge to the east of the area has been stressed over and above these local views. Although the immediate landscape to the east of the B4528/B4643, which would seem to be most obvious component of the approach’s rural character and which forms both on this side the immediate setting of Rowden Conservation Area and of the historic farmstead of Milbourne Farm, provides a deep foreground to all such views, the Council’s mitigation proposal envisages that retaining some sight of the eastern hill slope backdrop over the lines of rooftops within the development will be sufficient to comply with the need to ‘maintain’ the existing wider landscape views. There is no consideration within the evidence paper or the SSR about how even this level of visibility of the wider landscape over the rooftops will be maintained, given the adoption of a site configuration with residential development running tight up to the approach road boundary. A green buffer of similar depth to that provided along Pewsham Road would be unlikely to allow for views of the distant hill, for instance.Irrespective of that, to stress once more, the point of relevance to this report is that this landscape is potentially important as the setting to heritage assets and the associated views into, across and out from it may contribute to their significance.
Finding 9

Evidence Paper 4 fails to give adequate consideration to Area E’s rural character on the southern approach to Chippenham, leading the Council to the erroneous conclusion that it can be safeguarded by maintaining a protective strip of grass and a thin barrier of trees similar to that along Pewsham Way. The wording of evidence has been subtly mutated to support the Council’s flawed argument and its failure to consider the relevance of this landscape as an important contributor to the significance of heritage assets in the area.

Mitigation items 4, 5, 10 and 12 in the bulleted list quoted above all deal with the protection of the ‘Rowden Manor’ complex, although the latter two items appear to be little different from the first two in substance. It is proposed that the significance of the listed building and the scheduled monument can be safeguarded from some or all harm (it is unclear what extent of mitigation of harm it is intended will be achieved by this list) by:

- Creation of a management plan that could ‘enhance’ the setting of Rowden Manor, and,
- Establishing a ‘safeguarding from development’ area to protect the setting of Rowden Manor.

These are empty mitigation measures as they stand. Creating a management plan alone will not enhance the setting of the listed building and scheduled monument. That will depend upon controlled implementation and ongoing management of the contents of any such plan. It is presumed that a ‘safeguarding from development’ area in effect means development-free open space. But without positive identification of the extent of the assets’ setting and the boundaries of the intended open space (neither of which are attempted in the evidence paper), it is not safe to assume that this can lead to adequate levels of mitigation.

No mitigation is expressly directed in the list at impacts on Rowden Conservation Area or any other designated or non-designated heritage or their settings.

Finding 10

The need for and nature of any mitigation of impacts on Rowden Conservation Area or any other heritage assets in Area E bar ‘Rowden Manor’ is not considered in the Council’s evidence. The mitigation measures proposed for foreseeable impacts on Rowden Manor are inadequately defined and, as they stand, are empty and insufficiently robust.

Section 5.0 as it relates to Area E concludes with ‘Recommendations’ and the plan of the area. Comments have already been made about the built/cultural heritage content of the plan. There are nine bulleted recommendations. None relate specifically to built heritage or archaeology and the landscape bias of the evidence paper is again apparent. The list ends with a recommendation that ‘Layout of development and street networks to respect landform as a means to contributing to distinctiveness (ie. streets to follow contours)’, but other means of protecting and enhancing local distinctiveness, such as respecting and using particular traditional housing types, materials etc (as NPPF policy would anticipate) were not included as recommendations, despite the likely concentration of development in the setting to a conservation area and up to its boundary.
Finding 11

Notwithstanding the duty imposed on local planning authorities to have ‘special regard to the desirability of preserving’ listed buildings and their settings and significance and to pay ‘special attention…to the desirability of preserving or enhancing the character or appearance’ of conservation areas by the Planning (Listed Buildings and Conservation Areas) Act 1990, none of the ‘Development Capacity Recommendations’ for Area E contained in Evidence Paper 4 related specifically to the area’s heritage, again demonstrating that the Council regarded heritage to be a subordinate matter.

c) Section 6.0 of the main paper - ‘Summary of Findings’ for Area E

The summary of the evidence paper as it relates to Area E is set out in sections 6.40-6.46. With the exception of the paragraph contained in section 6.45, which will be discussed below, this summary comprises nothing more than a reiteration of pieces of text from section 5.0 that, from a heritage perspective, repeats the flaws, omissions, and partial and distorted commentary and analysis that have already been considered above. As a point of information, it should be noted that the recommended mitigation measures for Area E have been reduced in number in this summary, cutting out those contained in bullets 11 and 13 in the preceding section - namely:

- ‘Protect the setting of the listed Rowden Manor site
- Area for safeguarding from development to include setting for Rowden Manor and flood zone.’

Finding 12

The formal summary of findings relating to Area E in Evidence Paper 4 reiterated the substantive flaws in analysis that have been identified in the analysis above, as well as those described in (d) below in relation to its Appendix D.

d) Appendix D ‘Response to Wiltshire Council regarding assessment of Strategic Area E’

Appendix D is hardly tied into the main evidence paper – the only reference to it is found in section 6.45, which notes that ‘A separate paper (at Appendix D) articulates that there would not be substantial harm caused to Rowden Manor if the western part of Strategic Area E was developed.’ By implication, this separate paper was prepared in response to a query or concern expressed by the Council, most probably after consideration of a draft of the evidence paper. The brief for and intention behind the appended paper (beyond its articulation regarding substantial harm) is not recorded.

Paragraphs 1 – 3 of Appendix D set out elements of national heritage policy and definitions relating to the significance of heritage assets and harm thereto. These are a matter of fact (albeit partial in their reproduction) and do not need to be considered further.

Paragraph 4 on the face of it is similarly a recital of policy and fact about harm and the settings to heritage assets, but in fact it contains a mistaken re-statement of policy/fact which needs to be noted. TEP have re-spun the wording of part of NPPF paragraph 132 to state that ‘Significance can be harmed
or lost as a result of development within the setting of a heritage asset, but not all parts of the setting of an asset make a positive contribution to its significance’. As written this re-statement is not ineludibly true – it should read (with emphasis added to highlight the inserted word) ‘...not all parts of the setting of an asset **necessarily** make a positive contribution to its significance’. There are many instances where the setting of a heritage asset in its entirety contributes positively to its significance. Given the manner in which this statement is used, as TEP’s argument is developed in the rest of the Appendix, this is an important differentiation to make.

The ‘cutting edge’ of TEP’s paper in Appendix D is contained in the last sentence of paragraph 4:

‘**Therefore it is the significance of the asset that should be conserved and harm to setting is only relevant where harm to setting would result in harm to the significance of the asset.**’

Undeniably, that is an expression of the position reached by current heritage policy. But as a statement it begs several questions and places considerable emphasis on adequate assessment of the nature of setting, the proper identification of all potential heritage asset receptors, including non-designated heritage assets that can be deduced from proper study but that are not yet recorded on the HER, and the contribution made to significance by setting in every instance. Arguably, this is all the more important where strategic development is concerned and, in this case, these are some of the very fundamental flaws which are evident in the Council’s assessment of the historic environment affected by development in Area E.

Paragraph 5 of Appendix D contains a paragraph of key statements, set out as fact, which are not properly and adequately supported by the baseline assessment and which present a distorted view of built cultural heritage in Area E. It states:

‘**There is little intervisibility between the western part of Strategic Area E where development may be accommodated and the listed building. The building is set low in the landscape and is revealed when approached along the lower land below the slopes. The western part of Strategic Area E are part of its wider setting but contribute very little to the significance of the asset and there would be little harm caused to the setting of Rowden Manor.**’

Firstly, once again, it focuses all attention on ‘**the listed building**’ (by which it means Rowden Farm) and it ignores all other designated and non-designated heritage assets, although the relative significance of all these assets has not been assessed anywhere in the baseline study.

The claim that there is little intervisibility between the western part of Area E and Rowden Farm is unsubstantiated and is to a degree questionable. There is certainly **some**, as opposed to **no**, intervisibility between the western area and the immediate setting of Rowden Farm – after all, the land is essentially flat and low lying, although vegetation does have some impact on intervisibility. However, intervisibility is not the defining attribute of setting. TEP has chosen to quote from page 7 of English Heritage’s 2011 guidance on the ‘Setting of Heritage Assets’ in paragraph 4, but ignored the immediate continuation of the very same text which stresses:

‘[The contribution made by setting to the significance of an asset] **depends on a wide range of physical elements within, as well as perceptual and associational attributes, pertaining to the heritage asset’s**


surroundings. Each of these elements may make a positive or negative contribution to the significance of the asset, or be neutral.’

In other words, intervisibility is but one of many attributes that can result in a setting making a positive contribution to the significance of the ‘core’ asset. English Heritage actually makes this very point as one of its highlighted ‘Key Principles for Understanding Setting’ on page 5 of the same document:

‘The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. They would be considered to be within one another’s setting.’

Basing an argument on the contribution made by a setting to significance on intervisibility alone is a badly flawed approach. Page 8 of English Heritage’s guidance on setting contains an important section on ‘Appreciating setting’. In Area E, a key appreciation of the inter-relationship between the listed Rowden Farm and its landscape setting is obtained not from the farmyard fence, but from vantage points on raised ground around the edge of Area E – for instance, the views from beside Chippenham Community Hospital, from Pewsham Way, and from the southern approach over Milbourne Farm and from north and south of the A350 West Cepen Way roundabout. In the argument put forward in Appendix D, the Council and its consultant have failed to understand or to consider properly the nature of settings and the attributes that could lead to a contribution to the significance of Rowden Farm as a listed building (and, it goes without saying, to that of other designated and non-designated heritage assets that have been omitted from this most partial analysis).

The final statement in paragraph 5 of the Appendix, that ‘The western part of Strategic Area E are [sic] part of its wider setting but contribute very little to the significance of the asset and there would be little harm caused to the setting of Rowden Manor’ is not proven within the evidence paper, which lacks any coherent, impartial professional assessment of levels of significance and the magnitude of impacts that are likely to accrue from strategic development in the area.

Paragraph 6 of the paper goes on to build unsafely and without substantiation from the preceding flawed argument, surmising:

‘Rowden Manor is a grade II* listed building and the NPPF advises that substantial harm to or the loss of this designated asset should be wholly exceptional. This asset would not be lost if development occurred on the western part of Strategic Area E and, as described above, this part of the setting does not contribute greatly to the significance of the asset.’

Paragraphs 7-9 continue to build on the same shaky foundations, mixing policy quotes and unsubstantiated surmise, eventually reaching the conclusion that:
'Substantial harm caused to a heritage asset is addressed at paragraph 133 of the NPPF. However, as set out above, there would not be substantial harm caused to Rowden Manor if the western part of Strategic Area E was developed and so paragraph 133 would not be engaged.'

The point is not whether or not this is true, it is that the conclusion is unsafe since it is not convincingly proven by the flawed baseline assessment and partial argument set out in Evidence Paper 4. The conclusion also fails to recognise that an assessment of substantial harm is not the sole issue, when the Council’s own Core Strategy makes the commitment that:

‘New development will need to respect and enhance Wiltshire’s distinctive characteristics. Wiltshire also has a rich historic environment...These sites will be protected from inappropriate development.’

Appendix D, in some ways the lynchpin of the Council’s heritage argument for Area E, concludes by noting that NPPF paragraph 134 applies where ‘less than substantial’ harm is likely to result from development, requiring that ‘this harm should be weighed against the public benefits of the proposal, including securing [the asset’s] optimum viable use’. Its closing paragraph 11 suggests:

‘Development that is required in the district is likely to bring an element of harm to aspects of the environment wherever it occurs. The harm to the setting of Rowden Manor that would arise if development took place on the western part of Strategic Area E whilst other parts of the setting were enhanced needs to be balanced against the benefits that the development would bring. That is the exercise of judgement that the planning authority will undertake, mindful of all other influences in addition to effects on landscape character and on views and consistent with NPPF paragraph 134. Part of the benefits that accommodating development at Strategic Area E would bring is the avoidance of adverse environmental effects on other sites that would not be required to accommodate development.’

