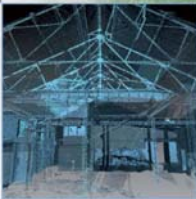


Review of Heritage Assessments Submitted to Sefton Council in Support of Proposed Land Allocations

AOC project no 23211

October 2015



ARCHAEOLOGY

HERITAGE

CONSERVATION

Review of Heritage Assessments Submitted to Sefton Council in Support of Proposed Land Allocations

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Date of Report:	October 2015

This document has been prepared in accordance with AOC standard operating procedures.

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Draft/Final Report Stage: Final	Date: October 2015

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1. Introduction

- 1.1. AOC Archaeology Group was commissioned by Sefton Metropolitan Borough Council to undertake an independent review of eight heritage assessments submitted in support of the allocation of land in the draft Sefton Local Plan. A draft publication of the Local Plan was submitted to the Secretary of State for independent review on the 3rd August 2015.
- 1.2. The heritage assessments for review relate to eight sites located within the Sefton Council Local Authority Area. These are:
 - MN 2.2 Land at Bankfield Lane, Churchtown
 - MN 2.11 Land south of Moor Lane, Ainsdale
 - M N2.16 Land at Liverpool Road, Formby & MN 2.17 Land at Altcar Lane, Formby (covered by one assessment)
 - MN 2.19 Land at Andrew's Lane, Formby
 - MN 2.33 Land at Wango Lane, Aintree (two assessments)
 - AS10 Land at Edge Lane, Thornton
 - AS30 Land at Damfield Lane
- 1.3. Sefton Council subsequently requested that AOC consider a ninth site at Formby (AS 28) which extends south from MN 2.17 and the Liverpool Road to the northern bank of the canalised River Alt. AS 28 will be referenced in this review as Land to the South of Lovelady's Farm, Formby. No heritage assessment has been submitted for AS 28 so AOC's assessment will consist of a brief review of the potential for direct and indirect impacts including the possibility of cumulative indirect impacts upon the settings of the three Grade II Listed Buildings at Lovelady's Farm if AS 28, MN 2.16 and MN 2.17 were all to be developed.
- 1.4. The submitted heritage assessments have been prepared by a variety of professionals including Heritage Consultants, Architects and Historic Buildings Consultants and have been submitted as part representations by developers and land-owners to support the allocation of sites for development. Sites prefixed 'MN' have been allocated in the draft Sefton Local Plan whereas those prefixed 'AS' have not. A single heritage assessment covers the allocations at Liverpool Road (MN 2.16) and Altcar Road (MN 2.17) Formby, whilst two separate assessments have been submitted for Wango Lane (MN 2.33). Eight heritage assessments were assessed in total.
- 1.5. This report comments on the scope and methodology of each of the submitted heritage assessments. Each assessment is reviewed with reference to standard good practice and current legislation, policy and guidance on heritage. Where deficiencies in submitted heritage assessments have been identified, further research, site visits, and setting assessments have been undertaken.
- 1.6. This report has been produced by AOC Archaeology Group. AOC is a Registered Organisation of the Chartered Institute for Archaeologists (CIfA) and conforms to the standards of professional conduct outlined in the CIfA Code of Conduct, the CIfA Code of Approved Practice for the Regulation of Contractual Arrangements in Field Archaeology and the CIfA Standards and Guidance for Desk Based Assessments.

2. Aims and Objectives

2.1. This report has the following aims:

- To review the submitted heritage assessments with respect to their accuracy and the soundness of the data used; assumptions made, and conclusions reached.
- To consider whether the submitted heritage assessments meet the requirements of current planning regulations and guidance set out in the National Planning Policy Framework (NPPF), National Planning Practice Guidance and relevant Historic England guidance.
- To identify deficiencies in the submitted heritage assessments. The report will set out the results of the appraisal of each submitted heritage assessment, identifying any issues with the heritage assessments and establishing strategies for their rectification. To report on conclusions with regards to heritage impacts where they differ from the submitted heritage assessments.

2.2. A distinction has to be made between the allocation of land for development within the Local Plan and any development which may subsequently follow. Any impacts on the historic environment would obviously result from development rather than allocation. Consequently this review considers the general principle of residential development within each site, the potential consequence of allocation rather than the act of allocation itself. Should the sites be allocated and applications submitted, then further detailed assessment and evaluation will be required in order to assess the specific potential impacts of the submitted proposals.