This seems to imply that there should be no concern about strategic selection of Area E for development, whatever harm might be entailed, as the planning authority will exercise its judgement in determining any future planning submission. The final sentence is somewhat vacuous, especially as the closing argument, as it can be applied – equally pointlessly - to each and every strategic area.

**Finding 13**

The argument set out in Appendix D of Evidence Paper 4, although in some ways being the lynchpin of the Council’s heritage argument for Area E, is badly flawed. Its logic relies upon mistaken re-statement of policy and unsubstantiated and sometimes questionable factual claims, and it focuses purely on one designated heritage asset (Rowden Farm) to the exclusion of all other heritage assets. Ignoring best practice heritage guidance from English Heritage/Historic England, the Council’s evidence considers only intervisibility as an attribute by which setting can make a positive contribution to the significance of heritage assets. As a result of these deficiencies, its principal conclusion regarding the level of harm likely to be caused to Area E’s heritage from strategic development is unsafe, being neither convincingly proven by the flawed baseline assessment nor by the partial argument that the Evidence Paper provides.
3.2.4 The weighting applied by the Council to heritage evidence in the Site Selection Report

After introducing the evidence papers, the February 2015 Site Selection Report went on to consider whether and how the six Core Policy 10 criteria would be weighted (or ranked), recording (section 2.18):

‘The Strategic Site Assessment Framework does not weight the criteria or indicators since it simply lists evidence requirements for each of the CP10 criteria. However by taking people’s views into account and solely in terms of comparing one area with another, the evidence then gathered as a result suggests that the criteria should be ranked in importance and this has influenced conclusions on selecting preferred areas.’

In relation to landscape, heritage and biodiversity (Criterion 5), the SSR concluded (sections 2.28 & 2.29):

‘The town’s expansion into the countryside brings about a fundamental change in the character of an affected area, from rural to urban. The scale of development proposed makes this inevitable. Properly designed and managed growth can actually achieve positive benefits for local biodiversity. In addition, strategic sites can be identified and developed in a way that protects existing valued or sensitive landscape and historic features or assets. Masterplanning sites and development management can realise open spaces that can ensure large areas retain a rural sense and appearance despite urbanisation encroaching into the countryside. A number of villages each with their individual character, lying within strategic areas, all need to retain their separate identity, their character and setting.

There are notable features of such a scale and importance that they do play a significant role in the selection of preferred strategic areas; such as Rowden Conservation Area and Birds Marsh Wood. There are views of Chippenham to consider, featuring the spires of St Paul’s and St Andrew’s Churches. There is also the need to prevent intervisibility between Chippenham and outlying settlements; such as Tytherton Lucas and Langley Burrell, in order to protect their separate identity and sense of rural remoteness. However, most of the decisions as far as criterion 5 is concerned, revolve around the detailed extent of sites and the development of options in greater depth, rather than how to choose one strategic area over another. The evidence shows that, even though none contain formal landscape designations, all the areas have attractive aspects and all the strategic areas would normally be protected from development by planning policies protecting the countryside if there was not an over-riding need to provide land for new jobs and homes. Compared to other criteria 1, 3 and 6, criterion 5 has less weight.’

In terms of the particular focus of this current heritage assessment report, there are two matters of special interest in the SSR’s findings set out above:

i. Rowden Conservation Area in Strategic Area E is of ‘such...scale and importance’ as a heritage asset that it played a significant role in the Council’s selection of the preferred strategic areas for development, and,
ii. Criterion 5, including built/designing cultural heritage, was considered by the Council to be of less importance and hence of less weight in selection of its preferred strategic areas and sites than criterion 1 (employment), criterion 3 (road travel) and criterion 6 (flood risk). Together, landscape, heritage and biodiversity were thus ranked as the fourth most important selection criterion out of six (SSR section 2.35) and it could be argued in the light of the previous discussion above that of these three sub-criterion, heritage was seen as being subordinate to both landscape setting and biodiversity issues, in that it did not constitute the subject matter of an evidence paper in its own right.

It is well established that the duty arising under section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires ‘considerable importance and weight’ to be accorded to any finding of a failure to preserve a listed building or its setting: see East Northamptonshire DC. v. SSCLG [2015] 1 W.L.R. 45. By extension, the same principle applies to any finding of a failure to preserve or enhance the character or appearance of a conservation area. In either situation, a finding of harm cannot simply be treated as a ‘normal’ material consideration. It is unclear how the Council’s decision in (ii) above is entirely reconcilable with this duty.

Finding 14

In determining that landscape, heritage and biodiversity (Criterion 5 for selection of preferred strategic areas and site for development) should be given less weight in the selection process than matters of employment, road travel and flood risk, the Council made no mention in its Site Selection Report, and appear to have disregarded, its statutory duty to attach considerable importance and weight to the preservation of affected listed buildings, conservation areas and their settings under the Planning (Listed Buildings and Conservation Areas) Act 1990.

3.2.5 The role of heritage in Council’s selection of its first preferred strategic area for development

After briefly describing the assessment and site selection methodology, the Council’s SSR summarised its conclusions on its first preferred strategic area for development (section 3.4):

‘The first preferred area: Within Area E landscape impacts are acceptable and land for employment development is well located and can be brought forward relatively quickly. A strategic site is identified for 1,000 new dwellings and 18ha land for employment at SW Chippenham. This is in the mid-range of site capacity options examined. The housing trajectory indicates that about 850 dwellings could be built in the remainder of the Plan period, looking to 2026.’

Given its approach and the terminology adopted throughout the SSR, the first line of the foregoing quotation should be translated to read that within Area E the Council also found heritage impacts to be acceptable.

We have already concluded in 3.2.3 above that, in respect to Area E, the Council’s Evidence Paper 4 was fundamentally flawed, providing only a partial and skewed baseline assessment of heritage assets and issues, and lacking any coherent, impartial professional assessment of levels of significance and the magnitude of impacts that are likely to accrue from strategic development in that area. It was on
the basis of that evidence paper that the Council selected Area E as its first preferred area for development. If the assurance given in the SSR’s section 3.4 that, within Area E, ‘landscape impacts are acceptable’ was intended to refer equally to impacts on built/cultural heritage assets, then this statement must be considered unsound and unproven by the evidence paper. If the statement was not intended to ‘lump’ heritage under the term ‘landscape’, the Council has failed to consider heritage impacts in selecting its preferred area. Either way, the selection process appears unsafe.

**Finding 15**

Based on the wording of section 3.4 of the Site Selection Report, in making its choice on its first preferred strategic areas for development, the Council either (i) relied upon evidence which was fundamentally flawed, providing only a partial and skewed baseline assessment of heritage assets and issues, and lacking any coherent, impartial professional assessment of levels of significance and the magnitude of impacts that are likely to accrue from strategic development in that area, or (ii) failed entirely to consider heritage impacts in making that selection.

Section 4 of the SSR explored the selection of the ranked preferred areas in greater detail, based on the following hierarchy, which it set out in its section 3.13:

<table>
<thead>
<tr>
<th>Selecting a first preferred strategic area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategic Site Assessment Framework: Key characteristics of strategic areas</td>
</tr>
<tr>
<td>Sustainability Appraisal (SA) assessment</td>
</tr>
<tr>
<td>Selection of preferred area</td>
</tr>
</tbody>
</table>

The detail on Area E within the preferred area selection process is contained in SSR section 4.15-4.17.

Strangely, given the lack of attention paid to Rowden Conservation Area in Evidence Paper 4 (for instance, the response made by TEP to the Council – see Appendix D of the evidence paper - apparently regarding concern over the risk of substantial harm being caused to heritage assets by development only deals with the listed Rowden Farm), the first statement made in regard to Area E in SSR section 4.15 is ‘A main distinguishing feature of this Area is Rowden Conservation Area and the River Avon’. If the Council regarded the conservation area as a main distinguishing feature, the baseline assessment
contained in Appendix A to Evidence Paper 4 should surely have analysed its character, level of significance, and other key issues, rather than simply noting, as was essentially the case, that it existed and, when designated in 1996, the driving motivation ‘was to include a large part of the lands within the River Valley in view of the history associated with the area. As well as the small group of buildings forming the Rowden Farm settlement, the Conservation Area consists of farmland, bisected north/south by the river Avon.’

Section 4.16 of the SSR sets out ‘...characteristics [that compared to other strategic areas] represent potential negative impacts and constraints’. In relation to Criterion 5, this noted, ‘Area E includes Rowden Manor grade II* listed building and scheduled monument, the land around these assets is also designated a conservation area’. Once again, this is only a partial list of designated heritage assets in Area E and ignores the possibility that non-designated heritage assets might also be vulnerable to negative impacts and thus represent a potential constraint on development.

Section 4.17 sets out ‘potential benefits and positive impacts’ in contrast to the section 4.16. Heritage assets are not expressly mentioned, but it does repeat the assessment from Evidence Paper 4 (section 5.0) that:

‘The western part of Area E has been ascribed a moderate-high development capacity as relative to some of the other strategic areas, the land is not visually prominent and is screened from views from the west by the wooded Great Western railway embankment. Views from the east are largely screened by the rising landform of Area D.’

This is described, presumably erroneously, as ‘favourable transport and accessibility attributes’. As we have already seen, the notion of lack of visual prominence (and associated limited intervisibility) have mistakenly been used in the evidence paper to argue that development/harm in this location automatically cannot lead to substantial harm being caused to the significance of any heritage assets.

The foregoing constitutes the sole heritage-related ‘merits’ of Strategic Area E compared to other areas that are presented in the SSR by the Council in its selection of Area E as the first preferred area.

Section 5 of the SSR presents a summary of the sustainability analysis (SA) for this selection process. The set SA objectives are shown in other documentation as being:

1. Protect and enhance all biodiversity and geological features and avoid irreversible losses
2. Ensure efficient and effective use of land and the use of suitably located previously developed land and buildings.
3. Use and manage water resources in a sustainable manner.
4. Improve air quality throughout Wiltshire and minimise all sources of environmental pollution
5. Minimise our impacts on climate change and reduce our vulnerability to future climate change effects.
6. Protect, maintain and enhance the historic environment
7. Conserve and enhance the character and quality of Wiltshire’s rural and urban landscapes, maintaining and strengthening local distinctiveness and sense of place
8. Provide everyone with the opportunity to live in good quality, affordable housing, and ensure an appropriate mix of dwelling sizes, types and tenures.
9. Reduce poverty and deprivation and promote more inclusive and self-contained communities.
10. Reduce the need to travel and promote more sustainable transport choices.
11. Encourage a vibrant and diversified economy and provide for long-term sustainable economic growth
12. Ensure adequate provision of high quality employment land and diverse employment opportunities to meet the needs of local businesses and a changing workforce.

Clearly, SA objective 6 relates directly to heritage, while matters of local distinctiveness and sense of place (SA objective 7) can also be closely associated with it. Neither SA objectives 6 or 7 are mentioned in the summary of sustainability issues set out in SSR section 5.1 and, for these objectives, Area E along with all other strategic areas, is rated as likely to receive ‘limited impacts’ for which ‘mitigation is considered possible’ (Table in SSR section 5.2). This may or may not be the case, but, in respect of Area E at least, it is unproven due to the seriously flawed nature of Evidence Paper 4, with its partial assessment of heritage matters.

Section 6 of the SSR provides the Council’s arguments for selection of Area E as the first preferred strategic area for development. Its heritage justifications are:

- ‘It performs well in terms of...its visual impact in terms of development capable of being accommodated into the landscape (section 6.2)
- Area E can accommodate sufficient developable land for a strategic site without unacceptable impacts upon the environment in terms of landscape, biodiversity and heritage...The evidence shows that the value of both Rowden Conservation Area and the setting to Lacock village can be preserved... (section 6.4)’.

In relation to its argument in SSR section 6.4 (that is the second bullet above), the Council specifically cross refers in footnotes to the evidence on which it has relied in reaching its decision: section 5.0 of Evidence Paper 4 for the first part of the statement and Appendix L (an A3 pro-forma assessment of the village of Lacock) for the second part (as reproduced above). The unreliability of the evidence paper’s section 5.0 analysis of Rowden Conservation Area, its value, exposure to impacts and, by implication, its mitigation needs has already been demonstrated in this report.

Having identified Area E as the preferred strategic area for development, the SSR moves on in section 7 to select a preferred site for development therein. Section 7.1 notes that:
‘One of the main reasons this area performed well compared to other areas was its ability to provide employment land. The area bounded by the B4528, A350 and main railway line offers a logical boundary for an employment area well related to the primary road network and with relatively easily created access.’

The ‘logical’ placement defined for development for employment use in this section of the SSR is immediately alongside the listed buildings at Showell. As has already been noted, the Council’s Evidence Paper 4 largely fails to mention, let alone assess, these listed buildings as part of Area E, and the historic farmstead complex as an entity is not considered either. The only place that the listed buildings (unquantified) receive any mention is in the closing map of Area E provided at the end of section 5.0 of the evidence paper, where their existence is noted in a general sense and the legend to the map states clearly ‘setting around buildings important to retain’. The issues relating to development of the setting to these listed buildings as employment land, include the likely impact on their significance, are not considered within the evidence paper.

**Finding 16**

From a heritage perspective, the Council’s basis for selection of Area E as its first preferred strategic area for development, as set out in sections 4, 5 and 6 of the SSR, is rendered fatally compromised by the considerable and serious flaws in its Evidence Paper 4 on which it relies. In addition to the many failings previously noted, section 7 of the SSR acknowledges that ‘one of the main reasons’ Area E performed comparatively well in the Council’s analysis was the availability of suitably located and accessible employment land. Yet this land lies immediately adjacent to and within the settings of designated heritage assets that were not properly mentioned or assessed in Evidence Paper 4.

Section 7.2 refers to heritage matters, reiterating that ‘Safeguarding Rowden Conservation Area and other historic assets is essential...’ (these other heritage assets are not defined), but it then proposes development content that is not considered within heritage discussion in Evidence Paper 4:

‘...but development also provides opportunities to invest in protecting their long term future by improving their setting and interpretation. There is also the opportunity to provide greater access to these assets, the river valley and wider countryside by the creation of a riverside park.’

The potential to ‘improve [the] setting’ of heritage assets in Area E is not satisfactorily defined or explained anywhere in the supporting evidence paper. Depending upon what is intended this could have positive or negative effects upon the significance of the various assets. Similarly good and appropriate interpretation is always to be welcomed, but it does not generally provide adequate mitigation against major harm caused to the significance of built heritage assets.

Nowhere in Evidence Paper 4 is the appropriateness of creation of a riverside park in Rowden Conservation Area considered, whereas, for example, the establishment of a similar park in Area C is put forward as a key mitigation measure in the relevant part of section 5.0 of the paper. On the contrary, the entire thrust of proposals for Area E in the evidence paper’s section 5.0 is built around the need to preserve the landscape character of the area, to retain the ‘distinctive mature setting’, and (as, indeed, SSR section 7.2 acknowledges) to ‘safeguard Rowden Conservation Area’. Repeatedly, the
Evidence Paper noted that the conservation area was designated by the Council ‘in view of the history associated with the area’, that it ‘consists of farmland’, and that it ‘exhibits the unusual combination of an intensely rural and agricultural domain surrounded by the peripheral development of a large town. The topography of the area seems to make Rowden Farm, as the historic focus of the Conservation Area, both visible and vulnerable from development into the general field of view. By virtue of its protected river valley nature, it is one of the two green fingers of countryside that follow the line of the river Avon right into the centre of Chippenham’. The very essence of the conservation area is its historic agricultural character, intimately associated to the scattered farmsteads (whether protected by listing or not) both within the low lying finger of countryside or, like Lower Lodge Farm, the former Patterdown Farm and Showell Farm, on the higher ground either side. Riverside parks have a very different character to unaltered historic agricultural landscapes – they are a 20\textsuperscript{th} and 21\textsuperscript{st} century creation. To transform the character of Rowden Conservation Area from its historic form to that of a new riverside park would be to strike at its very essence, almost inevitably causing the designated heritage asset a considerable degree of harm (this would need to be assessed to determine if it amounted to ‘substantial harm’ in NPPF terms and it would be premature in this report to make this sweeping judgement). The point is that this aspect of strategic development was not mentioned or explored in the Council’s evidence paper and its impact, benign, damaging or neutral, was not assessed.

**Finding 17**

Section 7.2 of the SSR proposes key development content for the selected preferred strategic site in Area E that is not considered or assessed in the Council’s supporting evidence. In particular, the major riverside park it proposes within the Rowden Conservation Area would strike at the very essence of its character, causing considerable harm to its significance.

Taking into account such unproven heritage-related assertions, the Council selected Option E2 (see Figure 1) as its preferred site for development in its first preferred strategic area, Area E, as explained in SSR section 7.11.
The SSR completes its consideration of Area E as its first preferred strategic area by defining specific proposals and development requirements, as follows (SSR section 7.12)

Proposals:

Approximately 171ha of land at South West Chippenham, as identified on the policies map, is proposed for a mixed use development to include the following:

- 1,000 dwellings;
- 18ha of land for employment (B1, B2, and B8 uses of the Use Classes Order);
- Land for a 2 Form Entry primary school;
- A local centre;
- 104ha as a riverside country park
- strategic landscaping and open space to retain and reinforce existing hedgerows and establish new areas of substantial planting
- No more than 800 homes to be completed before the Cocklebury Link Road (from the A350 to Cocklebury Lane) is open for use’.

Specified development requirements:

1. surface water management that achieves equivalent or less than current greenfield rates of run-off
2. financial contributions toward provision of new schools
3. serviced land for employment is available for development before the completion of the 50th dwelling
4. a pedestrian and cycle route across the River Avon connecting to the town centre
5. a design and layout that preserves the importance and settings to designated heritage assets
6. measures to enhance the character of the Rowden Conservation Area
7. Design and layout of development must not prohibit a potential future road connection to land to the east.’

The proposals consolidate the notion of the creation of a large riverside park within the conservation area, without consideration of its impact on the significance of the designated heritage asset. Item 5 within the development requirements recognises the importance of importance of protecting the significance of designated heritage assets and the contribution to significance made by their settings (even though the nature and value of the historic environment has been inadequately assessed as a foundation for this requirement). However, no consideration is given to the fate or need for protection of the significance of non-designated heritage assets. Item 6 in the development requirements recognises the need to (by implication, maintain, protect and) enhance the character of Rowden Conservation Area, but the potential conflict with this requirement of establishing a 104 hectare riverside park is not considered. Item 7 of the development requirements might at a later date prove to be substantive threat to the intentions of development requirements 5 and 6, but this is not mentioned in the SSR.

Summary of Findings 1-17

This critical analysis demonstrates that Wiltshire Council’s strategic policy context for Chippenham, which framed its strategic area and site selection process, and the selection process itself were seriously flawed in terms of the consideration given to heritage issues. These flaws went to the heart of the selection process, leaving it fatally compromised. The conclusions reached by Wiltshire Council and its reasoning for selection of Area E as the first preferred strategic area for development and, with it, Option E2 as the preferred site, accordingly, were and are unsound. In particular, the policy formulation process and the manner in which it has been applied are in contravention of the duties imposed on the Council under the Planning (Listed Buildings and Conservation Areas) Act 1990.
By extension, determination to grant planning permission to any application for development based on the Council’s decision on selection of Area E as its first preferred strategic development area and Option E2 therein as its preferred site must also be unsound.
4 THE SHOWELL FARM PLANNING APPLICATION (N/13/00308/OUT)

4.1 Introduction

The first planning application seeking to implement strategic development in Area E was submitted to the Council for determination well before publication of the February 2015 Site Selection Report by D2 Planning on behalf of Crest Strategic Projects in February 2013. It was validated as an application by the Council on 21 February 2013 (application ref. N/13/00308/OUT), with a target decision date for determination of 23 May that year. The development proposal was for ‘Employment development incorporating 50,000 sq m of Classes B1(b), B1(c), B2 & B8 uses, means of access, car parking, servicing, associated landscaping and associated works’. The site boundaries were coincident with those subsequently allocated two years later to employment land in the preferred site option E2 within its first preferred strategic area for development, bar the exclusion of a small area of land at the northern end of the site and the inclusion of sections of West Cepen Way and Patterdown Road on the southern and north eastern fringes of the application’s redline boundary. At the time of writing in January 2016, the application remains undetermined, according to the Council’s online planning site.

The content of the 2013 application took account of the reasons for refusal of planning permission on an earlier application submitted in 1998. The planning report by D2 Planning for the 2013 application noted of this:

‘An enlarged site comprising 25 hectares at Showell Farm was the subject of an outline planning application in 1998 for the construction of a business park incorporating B1, B2 and B8 uses, on site facilities, park and ride together with means of access. The Local Planning Authority resolved to grant planning permission but had to refer the application to the Secretary of State as a departure.

The Secretary of State subsequently ‘called in’ the application together with an application for the construction of a food processing factory on the site for Hygrade Foods Limited on some 3.78 ha of land. In refusing planning permission, the Secretary of State concluded that the main issues were as follows:

i. Site is regarded as open countryside being on the far side of the railway embankment which defines the urban boundary of Chippenham. Development would represent a harmful encroachment in this area which makes a significant contribution to the rural gap between Chippenham and Lacock (paragraph 15).

ii. Development whilst identified in an Issues Paper would represent a major commitment which would prejudice the outcome of the Local Plan process by predetermining decisions about the scale, location and phasing of new employment and development (paragraph 16).

iii. The site is not well served by public transport, access on foot would be ruled out and that cycling from Chippenham along the Melksham Road is unattractive and potentially hazardous. The Secretary of State recognised that various transportation innovations
would improve accessibility to the site but he remained concerned that a major trip
generator in this location would run counter to National Policy (paragraphs 17 and 18).

iv. The proposals conflict with the setting of the Grade II Listed Buildings at Showell Farm
(paragraph 20).

v. The Secretary of State agreed with the Inspectors conclusion that given the existing 15
years supply of employment land against Structure Plan targets the main justification for
the scheme relates to the range and quality of available land and the lack of instantly
available high profile sites of more than 10 ha.

The current application is significantly different to that considered at the public inquiry in that the
site:

i. Is considerably smaller i.e. 19.2 ha as opposed to 25 ha;

ii. Is now allocated for employment purposes in the emerging Wiltshire Core Strategy under
Policy CP10. This policy also identifies land to the east of the application site for some 800
dwellings;

iii. Will not be identified as open countryside in view of ii) above;

iv. Given the reduction in the size of the site together with the nature and type of
development proposed there will be no adverse impact on the adjoining listed buildings;

and

v. Forms part of a larger strategic allocation at south west Chippenham under Policy CP10.
This development has been included within the Core Strategy as part of the sustainable
strategy for the future growth in Chippenham.

Various documents in the Showell Farm application noted that the application had been developed
and should be considered on its own merits, independent of the any future strategic housing
application affecting land in the vicinity – for example, section 5.39 of the Planning Report stressed the
‘stand-alone’ nature of the employment development, while section 1.3 of the application’s Listed
Building Assessment emphasised that, in that assessment, ‘No regard has been made to the Core
Strategy housing proposals’ (for Rowden Park). According, this critical analysis has been prepared on
the same basis and , for instance, accordingly ignores any affect that the Rowden Park development
might have on heritage impacts accruing from the Showell Farm application.