3. Legislation, Planning Policy and Guidance

Legislative Context and Designation

- 3.1. In England Scheduled Monuments, Listed Buildings and Conservation Areas are afforded statutory protection under the terms of the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.2. With regard to Listed Buildings and their settings Section 66 (1) of the 1990 Act states that:
- 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'* (HMSO 1990, 41).
- 3.3. Section 72 (1) of the 1990 Act addresses Conservation Areas stating that *'in the exercise, with respect to any buildings or other land in a conservation area [...] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'* (HMSO 1990, 43). In a recent judgement the Court of Appeal noted that *'it is common ground [between the Appellant and Respondents] that, despite the slight differences in wording, the nature of the duty is the same under both enactments. It is also common ground that 'preserving' in both enactments means doing no harm'* (Barnwell v East Northamptonshire 2014, para 16). With regard to the application of Section 66(1), the Court of Appeal found that *'the overarching statutory duty imposed by [the section]... requires considerable weight to be given by decision-makers to the desirability of preserving the setting of all listed buildings including Grade II listed buildings. If the harm to the setting of a Grade I listed building would be less than substantial that will plainly lessen the strength of the presumption against the grant of planning permission (so that a grant of permission would no longer have to be 'wholly exceptional'), but it does not follow that the 'strong presumption' against the granting of planning permission has been entirely removed'* (Barnwell v East Northamptonshire 2014, para 28).
- 3.4. The 1990 Act places responsibility for the designation of Listed Buildings with the Secretary of State. The criteria used for selection is detailed in the *'Principles of Selection for Listed Buildings'* (DCMS, March 2010) which sets out five General Principles: Age and Rarity; Aesthetic Merits; Selectivity; National Interest and State of Repair, although the latter *'is not a relevant consideration when deciding whether a building meets the test of special interest'* (DCMS 2010, 5-6). The principles for the designation of Scheduled Monuments, undertaken by the Secretary of State under the terms of the 1979 Act include: Period; Rarity; Documentation/Finds; Group Value; Survival/Condition; Fragility/Vulnerability; Diversity and Potential (DCMS 2013, Annex 1) and are comparable to those used when listing buildings. With regard to Scheduled Monuments the DCMS states that *'not all monuments are of equal significance. Their importance can be gauged by the level of heritage interest they hold for current and future generations'* (DCMS 2013, Annex 1). Whilst this applies to establishing the importance of assets for the purpose of designating Scheduled Monuments, the general principle applies equally to Listed assets and indeed non-statutory weightings are given to Listed assets which are categorised as being Grade I, II* or II Listed based upon their level of interest..

- 3.5. The 1990 Act places the duty for the designation of Conservation Areas with local planning authorities stating that every authority *'shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and [...] shall designate those areas as conservation areas'* (HMSO 1990, Section 69(1)).

National Planning Policy and Guidance

- 3.6. The National Planning Policy Framework (NPPF) (DCLG 2012) sets out 12 Core Planning Principles of which the conservation of historic environment is one. One of the NPPF's core principles is that *'planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'* (DCLG 2012, Para 17).
- 3.7. The NPPF, where designated heritage assets are concerned, requires us to make an assessment as to the level of harm which could be caused to heritage assets by development. It requires us to indicate whether that harm is 'substantial' or 'less than substantial' and the level of harm predicted establishes the planning test to be applied. Harm is defined by Historic England as *'Change for the worse, here primarily referring to the effect of inappropriate interventions on the heritage values of a place'* (Historic England 2008, p 71). The NPPF Practice Guide notes that *'What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset'* (DCLG 2014, Para 17).
- 3.8. Three elements of national planning policy and guidance are particularly relevant to this review: plan making; development management and setting. These are outlined below.

Allocations within Local Plans

- 3.9. The NPPF does not specifically discuss heritage in terms of the allocation of land in local plans. However, the framework notes that the policies and principles set out within it are also relevant to plan-making (DCLG 2012, 30, footnote 29). As such, the following principles are relevant when considering the impact upon heritage assets that could result from the allocation of land within a local plan, and the subsequent development of that land:

'128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

129. 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 proposa.' (2012, 30).