4.2 The heritage content of the Showell Farm planning submission

4.2.1 An outline of the heritage content provided within the Showell Farm submission

The heritage content of the submission as listed and expanded upon by D2 Planning in its Planning
Report comprised the following documents:

• A Listed Building Assessment by Cooper Partnership dated December 2012 and related
documents, including a historical assessment plan dated July 2011, a plan of Rowden
Conservation Area dated July 2011, and various photosheets identifying listed buildings
and impacts;
Certain elements of a Landscape Visual Impact Assessment by Cooper Partnership believed to be dated July 2012, but not available on the Council’s online planning website;

- An Archaeological Assessment by Cotswold Archaeology of unknown date; and, additionally,

The principal document, the Listed Building Assessment, was only lodged on the Council’s site on 5th January 2016 after a request was made to the Council by CSJ Planning Consultants in order to facilitate preparation of this critical analysis. No archaeological assessment is available on the Council’s planning website.

In line with D2’s Planning Report, in a report for the Strategic Planning Committee dated 30th July 2013, the Council’s Case Officer recorded that the applicant had submitted both a ‘heritage statement’ and ‘archaeological assessments [sic]’. The heritage assessment is clearly the Listed Building Assessment by the Cooper Partnership, but analysis of other documentation on the Council’s online planning website places some doubt on whether one or more archaeological desk based assessments were indeed submitted as part of the application, despite the apparent confirmation of this by both D2 Planning and the Case Officer.

An archaeological comment on the application in a letter from the County Archaeologist to the Case Officer dated 4th April 2013 makes a recommendation for a programme of archaeological works in advance of construction as a condition of consent, but makes no absolutely no reference to or comment upon the archaeological assessment by Cotswold Archaeology. Given that the County Archaeologist was writing specifically about the application, that omission was strange. That sense is compounded by the content of the County Archaeologist’s letter. Section 4.35 of D2’s Planning Report summarised the conclusions of the missing archaeological assessment as follows:

‘Following a thorough investigation of the archaeological potential of the site it is revealed that although a number of archaeological sites and finds have been recorded in the vicinity, there is no evidence of any within the site of the proposal.’

That finding is reiterated later in the Planning Report in dealing with local planning policy (section 4.81).

In stark contradiction, the County Archaeologist’s letter of 4th April 2013 about the application states unambiguously:

‘The site is archaeologically sensitive. Archaeological investigations in 2004 uncovered the remains of a prehistoric settlement in the northern area of the site. However, not all of the proposed red line area has been subject to archaeological investigation.

The application site clearly, therefore has the potential to contain significant archaeological remains. I do not, however, consider a pre-determination evaluation necessary’.

If the County Archaeologist had seen the application’s archaeological assessment at that time she wrote that letter, she would have been bound, professionally, to have commented upon this
discrepancy of understanding and/or interpretation of the baseline evidence. That she did not, implies strongly that the assessment was not available to her. It is revealing that the Case Officer repeats the County Archaeologist’s advice about the 2004 excavation within the development site’s boundaries in her 31st July 2013 report to the Strategic Planning Committee (towards the end of its section 8 on consultations), but makes no reference to the contrary evidence that apparently formed the conclusions of the applicant’s archaeological assessment.

There is no evidence to be found in documentation available on the Council’s online planning site that this significant discrepancy in the perceived archaeological value of the site has ever noticed, explored and/or resolved by the Council in performing its duties to date as the local planning authority.

**Finding 18**

The Showell Farm application was validated on 21st February 2013, seemingly without the inclusion of the archaeological assessment by Cotswold Archaeology that was listed within the applicant’s Planning Report as forming part of the submission and despite the archaeological sensitivity of the site. According to the Planning Report, the archaeological assessment reached a conclusion about the archaeological baseline evidence - and hence the archaeological potential of the site itself – which was in direct and absolute contradiction of a statement made subsequently by the County Archaeologist in commenting on the application. There is no evidence on the Council’s online planning website to indicate that this serious difference in understanding and interpretation has yet been resolved.

4.2.2 The heritage content of the Planning Report by D2 Planning

As discussed already above, section 1.2 of the Planning Report noted that the report ‘should be read in conjunction with a number of other supporting reports which accompany the application namely:

[...]

iv) A Heritage Statement prepared by The Cooper Partnership

[...]

xii) An Archaeological Assessment prepared by Cotswold Archaeology

[...]’

Section 4.4 and following paragraphs of the Planning Report considered the relevance of the National Planning Policy Framework [NPPF] to the site and the application. The heritage and archaeological content of this recital and commentary is covered in sections 4.30 – 4.36. Of these paragraphs, the following provides the Planning Report’s commentary on the application’s response to the NPPF’s requirements:

‘4.34. The Heritage Statement and Archaeological Assessment assesses archaeological issues and historic buildings in the context of the NPPF.'
4.35. Following a thorough investigation of the archaeological potential of the site it is revealed that although a number of archaeological sites and finds have been recorded in the vicinity, there is no evidence of any within the site of the proposal. Further field surveys would be necessary prior to development commencement and would be subject to an appropriate condition.

4.36. Three listed buildings are situated close by, but the development will not unduly impinge on the buildings or their settings.’

Issues raising from its section 4.35 have already been consider above. It is assumed that the statement within section 4.36 (as set out above) was regarded as being the principal finding of the Listed Building Assessment.

The final reference to heritage in the Planning Report (its section 5.47) repeated a long extract from the conclusions of Listed Building Assessment by the Cooper Partnership. This will be considered further below.

4.2.3 The heritage content of the Listed Building Assessment by the Cooper Partnership

In its introduction (section 1.3) the Listed Building Assessment (LBA) makes clear that its purpose ‘is to assess the impact that the proposed employment development will have on the three Grade II listed buildings at Showell Farm and their settings’. The remainder of the LBA adheres firmly to that very restricted approach. Although it references the NPPF and recites the entirety of the NPPF’s Section 12 on ‘Conserving and enhancing the historic environment’, the LBA does not explain why it contains no assessment of whether there are other designated and/or non-designated heritage assets whose significance might potentially be affected by development of the Showell Farm site, despite the clear requirements of NPPF paragraph 128 that ‘local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.’ While it is not the place of this critical analysis of the application to carry out that assessment of potential receptors, at the very least there is a prima facie case that the Showell Farm development site lies in the settings of the Grade II listed Patterdown Farmhouse and the designated Rowden Conservation Area. Curiously, the application’s Planning Report (section 5.31) observes that:

‘The southern edge of the Rowden Conservation Area lies approximately 200m to the north east. The [listed building] assessment has shown that there is little intervisibility with the site due to topography and intervening vegetation and no significant impact.’

In fact, the LBA (as lodged on the Council’s website) contains not a single reference to the conservation area, so it is unable to demonstrate that there is little intervisibility with the site and no significant impact on the conservation area from the proposed Showell Farm development. In fact, the site and the CA are separated by rather less than 200m (the scale on Cooper Partnership’s plan L10 of the CA suggests in the region of 165 metres) and there is some intervisibility, which is likely to increase in winter. However, intervisibility is not the only determinant as to whether a heritage asset will suffer impacts from a development in its setting. In the LBA’s section 1.7, a key point about settings is quoted from English Heritage’s 2011 guidance on the Setting of Heritage Assets (its page 5), namely:
'The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and by our understanding of the historic relationship between places...'

The comment made in section 5.31 of the Planning Report, allegedly on the basis of the finding of the LBA, implies that the application only considered the possibility of impacts on heritage assets where there was deemed to be strong intervisibility.

Moreover, in addition to its failure to provide a thorough assessment identifying the full range of designated and non-designated heritage assets that might experience impacts from the development site, the LBA also failed to consider whether any assets in the Showell Farm complex were listed under the curtilage principle or might be non-designated heritage assets in their own right. Across various photosheets, the LBA identified the three principal listed buildings in what it termed the ‘Showell Farm group’ – that is, Showell Farmhouse, the barn to its south east and the granary to its south. Other buildings are shown on these photosheets, such as the cow shed and the stables which might well share the listing of the principal Farmhouse, under the curtilage rule, or alternatively be regarded as being of sufficient merit and interest to be considered as individual non-designated heritage assets. By this omission, the LBA potentially misrepresented the character and quality of the historic environment (whether or not such potential assets were found eventually not to be at risk of significant impacts from the development).

Finding 19

The application’s baseline assessment of the heritage assets that might potentially receive impacts from the development site is badly flawed, failing to consider and identify separately designated, curtilage listed, and non-designated assets in whose settings the application site might well be deemed to lie. As a result, the listed building/heritage assessment submitted to the Council as part of the application and validated by the Council on 21st February 2013 did not comply with the requirements of paragraph 128 of the NPPF.

As previously noted, the LBA sets out selected quotations about settings to heritage assets from the NPPF and from English Heritage’s 2011 settings guidance in its sections 1.6 and 1.7. The most important of these for this analysis has already been cited in 3.2.3 above. The LBA also acknowledges (section 3.8) English Heritage’s guidance (contained on both pages 4 and 5 of its 2011 document) that:

‘The setting of an historic asset will include, but generally be more extensive than, its curtilage...’

Given its recognition of the importance that settings might play in the appreciation of the likely impact of the development proposals on the local historic environment, it is revealing that the LBA thereafter carefully defined the curtilage of the ‘Showell Farm group’ of listed buildings, but never attempted to define the settings of these buildings and the inter-relationship between these settings and the development site. Moreover, as has already been noted, it also failed to try to establish whether the designated Rowden Conservation Area, Patterdown Farmhouse or any other assets had settings that
could receive impacts from the development. Instead of defining the settings of the three listed buildings at Showell Farm, sections 3 and 4 of the LBA spoke more generally about the ‘Physical Setting’ and ‘Visual Setting’ of the locality in landscape and visual impact assessment rather than heritage impact assessment terms.

It has been noted above that the LBA has recited two sections of text that are to be found on page 5 of English Heritage’s 2011 settings guidance and forming English Heritage’s ‘Key Principles For Understanding Setting’. It is hard not to conclude that these excerpts have been very carefully chosen/edited. As they appear on page 5 of the guidance note, they are separated by a short piece of text that has been omitted as though it were irrelevant to the LBA. In fact, the missing text is highly pertinent to the application and its potential impact on the significance of heritage assets. The full quotation from English Heritage’s key principles reads:

- ‘The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. They would be considered to be within one another’s setting.

- Setting will, therefore, generally be more extensive than curtilage, and its perceived extent may change as an asset and its surroundings evolve or as understanding of the asset improves.’

In other words, the text omitted from the LBA’s consideration is English Heritage’s example of an instance when a non-visual relationship between assets can extend setting and greatly affect the impact on significance resulting from development proposals: ‘buildings that are in close proximity but not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. They would be considered to be within one another’s setting’.

The importance of the dispersal of nucleated pre-20th century farmsteads, such as Showell Farm, Milbourne Farm, Rowden Farm and Lower Lodge Farm, in the local landscape has already been discussed at length in 3.2.3 of this analysis along with the relevance of the publication of Forum Heritage Services’ major report for English Heritage and Wiltshire Buildings Record, ‘Wiltshire & Swindon Farmsteads & Landscape Project’ in June 2014, building on Wiltshire and Swindon Farmsteads Guidance prepared by the Council and English Heritage and related documentation produced since 2012. Of course, the LBA could not have been informed by the 2014 report, it came before the latter’s publication, but other research publication and guidance were already available in early 2013. Perhaps more importantly, these farmsteads can be seen and read in the landscape quite easily: Showell Farm, Patterdown Farm, Milbourne Farm, Rowden Ram, Lower Lodge Farm and so forth. Should the LBA have recognised that these farmsteads existed and, to borrow the words from English Heritage’s example might ‘have a historic or aesthetic connection that amplifies the experience of the significance of each’? Well, the LBA certainly recognised the possibility of the existence of such farmsteads,
because in its sections 4.15 and 4.16 it described what it termed the Showell Farm group of listed buildings thus:

‘...the three listed buildings are part of a cluster of approximately thirteen buildings organised around two principal farmyards.