- 3.10. The National Planning Practice Guidance (NPPG) was released in March 2014 by the Department for Communities and Local Government. The NPPG contains guidance on implementing the NPPF policies for conserving and enhancing the historic environment. Paragraph 169 of the Practice Guide refers to the evidence base which should be used in local plan-making:

'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.'

- 3.11. Historic England has published guidance on *The Historic Environment in Local Plans* (Historic England 2015a). This guidance generally advocates that plan making should be based on 'adequate, up-to-date and relevant evidence' (2015a, 1). In terms of the historic environment it advises that the evidence base 'should be used to assess the significance of heritage assets and the contribution they make to the environment' (2015a, 1). The guidance provides direction in gathering evidence, on which historic environment sources should be consulted and the on the application of evidence. A section on site allocations is particularly relevant to this assessment and states:

17 A conservation strategy can help with site allocations in terms of considering environmental and policy constraints against evidence in the relevant Strategic Housing Market Assessment (Planning Minister's letter to Chief Planner 19 December 2014).

18 It can identify opportunities to conserve the historic environment, such as site allocations positively addressing heritage assets at risk, and can help to ensure that site allocations avoid harming the significance of heritage assets (including effects on their setting). The strategy can also be used to inform the nature of allocations so development responds to and reflects local character. Site allocations should be informed by an evidence base and an analysis of potential effects on heritage assets (2015a, 6) .

- 3.12. Draft guidance on site allocations in local plans was published by Historic England for consultation on the 8th June 2015. This draft guidance sets out five steps that should be undertaken in the site selection process to ensure that any given site is appropriate for allocation in terms of effects upon the historic environment:

- Step 1: Identify which heritage assets are affected by the potential site allocation
- Step 2: Understand what contribution the site (in its current form) makes to the significance of the heritage assets
- Step 3: Identify what impact the allocation might have on that significance

- Step 4: Consider maximising enhancements and avoiding harm
- Step 5: Determine whether the proposed site allocation is appropriate in light of the NPPF's tests of soundness

3.13. The guidance gives an indication of how each of the steps might be achieved. Of particular importance in the process is the establishment of an up-to-date and relevant baseline so that assets which could be affected by the allocation of land can be identified, their significance assessed and a determination made of how the allocation of a specific site might result in an adverse impact upon that significance.

Development Management

3.14. To assist in decision making, in Paragraph 128, the NPPF requires developers to identify any heritage asset which may be impacted by a proposed development and describe its significance, including any contribution to that significance that may be made by the asset's setting. The level of detail should be proportionate to the asset's significance and should allow the planning authority to understand potential impacts on the asset's significance.

3.15. Paragraph 132, which states that where designated assets are concerned great weight should be given to the asset's conservation, is quoted in full below:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."* (CLG 2012, 31, Para 132).

3.16. Paragraph 133, builds upon Paragraph 132 stating that:

'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial benefits that outweigh that harm or loss, or that all of the following apply:

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use"*

- 3.17. Paragraph 134 addresses 'less than substantial' harm stating that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*
- 3.18. Paragraph 139 notes that assets which are not designated but which are of schedulable quality should be assessed under the policies for designated assets.
- 3.19. Impacts upon non-designated heritage assets are also a pertinent planning consideration. Paragraph 135 indicates that impacts upon such assets, whether direct or indirect, shall be taken into account when making the planning decision and the decision maker will have regard to the scale of the significance of the asset and any harm or loss, which might be caused to it by the proposed development. Any such impacts should be considered in the planning balance.
- 3.20. Where a heritage asset is to be lost, either in part or in whole, as a result of the development, the local planning authority should require developers to *'record and advance the understanding of the significance of the heritage asset's [...] in a manner appropriate to their importance and the impact, and should make this evidence publicly accessible (CLG 2012, 32, Para 141)'*.
- 3.21. Paragraph 129 of the NPPF states 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" (CLG 2012, 30, Para 129)*
- 3.22. In terms of heritage assessments considered here, the most important sections of the National Planning Practice Guidance relate to setting and to harm. Paragraph 13 of the Guidance states that:
- 'A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.'* (DCLG 2014, Para 13).

Setting

- 3.23. NPPF is clear that the setting of an asset can contribute to its significance. Further, harm to that setting can adversely affect the significance of an asset. Historic England has provided guidance on the assessment of impacts upon setting in their *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (2015c). This is discussed in greater detail in Paragraphs 4.9 and 4.15 below as they directly inform the impact assessment methodology that will be used in this review.

Local Planning Policy and Guidance

- 3.24. The draft Local Plan for Sefton was submitted to the Secretary of State for review in August 2015. The Local Plan will, when adopted, replace the saved policy from the Unitary Development Plan (2006) and as such heritage assessments are reviewed against heritage policies within the draft Local Plan and not the saved policy from the Unitary Development Plan. Policy NH1 of the draft Sefton Local Plan deals with all Environmental Assets, both natural and cultural. The following policies within the submitted Local Plan are directly related to the historic environment and are relevant to this report:

NH9 DEMOLITION OR SUBSTANTIAL HARM TO DESIGNATED HERITAGE ASSETS

Development which results in substantial harm to, or demolition of, a designated heritage asset or its setting will not be permitted.

NH10 WORKS AFFECTING LISTED BUILDINGS

Works affecting a Listed Building or its setting will only be permitted where:

- a) Any alterations preserve the historic fabric and features of the building and/or its setting which are important to it.*
- b) Any new additions are well designed and respect the special architectural or historic interest of the building.*
- c) New development in the building's setting respects and conserves historic and positive existing relationships between the listed building and its surroundings.*
- d) Development does not undermine the long term economic viability of the listed building or otherwise harm options for its long term maintenance.*

NH11 DEVELOPMENT AFFECTING CONSERVATION AREAS

1. Development within conservation areas or affecting their setting will only be permitted where the proposal is of high quality design and preserves or enhances the character or appearance of the conservation area or its setting. Changes of use within conservation areas should retain the mix of uses which are characteristic of the area.

2. Development which affects features which positively contribute to a conservation area or its setting will only be permitted where:

- a) Replacement or new features are of an appropriate style and use materials which are sympathetic to the age, architecture and features of the affected property*
- b) Extensions, alterations or additions respect the layout and historic pattern of development in the conservation area affected*
- c) Hard and soft landscape features which contribute to the historic value of the site to the conservation area are retained (including historically significant features from previous uses),*
and
- d) The character of historic boundary treatments, patterns of trees and planting in the conservation area are retained and enhanced.*

3. Development which affects sites or features which do not contribute positively to the character or appearance of the conservation area, must enhance the site or conservation area.

NH12 DEVELOPMENT AFFECTING REGISTERED PARKS AND GARDENS

- 1. Development within a Registered Historic Park or Garden or affecting its setting will only be permitted where the development relates well to the significant features of the historic park or garden, and is of high quality design, which is sympathetic to the special interest and function of the site.*
- 2. Development affecting the setting of a registered historic park or garden must maintain the aspects of its setting which contribute to its significance including views into and out of it, and the general relationship between the park or garden and the character of the surrounding landscape or townscape.*

NH13 DEVELOPMENT AFFECTING ARCHAEOLOGY AND SCHEDULED MONUMENTS

- 1. Development affecting, or within the setting of, Scheduled Monuments or nationally important archaeological sites will only be permitted where the development does not detract from the importance of the site. Historically significant relationships between features within the site and between the site and its surroundings must be retained.*
- 2. Development which harms the archaeological interest of buildings, and development on or within the setting of non-designated archaeological sites, will not be permitted unless the benefits of the proposals outweigh the loss and:
 - a) the nature and value of the archaeology is well understood*
 - b) the development has been designed to minimise harm to the archaeology, and*
 - c) provision is made for recording, reporting and interpretation where appropriate.**

NH14 DEVELOPMENT AFFECTING NON-DESIGNATED HERITAGE ASSETS

Development affecting a locally listed asset or its setting, or an undesignated heritage asset or its setting, will be permitted where the aspects of the asset which contribute to its significance are conserved or enhanced. (2015a)