The buildings read as a visually coherent group or farmstead, enclosed by walls and fences.’

The LBA took that recognition no further and, accordingly, it represents a badly flawed assessment of the baseline conditions within the local historic environment, underplaying its value and the potential for the development proposals to cause harm to the significance of heritage assets. It must be stressed, none of this automatically means that harm will be caused to heritage assets by the development, but the LBA as the only heritage assessment of its kind within the application should have identified the existence of these heritage assets and considered the possibility of harmful effects from the development on their significance.

**Finding 20**

The Listed Building Assessment within the Showell Farm application contains an inadequate analysis of settings issues. It failed to identify and properly understand the significance of the presence of surviving farmsteads in the local historic environment. It did not explain their inter-relationship or the potential implications of this for heritage impacts arising from the development. Its identification of potential impacts is mainly limited to landscape and visual impacts and not to heritage impacts. Accordingly, it represents a badly flawed assessment of the baseline conditions within the local historic environment, underplaying its value and the potential for the development proposals to cause harm to the significance of heritage assets. As such, the Listed Building Assessment fails to comply with the requirements of paragraph 128 of the NPPF.

Section 5 of the LBA was headed ‘Perception of the Listed Buildings’. Section 5.3 observed that the ‘farmstead’ comprised a group of 13 buildings of which three were listed, but it again failed to consider whether any of the remaining 9 buildings in the group were curtilage listed under the listing of the principal farmhouse or alternatively warranted recognition as non-designated heritage assets in their own right.

Rightly, Section 5.4 of the LBA concluded that ‘the perceived curtilage and setting [of the three listed buildings at Showell Farm] is an important factor which must influence the design of the proposals’, but it failed to consider whether the settings of the conservation area or other designated or non-designated assets should equally influence the design of the proposals. Furthermore, having recognised the need to respect the ‘coherent whole’ of the Showell farmstead group, ‘set within agricultural farmland’, no consideration was given in the LBA as to whether a substantial development of industrial and business units 120 metres from ‘the western boundary of Showell Farmhouse’ (according to section 6.9), separating it from the neighbouring historic farmstead to the north and changing permanently its context, would have wider impacts on the historic environment. Whether such impacts are of significance is not for this critical analysis to determine. The point is the LBA should have considered the issue and the implications, if any, for design and mitigation.
Section 6 of the LBA dealt with the location and siting and form and appearance of the proposed development, and the mitigation that had been incorporated within the design to reduce or eliminate harmful impacts on heritage assets and/or their settings. Consistent with the LBA’s approach and its limited perspective, the mitigation in design consisted only in mitigation to reduce harmful impacts and significant effects on the three listed buildings at Showell Farm (and not even the wider farmstead grouping). These protective/precautionary measures involved the provision of visual separation through planting, earth mounding and a gabion wall and reduction in ‘visual impact, noise disturbance and light spill towards the listed buildings’ and location of service yards and parking for the nearest building in the development (Plot 400) to its north and west. The heights of the next nearest buildings in the development (Plot 300) were set considerably lower than for the remainder of the development to reduce visual impacts on the listed buildings. No such mitigation was considered to protect the designated conservation area from visual impact, noise disturbance or light spill and yet this lies no more than an additional 50 metres away than the listed Showell Farmhouse. Similarly, the LBA mentions no mitigation for the listed Patterdown Farmhouse or for any other heritage asset in the local historic environment.

Section 7 of the LBA sets out an assessment of change following the mitigation covered in its section 6. Inevitably, given the approach of the document, the only change mentioned is that to assets at Showell Farm. The nature of impacts is divided into visual and landscape effects and comprise only a summary of the findings of the application’s LVIA (from which illustrations are lodged on the Council’s online planning website, but not any text or coherent report). There are no additional comments relevant to this critical analysis of the application arising from the very partial and hence inadequate impact assessment contained in the LBA’s section 7.

**Finding 21**

The discussion of impact and mitigation issues in the Listed Building Assessment is partial, dealing only with potential impacts affecting the three listed buildings at Showell Farm and their mitigation. No consideration was given to the possibility of harmful impacts to the designated conservation area and/or its setting or any other assets, to the scale of any such impacts, and the measures necessary to mitigate these through design.

Section 8 sets out the LBA’s conclusions. For all the reasons described above, these conclusions are partial, skewed and flawed. No further points arise for consideration out of the LBA’s concluding section.

### 4.2.4 The heritage content of the Design and Access Statement by Scott Brownrigg

The heritage content of the application’s design and access statement is contained in its section 2.17. It provides nothing more than an outline summary, although it mentions more heritage assets within the local historic environment than the principal listed building assessment to which it makes reference along with the landscape and visual impact assessment.

No commentary on the heritage content of the design and access statement is required for the purposes of this critical analysis of the application.
4.2.5 The Council’s response to heritage aspects of the Showell Farm application

In comments made by email on 29th April 2013, the Council’s Senior Conservation officer noted:

‘The listed building assessment discusses views in towards the listed buildings but does not seem to discuss views out from the listed buildings. This is important too, so perhaps this could be mentioned.

Whilst the tallest buildings (15 metres high) have been kept furthest away from the listed farm buildings, still leaving a 12 metre building nearest the farm, the combination of large bunds [of] 4 metres, contrived landscaping and solid blocks of buildings will cause significant harm to the setting of the listed buildings. Plot 300 has buildings that are smaller in height and bulk (8.5 metres high).

A development comprising buildings of the size shown on plot 300 would be far less harmful than the current proposal. Furthermore, the trees shown as screening the railway line at the far end of the site may have to be reduced or removed as part of the scheme for electrification of the railways.

The proposed development would be contrary to the NPPF (2012) as it would cause significant harm to the setting to the listed buildings. I couldn’t support this scheme and recommend refusal.’

She was correct to highlight the absence of outward view assessment from the three listed buildings and its importance, although as the foregoing critical analysis demonstrates, there were issues of far greater substance and graver import that she should have commented upon as well, such as the failure to properly assess the historic environment and to identify the full range of heritage assets and their settings that might be subject to impacts from the development. It is unclear from the application documentation on the Council’s online website what additional views analysis was undertaken and submitted to the Council.

An undated addendum to the design and access statement by D2 Planning that is to be found on the Council’s planning website states:

‘[...]’

4. Consultation responses from Conservation & Landscape Officers have raised issues regarding the potential impact of the larger warehouse, distribution units on the setting of the adjoining listed buildings as well as on the landscape character of the area.

5. Following discussions with officers it was indicated that a reduction in height of circa 2m on the larger warehouse/distribution units would overcome concerns with regards the effect on the setting of the listed buildings as well as the landscape character of the area.

6. The original Design & Access Statement together with the other supporting documentation concluded that the proposals were acceptable. An amended parameters plan has been prepared
(Plan No. DR-411-102 Rev 3) which reduces the proposed heights of the buildings on Plots 100, 200 and 400 by 2m.

7. In view of the proposed amendment the landscape and visual impact and effect on the setting of the listed buildings now deals with the issues raised by officers.’

Further correspondence from the Senior Conservation Officer dated 9th July 2013 to the Council’s planning case officer recorded simply:

‘Thank you for forwarding me details of the revised building and bund heights, which show that building heights for plots 100, 200 and 400 will be reduced by 2000mm and the bunding will be reduced accordingly.

These amendments accord with our discussions at the last meeting and address my objections.’

There was no further mention of the need for outward view assessment from the three listed buildings or of the potential loss of screening from trees relied upon in mitigation which may be ‘reduced or removed as part of the scheme for electrification of the railways.’ There was also no feedback from the Senior Conservation Officer as to her assessment of the ongoing level of harm likely to result from the revised application, which previously had been described as ‘significant harm’, given that her original objections had been that that harm would arise from:

- The 15 metre height Plots 100 and 200 buildings;
- The 12 metre height Plot 400 building nearest the farm;
- The combination of large bunds (of 4 metres in height);
- ‘Contrived’ landscaping; and,
- Solid blocks of buildings.

In order to mitigate the harm resulting from these five elements, she had stipulated in her original comments that the height of all buildings should be reduced to 8.5 metres in order that the overall effect should be ‘far less harmful’. Contrary to this, her revised formal comments recorded that her objections were removed by nothing more than reduction of the heights of Plot 100 and 200 buildings to 13 metres and of the Plot 400 building to 10 metres. The remaining issues contributing to significant harm, according to comments of 29th April 2013 remain in place unaddressed.

Writing a report for the Strategic Planning Committee on 30th July 2013, the Case Officer recorded:

‘The Council’s Conservation Officer believes that the proposed revision reducing the buildings’ height parameters will lessen the degree of harm to the setting of the heritage assets and considers the proposal is now not sufficiently at odds with the requirements of s66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 and section 12 of the National Planning policy Framework to warrant refusal.’

Again there is no quantification of the remaining level of harm resulting from the height of the buildings, the combination of the large 4m bunds, the contrived landscaping being proposed, or the massing of buildings in ‘solid blocks’, all matters of some potential substance. While the Council
contended that it was carrying out its duty to pay ‘special regard to the desirability of preserving’ the three listed buildings at Showell Farm, and their settings and significance, it has not demonstrated that it has considered its duty under the same section of act in relation to other listed buildings or that it was discharging adequately its duty to pay ‘special attention...to the desirability of preserving or enhancing the character or appearance’ of Rowden Conservation Area under section 72 of the same act, given that the development site is likely to lie within the setting of that conservation area.

A later section of the report to the Strategic Planning Committee provided further information, also noting that:

‘Showell Farm and Oak Lees House are sited to the east and south of the site. Codastones and 3 & 4 are on the opposite side of the road to the east. Oak Lees is not listed but Showell Farm is grade II and within the complex there are other dwellings formed from conversions which are curtilage listed. Unlike the scheme submitted in the 1990s, the site is wholly to the North of Showell Farm. The land in closest proximity is to be developed for smaller starter units of no more than 8.5m in height and there will be significant landscaping in between.

Again, undoubtedly there will be some impact on the listed buildings and their setting and those buildings which are not listed. However, unlike the previous application the built form will be to the north of these buildings rather than surrounding it. However, the proposed mitigation and distance to the nearest buildings shown on the master plan (approx 60m to Oak Lees and 110m to Showell Farm) are considered to be sufficient to ensure that the Heritage Asset is not detrimentally affected and now that there are proposed revisions reducing the buildings’ height parameters which will further lessen the degree of harm to the setting of the heritage assets. It is therefore not considered that the proposal is sufficiently at odds with the requirements of s66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 and section 12 of the National Planning policy Framework to warrant refusal.’

This confirms would appear to confirm that the heritage assessment forming part of the application was deficient in not considering the issue of curtilage listing. It is unclear why the Case Officer’s consideration did not extend to other designated and non-designated assets in the historic environment or the importance of historic farmstead groupings in the historic landscape and the potential effects of the development thereon.

**Finding 22**

The Council’s Senior Conservation Officer appears to have responded to the application with a ‘light touch’. She accepted without comment its assessment that the only heritage assets to be considered in relation to impacts from the proposed development were the three listed buildings at Showell Farm. Following post-submission discussions, she accepted changes to the scheme as mitigation to prevent ‘significant harm’ being caused to the three designated assets that were significantly more restricted than those she had originally indicated would be necessary, leaving in place design elements that she had specifically identified as contributing to significant harm. While the Council has contended that it has carried out its duty to pay ‘special regard to the desirability of preserving’ the three listed buildings at Showell Farm, and their settings and significance, it has not
demonstrated that it has considered its duty under the same section of act in relation to other listed buildings or that it has discharged adequately its duty to pay ‘special attention...to the desirability of preserving or enhancing the character or appearance’ of Rowden Conservation Area under section 72 of the same act, given that the development site is likely to lie within the setting of that conservation area.

**Summary of Findings 18-22**

The Showell Farm application was developed around a very restricted view of the nature and value of the local historic environment. Its heritage assessment concluded that only three heritage assets – the listed buildings at Showell Farm - needed to be considered. Its archaeological assessment (which may well not have been included in the validation submission) apparently found that the site was without archaeological interest, although the County Archaeologist is on record as stating that it contained a prehistoric settlement, is archaeologically sensitive and has significant potential for further discoveries. This critical analysis has shown the application’s heritage assessment to be badly flawed in key respects and deficient as regards the requirements of paragraph 128 of the NPPF. The Council’s Senior Conservation Officer appears to have responded to the application with a ‘light touch’, making limited (but still important) criticisms of its heritage content/approach and has subsequently accepted further design changes in mitigation of significant harm which leave in place design elements that she specifically identified previously as contributing to that level of harm. No evidence has been found on the Council’s online planning website to indicate that the Council has recognised, explored and/or resolved the serious difference in understanding and interpretation of the baseline archaeological conditions and potential that appears to exist between the County Archaeologist and the applicant’s archaeological assessment. While the Council has contended that it has met its duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay ‘special regard to the desirability of preserving’ the three listed buildings at Showell Farm, and their settings and significance, the finding of this critical analysis is that this may well not be the case in respect of other listed buildings and equally that it has failed in its duty to pay ‘special attention...to the desirability of preserving or enhancing the character or appearance’ of Rowden Conservation Area under section 72 of the same act.
5 THE ROWDEN PARK PLANNING APPLICATION (N/14/12118/OUT)

5.1 Introduction

The planning application seeking to implement the residential component of strategic development in Area E was submitted to the Council for determination by D2 Planning on behalf Crest Nicholson Operations & Redcliffe Homes in December 2014. It was validated as an application by the Council on 23 December 2014 (application ref. N/14/12118/OUT), with a target decision date for determination of 24 March 2015. The development proposal (for Rowden Park, Patterdown Road, Chippenham) was for ‘Mixed Use Urban Extension Comprising Residential (Class C3), Local Centre (Classes A1-A5) and (Classes D1 and D2), Primary School, Public Open Space Including Riverside Park and Allotments, Landscaping, 4 Vehicular Accesses, Site Roads and Associated Infrastructure’. The site boundaries are similar to, but not entirely congruent with, those subsequently allocated to residential and riverside uses in the Council’s preferred site option E2. The Rowden Park application excludes the listed building and scheduled monument at Rowden Farm and land to the east and south, tightly surrounds but excludes Milbourne Farm, and also omits the finger of land along Pudding Brook used as Patterdown Rifle Range and other land at the extreme northern tip of the area. At the time of writing in December 2015, the application remains undetermined according to the Council’s online planning site.

Unlike the Showell Farm application, according to its Environmental Statement and other application documentation, the Rowden Park submission was designed and cumulatively assessed taking into account the Showell Park employment site on its south western boundary. This critical analysis will adopt the same approach, accordingly.

5.2 The heritage content of the Rowden Park planning submission

5.2.1 An outline of the heritage content provided within the Rowden Park submission

Chapter 6 of D2 Planning’s Environmental Statement (ES) within the Rowden Park submission provides its detailed analysis of built/cultural heritage within the historic environment, which was prepared working to an assessment methodology set out in Appendix 6-1. Chapter 7 of the ES deals with archaeology.

The application’s built/cultural heritage assessment appears to have been undertaken by SLR Consulting, who bought the Cooper Partnership (the heritage consultant for the Showell Farm application) in October 2013 and absorbed the practice into its Bristol office. As a result, some historic environment documents on the Council’s online planning website were prepared by the Cooper Partnership, not SLR Consulting, and indeed are seemingly shared with the Showell Farm application.

In addition to the archaeological content of the ES (chapter 7), as appendices the ES contains an Archaeological Desk-based Assessment (DBA) by CgMs Consulting dated February 2014 and various reports, including an Archaeological Evaluation dated December 2014 . The Council’s online planning
website’s page for the application contains an update of the DBA by CgMs dated February 2015 (and hence submitted after the application).

5.2.2 An outline of the heritage content provided within the Chapter 6 of the Rowden Park Environmental Statement

Table 6.1.1 in Appendix 6-1 of the ES lists the sources used to assess the potentially affected historic environment as being:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Source</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designated heritage assets (except conservation areas)</td>
<td>National Heritage List for England</td>
<td>Online</td>
</tr>
<tr>
<td>Heritage assets (including conservation areas)</td>
<td>Wiltshire County Council Historic Environment Record (HER)</td>
<td>Digital data supplied by email</td>
</tr>
<tr>
<td>Rowden Conservation Area Statement</td>
<td>North Wiltshire District Council</td>
<td>Hard copy report</td>
</tr>
<tr>
<td>Extensive Urban Survey (Chippenham)</td>
<td>Wiltshire County Council</td>
<td>Digital data available on line</td>
</tr>
<tr>
<td>Historic landscape</td>
<td>Ordnance Survey maps</td>
<td>Digital mapping purchased from Landmark</td>
</tr>
<tr>
<td></td>
<td>Tithe maps</td>
<td>Digital maps purchased from Devon Heritage Centre</td>
</tr>
<tr>
<td></td>
<td>Social history</td>
<td>On line web search</td>
</tr>
<tr>
<td>Modern landscape</td>
<td>Ordnance Survey maps</td>
<td>Licence acquired for project</td>
</tr>
<tr>
<td>Setting of heritage assets</td>
<td>Zone of Theoretical Visibility (ZTV)</td>
<td>Modelled by Landscape Architects</td>
</tr>
<tr>
<td>Site investigations</td>
<td>CGMS Consulting Ltd</td>
<td>Unpublished reports</td>
</tr>
</tbody>
</table>

Correlation between this table and the text of chapter 6 of the ES indicates that this table represents a true picture of the analysis that was undertaken in order to identify the heritage assets and their settings that might potentially be affected by impacts arising from the Rowden Park application. This leads to certain important considerations:

- **Designated heritage assets**, excluding conservation areas, were identified using English Heritage’s online National Heritage List for England (NHLE) website (responsibility for this website has since passed over to Historic England). Conservation areas could not be identified in this way as they are not shown on the NHLE.
- **Designated conservation areas**, which are designated heritage assets in the same way as, say, scheduled monuments or listed buildings, were identified using Wiltshire’s HER. The Council’s reasons for designating one local conservation area, the Rowden Conservation Area, were explored using a hard copy of its 1996 Conservation Area Statement. This is
not available online and the Council has been unable to provide a copy for the purposes of this critical analysis.

- Non-designated heritage assets were identified for the purposes of the application’s heritage assessment only in the basis of entries available on the Council’s HER. No attempt to fill out this information from other sources, including site investigation, seems to have been attempted. Potentially, as has already been demonstrated in 3.2.3 above in considering TEP’s baseline assessment of non-designated heritage assets for section 7.2 in Appendix A of the Council’s Evidence Paper 4, this was likely to result in significant under-identification of non-designated heritage assets that might be affected by the development proposals and undervaluing of the local historic environment.

- In terms of the historic landscape, it is unclear why maps for Wiltshire would have been purchased from the Devon Heritage Centre. It is presumed that this is an error arising from copying and pasting text from another project.

Section 6.2.4-6.2.6 of the ES explains the methodology used to assess impacts on heritage assets:

‘Assessment of direct impacts is considered to be a product of the heritage significance of the asset combined with the magnitude of impact formed by the proposed development, placed on a scale of high - medium – low combined with adverse, beneficial, or neutral.

Assessment of indirect impacts has been carried out using the following stages:

- initial consideration of intervisibility leading to identification of potentially affected assets;
- assessment of heritage significance of potentially-affected assets;
- assessment of the contribution of setting to heritage significance;
- assessment of the magnitude of impact of the relevant aspects of the proposed scheme affecting setting;
- assessment of significance of impact; and
- presentation of the assessment.
- Viewshed Analysis (ZTV)

To assist with the assessment process a ZTV (Zone of Theoretical Visibility) calculation, prepared principally for the Landscape and Visual Impact Assessment, was undertaken. This has been used to filter out those designated heritage assets which have no intervisibility with the proposed development, and thus do not require an indirect impact assessment.’

Although sections 6.1.17 and 6.1.18 of the ES claim that the historic environment assessment has been prepared ‘with reference to... guidance set within English Heritage’s the Setting of Heritage Assets (2011)...’, the stated impact assessment methodology is not in compliance with the guidance, for, as discussed already in 3.2.3 above, English Heritage specifically cautioned against regarding intervisibility as being the only determining issue in identifying settings and hence impacts:

‘The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and
vibration; by spatial associations; and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. They would be considered to be within one another’s setting.’

Accordingly, the methodology used by SLR, which involved ‘initial consideration of intervisibility leading to identification of potentially affected assets’ and subsequently ‘a ZTV (Zone of Theoretical Visibility) calculation... has been used to filter out those designated heritage assets which have no intervisibility with the proposed development, and thus do not require an indirect impact assessment’ was inappropriate and potentially diminished the assessed nature and value of the historic environment that might be affected by the development proposals.

**Finding 23**

The methodology adopted by SLR in preparing the assessment set out in the cultural heritage/historic environment chapter of the Rowden Park application’s Environmental Statement was flawed in that it had the potential to reduce artificially the number of non-designated heritage assets that were identified as being possible receptors of impacts and the number of designated and non-designated assets whose settings might potentially be affected by the development proposals.

Section 6.3.4 and Table 6.1 of the ES set out the designated heritage assets within the redlined application site and the wider 500m study area (confusingly section 6.2.8 of the ES states that the study area used was 1km in diameter, but that would appear to be the archaeological study area relevant to chapter 7 of the ES; section 6.2.1 cites a historic environment study area of 500m, which is believed to be correct). Section 6.3.4 says of designated heritage assets:

‘There are no designated heritage assets within the application site, but 19 listed buildings (Table 6.1 and Drawing 6.1) and 1 scheduled monument are located within the study area, as well as the Rowden Park Conservation Area. Of these there are no Grade I listed buildings, and only two of Grade II* status, which together with the scheduled monument are of the Highest heritage significance according to Table 6.1.2 in Appendix 6.2. There are no Registered Parks and Gardens or Registered Battlefields. The Conservation Area includes the Grade II* Rowden Manor and the moated scheduled monument, which lie adjacent to the red line boundary on its eastern side.’

This assessment was incorrect in four respects:

- A significant part of Rowden Conservation Area, a designated heritage asset, lies in the application site, so the assessment was incorrect to state that ‘There are no designated heritage assets within the application site’.
- There can be no doubt that that part of the application site which does not fall within Rowden Conservation Area lies within its setting and, as section 6.1.15 of the ES specifically acknowledges (quoting paragraph 133 of the NPPF), impacts on the setting of a designated heritage asset such as Rowden Conservation Area can cause harm to the significance of the asset.
A significant area of Chippenham Conservation Area lies in the study area and physically abuts the redline boundary of the application site. There is absolutely no mention made of this designated asset (or its setting area as a heritage asset) in the historic environment chapter of the ES.

Table 6.1 of the ES correctly identified The Ivy and the Ivy West-Wing as a Grade I listed building lying in the 500m radius study area. The written assessment was thus incorrect in saying ‘there are no Grade I listed buildings’ to be considered. Along with the two Grade II* listed buildings and the one scheduled monument, this means there are four assets of the ‘Highest heritage significance’, not three as the assessment indicated.