4. Assessment Methodology

- 4.1. This report reviews the eight heritage assessments submitted to Sefton Council in support of the allocation of land in the draft Local Plan. For each heritage assessment, the report seeks to establish if the scope, identified baseline, assessment methodology and conclusions reached are in line with the policy and guidance set out above.
- 4.2. In order to undertake each review, a search was made of all heritage assets within 1km of the proposed allocation sites. This included designated heritage assets, details of which were downloaded from the Historic England Archives and non-designated heritage assets, details of which were received from Merseyside Historic Environment Record (HER). Details held within digital records of the Merseyside HER were supplemented by a search of the paper records held by Merseyside Environmental Advisory Service. In addition to this, and where submitted heritage assessments did not include them, a full map regression for each of the proposed allocation sites was undertaken. Where appropriate reference is also made to 'The Archaeology of a Changing Landscape: The Last Thousand Years in Merseyside', the Merseyside Historic Characterisation Project and relevant Conservation Area Appraisals and Leaflets.
- 4.3. Site visits have been made to the vicinity of each of the proposed site allocations covered by the eight submitted heritage assessments. Where appropriate, these site visits included visits to designated and non-designated heritage assets in their vicinities whose setting could potentially be affected by future development.
- 4.4. Each chapter concludes with an assessment of the potential for both direct and indirect impacts resulting from post-allocation development of the sites. Individual conclusions are presented for each site. All findings of cultural heritage importance and significance have been reached using AOC's established methodology which draws from the legislation set out in the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990; the policies laid out in the NPPF and the guidance provided by the NPPG and Historic England. This methodology is summarised below and detailed in Appendix 1.

Establishing Cultural Heritage Value (Significance) and Importance

- 4.5. AOC's method of classifying cultural heritage value and importance is guided by the classification criteria used nationally by the Secretary of State in designating heritage assets, such as Scheduled Monuments and Listed Buildings. It involves consideration of the asset's cultural heritage value, and includes consideration of such factors as their type, age, rarity, group value, site context, historical associations (i.e. with well-known persons or historical events), quality, character and style of construction and condition. Judgements on the value and importance can be based upon a single factor, although in all probability findings are based on a combination of these criteria.
- 4.6. The definition of cultural significance is readily accepted by heritage professionals both in the UK and internationally and was first fully outlined in the Burra Charter, which states in article one that 'cultural significance' or 'cultural heritage value' means aesthetic, historic, scientific, social or spiritual value for past, present or future generations (ICOMOS 1999, Article 1.2). This definition has since been adopted by governments and heritage organisations around the world, including Historic England (HE). The NPPF defines cultural significance as '*The value of a heritage asset to this and future*

generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting' (2012, 56). For clarity and to avoid confusion with the concept of significant effects in planning terms, the term 'cultural value' will be used throughout this assessment though, as outlined above, it is acknowledged this is the same as cultural significance as identified in NPPF.

- 4.7. All heritage assets have some value, however some assets are judged to be more important than others. The level of that importance is, from a cultural resource management perspective, determined by establishing the asset's heritage interest for this and future generations. In the case of many heritage assets their importance has already been established through the designation (i.e. scheduling, listing and registering) processes applied by HE on behalf of the Secretary of State although it is acknowledged that certain classes of asset type are under-designated and that some non-designated sites may be of equal importance to designated ones. This is particularly true of buried archaeological sites or much altered structures where features critical to their value could be concealed.
- 4.8. The criteria used to establish importance in this assessment are presented in Appendix 1 (Table 1) and are drawn from the Department of Media, Culture and Sports publications on Principles for Selection of Listed Buildings (2010) and their Scheduled Monuments Policy Statement (2013) which outline the criteria for designating heritage assets.

Establishing Relative Sensitivity to Impacts on Setting

- 4.9. Determining the cultural value of an asset is essential for establishing its importance. As set out in NPPF Annex 2: Glossary (2012, 56) a determination of value can be made with reference to the archaeological, architectural, artistic or historic interest which an asset holds for this and future generations. As Conservation Principles (HE 2008) sets out these interests may have evidential, historical, aesthetic or communal value. Not all interests or values apply equally to a given asset. This guide indicates that in assessing each value, the contribution that is made to value by the setting of an asset must be considered (2008, 21). This implies that the contribution made by setting to the value of an asset is not equal for all assets. It is widely recognised (Lambrick 2008) that the importance of an asset is not the same as its sensitivity to changes to its setting. Indeed NPPF defines setting as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. 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' (2012, 56).

- 4.10. In March 2015, Historic England published an updated guidance document on setting as part of their Good Practice Advice Notes. This guidance is intended to explain how to apply the policies contained in the NPPF. This document states:

'Setting is not a heritage asset, nor a heritage designation, though land within a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset. This depends on a wide range of physical elements within, as well as

perceptual and associational attributes pertaining to, the heritage asset's surroundings' (2015, 4).

- 4.11. This accords with the definition as set out in the Xi'an Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas adopted by the 15th General Assembly of ICOMOS in October 2005 (ICOMOS 2005) which places emphasis on the contribution of setting makes to the significance or cultural value of the asset and states that:

'The setting of a heritage structure, site or area is defined as the immediate and extended environment that is part of, or contributes to, its significance and distinctive character'

- 4.12. NPPF (2012) indicates that in decision making the value of the assets affected and any contribution made to that value by the asset's setting must be understood. Thus, in determining the nature and significance of impacts upon assets and their settings, the contribution that setting makes to an asset's value and importance, and thus its sensitivity to changes to setting, need to be considered.
- 4.13. Table 2 in Appendix 1 sets out a guide for the determination of an asset's relative sensitivity to changes to its setting. However professional judgement and experience will be used and any attribution of sensitivity to changes to setting is first and foremost reliant upon the identification of relevant assets and determination of these assets' setting. Those elements that appreciably contribute to an understanding, appreciation and experience of an asset and its value, as per policy and guidance noted above, will also be identified. This is in line with Historic England Guidance which sets out the ways in which setting may contribute to the value of a heritage asset. It advocates a five stage approach the first four stages of which are applicable to this assessment. The five stage approach comprises the identification of the heritage assets, an assessment of the contribution made to the value of an asset by its setting, an assessment of potential impacts upon the setting (and thus the value of the asset) by a proposed development/change, an exploration of potential enhancement and/or mitigation measure and making, documenting and monitoring the outcomes of the decision made (Historic England 2015, 7-13). The guidance provides a checklist of potential attributes of setting which may contribute to or make appreciable the setting's contribution to the cultural value of the asset. Historic England acknowledges that the checklist is non-exhaustive and that not all attributes will apply in all cases. This assessment will have regard to this checklist but will only discuss attributes where they are found to contribute to the value of the asset.
- 4.14. Considering the above, the approach to assessing setting impacts adopted herein recognises the importance of preserving the integrity of an asset's setting in the context of determining the nature of the contribution that setting makes to the cultural value and experience of a given asset. It recognises that setting is a key issue in the case of some, but by no means all, assets. Indeed, a nationally important asset does not necessarily have high sensitivity to changes to its setting (e.g. does not necessarily have a high relative sensitivity). For example, while all nationally important heritage assets are likely to be highly sensitive to direct impacts, not all will have a similar sensitivity to impacts on their setting; this would be true where setting does not appreciably contribute to their value or importance. Assets with high sensitivity to indirect settings impacts may be vulnerable to any changes that affect their settings, and even slight changes may reduce their value or adversely affect experience of them. Less sensitive assets will be able to accommodate greater changes to their settings without significant reduction in their value and, in spite of such changes, the relationship between the asset and its setting, such that it contributes to the asset's cultural value,

will still be legible. An asset's relative sensitivity to alterations to its setting, therefore, refers to its capacity to retain its cultural value (significance) and interest for this and future generations in the face of changes to its setting.

- 4.15. Where there is the potential for the proposed allocation of land to result in impacts upon the setting of an asset, the setting of the asset will be defined as will the relative sensitivity of that asset to changes to its setting. Assessment of individual assets will be informed by knowledge of the asset itself; of the asset type if applicable and by site visits to establish the current setting of the assets. This will allow for the use of professional judgement and each asset will be assessed on an individual basis. Further details on this methodology are contained within Appendix 1 of this report.