Finding 24
The application’s identification of designated heritage assets lying within the application site and within its wider setting is badly flawed, misrepresenting the nature and value of the local historic environment.

Section 5.3.5-5.3.6 and Table 6.2 of the ES deal with non-designated assets. As discussed above, the application’s identification of non-designated heritage assets relied upon their prior identification and recording in the Council’s HER. No other attempt was made to identify further non-designated heritage assets. Table 6.2 lists 39 such assets that appear within the HER. With the exception of 3 World War II Type 24 pillboxes, none of these are standing structures – they are all archaeological assets, whether find spots, earthworks or other forms of archaeological evidence.

There is little point repeating the analysis and discussion already provided in 3.2.3, in relation to the Council’s selection of Area E as its first preferred strategic development area (leading to Findings 6 and 7 in this critical analysis), and, in relation to the Showell Farm application, 4.2.3 (leading to Finding 20). It is almost inconceivable in an area such as this, retaining significant parts of its historic environment and landscape, that some pre-20th century structures of reasonably good local character should not remain standing which warrant identification as non-designated heritage assets. In the case of the Rowden Park application (as with the Council’s strategic selection process, but unlike the earlier Showell Farm application), the significant report by Forum Heritage Services’ for English Heritage and Wiltshire Buildings Record, entitled ‘Wiltshire & Swindon Farmsteads & Landscape Project’ and published in June 2014, was available in the public domain at the time the historic environment assessment for the Rowden Park application was being undertaken. In any case, as noted previously, it built on the Wiltshire and Swindon Farmsteads Guidance prepared by the Council and English Heritage and other earlier related documentation. In order to comply with paragraph 128 of the NPPF, it was fundamental that this source of information about potential non-designated heritage assets - and indeed the general nature of the historic environment - should have been consulted as part of the assessment and the Environmental Statement. It is interesting and revealing to note in this respect that the Farmsteads Project work was clearly seen and understood by the Rowden Park application’s project team, since, as the Design and Access Statement explains (its section 5.3, page 56), the Farmsteads character area of the development surrounding Milbourne Farm and running up to Patterdown Farm was designed:
‘Reinterpreting a clustered development form, interspersed with structural planting to create a positive edge to the conservation area.

The Farmsteads character area has been identified in response to the following site features:

- The existing clustered development form of buildings set within a strong landscape structure which forms a distinctive feature in and around this area. i.e. Milbourne Farm and Rowden Manor;
- Presence of the conservation area to the eastern boundary which requires a design response capable of achieving a degree of overlooking and a positive edge without appearing overdeveloped.’

Patently, the application’s project team regarded this as a distinctive and important characteristic component of the historic landscape, suitable for replication/reinterpretation in the development proposals. It is unclear, then, why the heritage evidence base within the application’s ES does not accept the importance of the various historic farmstead clusters in the local historic landscape as non-designated heritage assets (as, indeed, the Council’s HER now does).

Moreover, as noted previously, the presence of the historic farmsteads is readily apparent in this area from a simple visual inspection. Beyond a diligent site investigation should have alerted SLR to the presence of individual buildings almost certainly meriting identification as non-designated heritage assets for their materials and good local character, such as the farmhouse at Milbourne Farm, which can be seen easily from the public highway.

FIGURE 2: MILBOURNE FARM VIEWED FROM THE MAIN ROAD
Just as with the Cooper Partnership’s assessment for the Showell Farm application, SLR (essentially the same consultant) failed to consider the component elements of the farmstead groups (despite recognising their existence), overlooking the likelihood of other buildings being curtilage listed under the listing of the principal building and/or alternatively warranting non-designated status in their own right. An example from the HER in December 2015 highlights the significance of this omission. In December 2014 at the time of the application, the individual unlisted elements of the Rowden Farm farmstead had not been identified on the HER. A year later they had, resulting in six additional non-designated heritage assets being added to the HER. None of these are mentioned or considered as heritage assets within the Rowden Park application’s assessment of the historic environment, despite lying immediately adjacent to the site’s redline boundary. Additionally, the HER now also records the site of a demolished 19th century outfarm north west of Rowden Farm, a characteristic component of the local historic environment, lying just inside the redline boundary of the application site. This one example demonstrates the extent to which the application’s assessment failed to understand the nature and value of the local historic environment. Having failed to identify the full range of assets, its impact assessment and mitigation strategies were inevitably significantly deficient. To re-emphasis the point, pointers to the existence and importance of such assets was available at the time the assessment was carried out, not the least in the Avon Dales farmstead and landscape statement (NCA 117), cited elsewhere in the application, which noted the medium survival of pre-1750 farmsteads and outfarms in the area.

None of the foregoing necessarily means that development should not take place in a way that has some effect on these assets and their significance. The point is that, whether listed, curtilage or non-designated, such assets should form a material consideration in the planning process and that demands their proper identification and assessment in advance of that process. The Rowden Park application signally failed to do this.

In fairness, it should be acknowledged that a similar farmsteads exist in the other competing strategic development areas around Chippenham. However (and this counter-argument must be given considerable emphasis), it was only in strategic area E – that is, now relating to and affecting the Rowden Park application – that the Council, as long ago as 1996, decided to designate a key part of the historic agricultural landscape (and with considerable determination, given it was contrary to the guidance of paragraph 4.6 of PPG15) as a conservation area specifically because of ‘the history associated with the area’ and as ‘an intensely rural and agricultural domain’. That act and the intent behind it sets this strategic area and its assets apart from all others and like for like at a greater level of importance. That is why the failure to identify and assess properly the full range of heritage assets and the nature of the historic environment is so serious in this case.

**Finding 25**

The application’s baseline assessment of the heritage assets that might potentially receive impacts from the development site is seriously flawed, failing to consider and identify separately designated, curtilage listed, and non-designated assets lying within the application site or in whose settings the application site might well be deemed to lie. As a result, the cultural heritage chapter of the Environmental Statement, which constituted the application’s heritage assessment, as submitted to
Section 6.8 of the application’s ES provides its heritage impact assessment. This found that (section 6.8.7) ‘There are potential setting issues between the proposed development and up to 7 Listed Buildings that stand within southern section of the study area; one of these is Rowden Farmhouse’.

As has already been noted, there are at least six non-designated heritage assets at Rowden Farm, which the assessment failed to identify, as well as the listed structure, and the seven listed buildings the impact assessment mentioned may well have curtilage listed structures of some merit that will potentially also receive impacts from the development.

SLR’s assessment in respect to the seven listed buildings was that the magnitude of impact arising from the development would be neutral/none in all cases with the exception of the three listed buildings at Rowden Farm which it found would receive low adverse impacts. In relation to the Grade II listed Patterdown Farmhouse, the ES assessment found that it:

‘...stands on the western side of a narrow road (B4528) between Chippenham and Showell Farm. The lane is hedged and therefore affords this building adequate screening from the proposed development to the east. Based on the ZTV analysis and visual enclosure provided by hedgerows, the magnitude of the setting between the historic building stock of Patterdown Farm and the proposed development is Neutral/none.’

The view looking eastwards from immediately outside Patterdown Farm is shown in Figure 3 below.

Contrary to SLR’s claim that the listed building is adequately screened from the development by the existing hedge, there is an essentially uninterrupted view to Milbourne Farm to the north east and across the entire river plain, including Rowden Conservation Area, to the Pewsham Way estate on the hill beyond. Two matters need to be stressed about this:

- The application’s master plan shows that the proposed development will come right up to hedge line across the road from Patterdown Farm. The listed building will become isolated from the countryside, trapped between the railway embankment immediately to
its rear and the new housing development in front. That is a very substantial impact on the asset’s setting, amounting to a medium to high adverse impact, not the neutral/none ascribed to it in the ES.

- The importance of the network of historic farmstead clusters in this landscape has already been stressed. The view from Patterdown Farmhouse across to Milbourne Farm is an important visual reminder of this which will be erased by the development. That is a substantial impact on the historic landscape that is not recognised, let alone assessed by the application’s heritage assessment.

As observed already, since the assessment did not identify the presence of various standing non-designated heritage assets or the relevance and value of the farmstead clusters, it was inevitable that these would be missing from the impact assessment, resulting in a very skewed and reduced understanding of the overall effect of the development on the historic environment. As one instance, the application shows Milbourne Farm, now recognised on the HER as a non-designated asset, entirely surrounded by new development, losing all context and association with its land and landscape. That would amount to a high adverse magnitude of impact and might well constitute substantial harm to the significance of the asset (as per the Bedford case (Bedford Borough Council v Secretary of State for Communities and Local Government, 2013), where substantial harm was explained as ‘In the context of non-physical or indirect harm...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’).

The ES’s assessment of impact on Rowden Conservation Area is also seriously deficient and under-represented. It found (section 6.8.11):

‘Rowden Park Conservation Area, a Designated Heritage Asset of High significance, would experience both direct and indirect impacts from the proposed scheme. The direct impacts, however, would affect potential buried remains identified from geophysical survey, whereas the reasons for the land having been designated as a conservation area are for its visible character and extant historical remains. The balancing ponds would result in a very small change at the south-western edge of the conservation area, and as such the impact is assessed as negligible adverse which would result in a negligible significance of effect. The indirect effect of housing along the western and south-western margin of the Conservation Area are also assessed at the same level due to the fact that the emphasis of the designation is on the landscape surrounding and focussed on the Rowden farm (Rowden Manor) complex, and the Civil War battlefield. Within the Conservation Area Statement significant views are towards the complex and their topographic relationship to the river, and therefore the change along the western boundary that would result from the new housing is considered a negligible adverse impact and a negligible significance of effect.’

There are key problems with that analysis:

- In assessing the direct impacts affecting the conservation area itself within the application site, SLR overlooked the major transformation of the character of the conservation area that will result from the new riverside park. According to the Landscape Strategy in the
application’s Design and Access Statement (its section 6, pgs 69 and 71, especially), the conservation area land - designated in 1996 specifically because it was understood to be an ‘intensely rural and agricultural domain’ – is now an ‘underused asset’ that needs to be opened up. The riverside park will supplant the historical agricultural land use (elsewhere, the statement recognises the loss of grazing land) with:
- Access for recreation and leisure, [with] informal and mainly open grassy areas perfect for picnic areas, kicking a ball about, flying kites, walking the dog and bird watching etc.
- Public art which could be a sculpture trail or a particular landmark.
- Improved ecological habitat such as wild flower meadows, wetland areas, more planting to the hedgerow network and access along the riverbank with bird hides and other features.
- A new and improved network of cycling and walking trails linking into the rest of Chippenham.

This will change a landscape protected for its historical associations and intensely rural agricultural domain into a garden village’s leisure space - as previously discussed, a late 20th and 21st century notion. Although still open space, that will significantly impact upon the character of the conservation area, removing the link between the Rowden Farm complex with its listed, non-designated and scheduled monument assets and its intimate historic agricultural landscape, while striking at the heart of the reasons for its designation in 1996.

- SLR seem not to have conducted its own analysis of the conservation area, as in discussing impacts on its setting, it relies for evidence only on a single comment in the 1996 Rowden Conservation Area Statement regarding the importance of a view towards the Rowden farm complex. The Conservation Area Statement was not implying that no other aspect of the setting of the conservation area is of importance. As has been shown above, there are important views into the conservation area from the west, revealing the landscape and interlinkage of the historic farmstead clusters, which would be obliterated by the development. There are also important views of the conservation area from higher vantage points such as Pewsham Way in the east and the Chippenham Community Hospital complex to the north west. However, just as important are the views across and out of the conservation area to the west, north and east, and the inter-relationships across this landscape. SLR presumably concluded that the impact of major residential development on the west side of the conservation area would be negligible on the assumption that it would lie behind the viewer, but the importance of the conservation area is not about a single static one-directional view. Indeed, as English Heritage’s Settings guidance made clear, visibility is just one factor in understanding setting. A better understanding of the effect of the development is provided later in chapter 6 of the ES (sections 6.8.15 and 6.8.16) where it is acknowledged (with emphasis added):

‘Construction of residential housing within the application site, as well as ancillary infrastructure such as flood alleviation within the fields east of the housing, would change the existing predominantly rural character. The location of buried archaeological remains
is intimately connected to physical factors such as topography, soil and geology, drainage and water source.