Assessing Magnitude of Impact

- 4.16. AOC's classification of the magnitude of impact on cultural heritage assets is rigorous and based on consistent criteria. This will take account of such factors as the physical scale and type of disturbance to them and whether features or evidence that is fundamental to their historic character and integrity would be lost. Each heritage assessment review will consider both direct and indirect (setting) effects on the cultural heritage assets.

Assessing Level of Effect and Harm

- 4.17. AOC's method for rating the level of effect that the allocation of a site could potentially have on a heritage asset will be based on an understanding of the asset's importance and/or its relative sensitivity to changes to its setting and an assessment of the predicted magnitude of impact for each asset (See Appendix 1).
- 4.18. The NPPF, where designated heritage assets are concerned, requires us to make an assessment as to the level of harm which could be caused to heritage assets by development. It requires us to indicate whether that harm is 'substantial' or 'less than substantial' and the level of harm predicted establishes the planning test to be applied. Harm is defined by Historic England as 'Change for the worse, here primarily referring to the effect of inappropriate interventions on the heritage values of a place' (2008, p 71). The NPPF Practice Guide notes that '*What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset*' (2014, Para 17). Developments can cause harm to heritage assets through direct physical impacts and/or indirect impacts on the setting of cultural heritage assets.
- 4.19. The NPPF Practice Guide notes that the test of substantial harm is set at a high threshold and it suggests that harm is caused when the cultural value of an asset is removed or reduced. This can include changes which reduce the ability to understand, appreciate or experience the asset and its value. Setting can contribute to the cultural value of an asset. The assessment of level of harm in this report will be a qualitative one and will largely depend upon whether the impacts which could result from the allocation of sites would result in a major reduction in cultural value or in a major impediment to the ability to understand or appreciate the heritage asset in question.
- 4.20. The following Chapters 5-11 will set out detailed reviews of each of the submitted heritage assessment. Where deficiencies are identified, comment will be provided on how these have been addressed. AOC is not aware of a heritage assessment having been submitted for AS 28, however a brief assessment of potential direct and indirect impacts resulting from development within this

proposed allocation are considered in Chapter 12. Where necessary AOC Archaeology Group provide an assessment of the potential impact upon heritage assets which could arise from the allocation of each site.

- 4.21. Each Chapter should also be read with reference to Figure 1 and relevant appendices (1-8) which include a site gazetteer for each allocation site. Appendices also include historical mapping, where this has not been included in the reviewed assessment and, where relevant, photographic plates.

5. AS 10: Land at Edge Lane, Thornton

Review of the Submitted Heritage Assessment

- 5.1. A heritage assessment, prepared by Garry Millar Historic Building Consultancy was submitted with regard to proposed allocation of land at Edge Lane, Thornton (AS 10) (see Figure AS 10.1). The assessment is dated March 2015. The submitted heritage assessment also considers proposals for the allocation of two adjoining sites; SR4.24 which encompasses the Grade II Listed Tan House farmhouse (**Site 78**), the unlisted curtilage buildings and the garden centre structures which stand immediately to its east as well as the field to the north of the farm. The latter site, referenced as SR4.25 by Miller has been accepted for inclusion within the Draft Local Plan as MN 2.26, although the Council has rejected SR4.24, citing '*significant access and severe heritage constraints*' (Miller 2015, 12). SR4.24 and MN 2.26 fall outwith the scope of this review and have consequently been omitted from further assessment, as has a further proposed allocation (MN 2.25) which lies to the north of MN 2.26. While the submitted heritage assessment considers the implications of both SR4.24 and AS 10, this review is concerned solely with AS 10.
- 5.2. The landowner originally proposed that the entirety of the rectangular fields, within which AS 10 is located, be allocated for housing. This proposal was rejected by Sefton Council on numerous grounds including '*severe heritage constraints*' resulting from the potential impacts upon the setting of two Listed farmhouses; Tan House (**Site 78**) and Orchard farmhouse (**Site 80**). The Council concluded that allocation of the site and its subsequent development would '*sever Grade II Listed Tan House Farmhouse from its rural and agricultural setting*' (Sefton Council cited Miller 2015, 10). The submitted heritage assessment seeks to address these concerns and its scope is restricted to assessing the potential for indirect effects upon the settings of these two Grade II Listed Buildings. The submitted heritage assessment is based upon individual reviews of the heritage interest and value of each asset and the contribution made by their setting to the value of each.
- 5.3. The current proposal for AS 10 represents a reduction in the size of the site originally proposed for allocation. This has been achieved by reducing the eastern extent of the boundary. This revision would pull development back from Orchard Farmhouse but the distance of separation proposed for Tan House Farm, which lies much closer to AS 10, remains unchanged. The current proposal also includes the access track which passes through the northern edge of the farmyard to the rear of Tan House Farm, potentially placing development in proximity to the rear curtilage of the Listed Building. The submitted assessment recognises that '*a strong group value exists between the buildings of the site, and their immediate farmyard setting is important to this significance as it embodies the historic relationship of the buildings*' (Miller 2015, 22). While AOC support this finding, the effect of potential development of an access track for AS 10, along the northern edge of the farmyard, upon this group value is not considered.
- 5.4. The submitted heritage assessment implies that both SR4.24 and AS 10 will be served by a common access track, presumably along the northern edge of the farmyard (Miller 2015, 29). It also states in its conclusions that the '*release of the northwest portion of site AS 10 in conjunction with the development of SR4.24, could form an enabling development which would secure the future of the listed Tan House Farm. This is an important public benefit which outweighs the setting of the listed building*' (Miller 2015, 30). Given that SR4.25 lies beyond the scope of this review any consideration of the access track will relate solely to AS 10. Any claim for enabling development falls outwith the scope of this review, however it needs to be acknowledged that while the Council recognise that '*part*