The ability to appreciate heritage assets within their environment will be impacted by the proposed development, although a general sense of their relationship to their contemporary physical surroundings would not be entirely lost, and can be reconstructed from historic mapping and photographic record, as well as through archaeological analysis.’

Given the character of the conservation area and the reasons for its designation, that must be seen as more harmful than a negligible adverse impact. For all these reasons, it is clear that the application’s impact assessment seriously under-represents the likely impact and effect on the significance of Rowden Conservation Area.

The ES heritage impact assessment does not consider the magnitude of impacts that would be experienced by the Chippenham Conservation Area which abuts the development site to the north (it is accepted that these might well amount to neutral/none, but this is a designated heritage asset immediately adjoining the development site and it should have been assessed to comply with the NPPF) or the scheduled monument at Rowden Farm (a designated asset of ‘Highest’ significance, using the ES’s methodology, whose setting will be affected).

Finding 26

The application’s heritage impact assessment is very partial in its coverage and demonstrably under-represents many issues and impacts, rendering it significantly flawed and unreliable. As such, it did not comply with the requirements of paragraph 128 of the NPPF.

In mitigation for the impacts and effects on significance that it markedly under-represented, the application’s ES offered the following heritage benefits (sections 6.9.1 and 6.9.2):

‘Direct Impacts

A programme of archaeological investigation consisting of excavation, recording, sampling, post-exavagation analysis, reporting, archiving and publication would provide a valuable legacy of understanding for the heritage assets that would be impacted by the proposed development.

Indirect Impacts

Vegetation screening, retention of topography and existing field boundaries, would help to alleviate potential indirect impacts. In addition the research, design and erection of appropriate interpretation panels within the Conservation Area would help to better inform the public about the cultural heritage and buried archaeology of the Rowden Park area.’

On the basis of that mitigation strategy, the ES heritage impact assessment was summarised as follows (sections 6.12.1-6.12.3):
‘...the assessment has concluded that important heritage assets would be affected by the proposed development.

Appropriate mitigation measures, however, include enhancement of the historic bridge and the ability for public appreciation of the Civil War battlefield. These measures would use a bronze 3-D model (subject to discussion) of the battlefield and discreet interpretation panels to explain the cultural history of Rowden Park, and would compensate for the low level of indirect harm that would otherwise accrue to the Designated Heritage Assets. When implemented these mitigation measures would result in a residual enhancement of current understanding and appreciation for the cultural heritage of the Rowden Park Conservation Area.

For direct harm to buried heritage assets within the area of proposed residential housing and the attenuation ponds, archaeological investigation and recording prior to construction would constitute an appropriate mitigation strategy which would result in additional knowledge and understanding of the archaeological resource, which would benefit public appreciation of the cultural heritage of the area.’

As with its preceding content and as with the subsequent chapter on archaeology, these conclusions mixed cultural heritage with buried archaeology, presumably to fill out a paucity of evidence and assessment. It has been demonstrated in this critical analysis that the application seriously under-represents the nature of the historic environment in Area E and the designated, curtilage listed and non-designated assets that are likely to be impacted upon and potentially harmed by the development. Even so, the ES concluded that ‘important heritage assets would be affected by the proposed development’. In mitigation for the harm likely to be caused to the significance of a range of heritage assets, the application focuses on the provision of better informed interpretation panels in the conservation area (which to a degree would further impact on the pivotal intensely rural character of that heritage asset) and the provision of an archaeological record of excavation, which along with screening, would result in enhancements to the significance of heritage assets of as high as ‘moderate-substantial’ effect, according to section 6.10.2). Given the form and size of the development, the true range of assets that will be affected and the nature of their significance, and the mitigation that is being provided, this does not seem a credible conclusion for the ES to reach.

**Finding 27**

The conclusions of the application’s heritage impact assessment are not credible, resulting from a thoroughly inadequate assessment and understanding of the nature and value of the local historic environment and a partial and skewed assessment of impacts and effects thereon.

5.2.3 An outline of the archaeological content provided within the Chapter 7 of the Rowden Park Environmental Statement

The archaeological assessment provided in chapter 7 of the ES is in many respects more accurate than that of the historic environment/cultural heritage in chapter 6. As with chapter 6, the analysis veered across the boundary between the two topics (so, as but one example of many, section 7.7.5 borrowed the non-archaeological notion from section 6.8.11 that ‘Within the Conservation Area Statement
significant views are towards the complex and their topographic relationship to the river, and therefore the change along the western boundary that would result from the new housing is considered a negligible adverse impact and a negligible significance of effect’), but chapter 7’s identification of archaeological assets likely to be affected by the development proposals within the application is far better and appears comprehensive.

Sections 7.7.7 and 7.7.8 found that, in regard to direct effects on archaeology:

‘Construction is likely to result in permanent and irreversible damage to buried archaeological remains. Although the archaeological assets within the proposed residential development and within the balancing ponds are of local importance and medium heritage significance, construction activities would result in a high adverse impact on assets of medium importance, leading to a significance of effect of moderate harm.’

Referring to indirect effects, sections 7.7.9 and 7.7.10 appear to be a subtly modified version of the equivalent findings of the cultural heritage chapter (sections 6.8.15 and 6.8.16, which have been quoted in 5.2.2 above). The archaeological chapter’s version reads:

‘Construction of residential housing within the application site, as well as ancillary infrastructure such as flood alleviation within the fields east of the housing, would change the existing predominantly rural character. The location of buried archaeological remains is intimately connected to physical factors such as topography, soil and geology, drainage and water source.

The ability to appreciate archaeological assets within their environment will be impacted by the proposed development, although a general sense of their relationship to their contemporary physical surroundings would not be entirely lost, and can be reconstructed from historic mapping and photographic record, as well as through archaeological analysis.’

On balance, it seems likely that this text was actually written about archaeological, not cultural heritage, effects, increasing the sense that the cultural heritage chapter of the ES was poorly prepared and utilised text from elsewhere where its own coverage was likely to be poor. The concluding three paragraphs of the archaeological impact assessment in chapter 7 are identical to those in chapter 6 with the insertion of the word ‘archaeological’ in place of ‘heritage’.

5.2.4 The Council’s response to heritage aspects of the Rowden Park application

The Council’s online planning website includes a single formal comment from its Senior Conservation Officer and another from the County Archaeologist, the latter apparently resulting in CgMs’s Archaeological Evaluation paper being submitted. No other subsequent changes to the heritage or archaeological content of the application or the ES are evident and there is no report from the Case Officer available online at the time of writing.

The Senior Conservation Officer’s comment made on 21st January 2015 observed:

- ‘Within the conservation area itself it would appear that care should be taken to maintain the agricultural/pastoral character. The plans appear to indicate a more manicured
approach, which would be detrimental to the character. Detailed design and materials of pathways etc will therefore need to maintain a more rural/rustic feel.

- Development abutting the conservation area on its western edge should allow for green space/planting between the buildings and the conservation area edge to a greater extent. The impact of a row of buildings with little or no screening, as shown in the top diagram on page 47, would I think have an adverse effect on the character and appearance of the conservation area.
- The area where I have particular concern with regard to the impact on the conservation area is the development in Great Coppice, which is the northern-most section on the western edge. The eastern-most section of this land rises up not just from the Pudding Brook to the south, (as shown on p.45) but also from the east (p.25). It is considered that the houses on the eastern-most section of Great Coppice, (shown as part three and part two-storey) should be two-storey only and should follow the contour lines around the curve of the slope (P.25) rather than introducing artificial terracing on a north-east to south-west line as shown. This would soften the junction with the conservation area and, with the aid of planting, look more natural in the wider landscape.’

All three points are valid, although as this critical analysis has demonstrated, there are other equally significant issues of concern with the heritage content of the application that were overlooked in the Senior Conservation Officer’s note. She picked up on the harm likely to result from implementation of the riverside park within the conservation area, although her comments underplay the magnitude of that threat. Most worryingly is the Council’s apparent acceptance that the application’s evidence base and impact assessment are sound.

The County Archaeologist wrote to the Case Officer on 29th December 2014. Her consultation response was that:

‘A comprehensive archaeological evaluation has been carried out across the proposed development site and results of which have been used to inform the Environmental Statement (ES)...I concur with the conclusions of the ES chapters 6 and 7 on cultural heritage and archaeology that mitigation is required across the site in the form of excavation. As no archaeological features were found in Fields 4, 6, 7 and 8, no further work is required in these areas. However, excavation is required in the remainder of fields 1-11 and in all of the proposed pond basins and flood compensation areas. A detailed archaeological mitigation strategy is now required for these areas.’

As far as can be ascertained, that is the extent of the Council’s response on heritage and archaeological matters arising from the application at the present time. It is a matter of considerable concern that to date the weaknesses and flaws in the heritage evidence and assessment, and its lack of compliance with paragraph 128 of the NPPF, have not been comprehended. If the Council were to determine the application on the basis of the heritage assessment provided in the application’s ES, there is a very significant likelihood that it would fail to comply with its duties imposed under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
Finding 28

As with the Showell Farm application, the Council’s Senior Conservation Officer appears so far to have responded to the application with a ‘light touch’. While the three concerns that she has expressed about with the development proposals are entirely valid, there are other equally significant issues with the heritage evidence base and impact assessment of the application that have been overlooked. It is a matter of considerable concern that to date the weaknesses and flaws in the application’s heritage case, and its lack of compliance with paragraph 128 of the NPPF, have not been comprehended. If the Council were to determine the application on the basis of the heritage assessment provided in the application’s ES, there is a very significant likelihood that it would fail to comply with its duties imposed under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Summary of Findings 23-28

The Rowden Park application seriously under-represents the nature and value of the local historic environment. The methodology used in preparing the assessment had the potential to reduce artificially the identification of the range of heritage assets that might be affected by the development. That is exactly what has occurred. As a result, the cultural heritage chapter of the Environmental Statement, which constitutes the application’s heritage assessment, does not comply with the requirements of paragraph 128 of the NPPF. The heritage impact assessment is very partial in its coverage and demonstrably under-represents many issues and impacts, rendering it significantly flawed and unreliable and its conclusions lacking in credibility. If Wiltshire Council were to positively determine the application on the basis of the application’s heritage case, as it is currently presented, it is clear that the Council would fail to comply with its legal duties imposed under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6 CONCLUSIONS

The principal findings of this critical appraisal report have been set out in the Executive Summary and will not be repeated here. However, following the extensive analysis that has been undertaken on key documentation relating to Wiltshire Council’s selection process for its first preferred strategic area for development (and the associated preferred site) and the Showell Farm and Rowden Park planning applications, there are two core conclusions regarding the Council’s policy position and duties as the local planning authority:

1. The Council’s policy agenda for its preferred strategic development area at Chippenham is flawed due to inaccuracies and omissions in its heritage evidence base. From a heritage perspective, it would seem unsafe to determine planning applications relating to strategic development in Area E on this basis.

2. The heritage/historic environment evidence base and impact assessment for both the Showell Farm and Rowden Park planning applications are seriously deficient and fail to comply with the requirements of paragraph 128 of the NPPF. If the Council were to determine one or both of these applications on the basis of the applications’ heritage cases, as currently presented, there is a very significant likelihood that the Council would fail to comply with its duties imposed under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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