of [SR4.24] *may be required as enabling development to secure the future of the listed building* (Miller 2015, 11), any future applicant will need to clearly demonstrate that the development of AS 10 is proportionate to the Listed Building's conservation needs.

- 5.5. In their assessment of the original proposal for a larger allocation at AS 10 the Council concluded that *'The site is poorly contained and would significantly narrow an already narrow Green Belt gap. The site is subject to significant access and heritage constraints, and would sever grade II listed Tan House Farmhouse from its rural and agricultural setting... [the site] is subject to significant constraints and is not proposed for allocation in the Local Plan'* (Sefton Local Plan: Site Assessment Form)
- 5.6. The submitted heritage assessment makes no mention of policy or guidance with regards to cultural heritage. The assessment emphasises the reduction of AS 10 so as to create a 417m wide buffer between the proposed housing and the existing urban settlement along Buckley Hill Lane (Miller 2015, 29) arguing that, *'while there will be an impact upon the wider setting of the listed building [Tan House Farm], it is considered this impact will be moderate, given that a substantial portion of the green corridor will be retained and that public views of the building are in any case limited in the context of this setting'* (Miller 2015, 30). The potential separation of Tan House Farm from the green corridor by the housing proposed for AS 10 is not acknowledged and no reference is made to how proposals relate to current heritage policy and guidance.
- 5.7. AOC considers the submitted heritage assessment provides insufficient information with regards to potential heritage impacts in AS10 in several areas:
- Identification of heritage assets that could be directly impacted by proposed development is beyond its scope;
 - It does not assess the potential impacts of development on the significance of the identified heritage assets;
 - Current legislation, policy and guidance is not considered
 - The potential for effects upon the settings of designated assets beyond the two Listed farmhouses identified is not considered
 - It does not include comment on mitigation for direct impacts on cultural heritage assets.
- 5.8. While AOC accept that consideration of any detailed development scheme will take place at the application stage, Paragraph 152 of the NPPF states that *'local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided'* (CLG 2012). This accords with Paragraph 18 of the subsequent Historic England Advice on the Historic Environment in Local Plans and is reinforced by Paragraph 3.1 of Historic England's recent draft Advice Note on site allocations. Given these policies it is considered appropriate to consider the potential impacts and effects of development at the allocation stage and this review will include an additional assessment, undertaken by AOC, which will assess the potential for both direct impacts and indirect effects.

Additional Heritage Assessment

Scope

- 5.9. The submitted heritage assessment is detailed in its consideration of the settings of the Grade II Listed Tan House Farm and Orchard Farmhouse, however, the potential for direct impacts upon buried archaeological remains falls beyond its scope. This review will therefore include an additional heritage assessment to take cognisance of this issue. The additional assessment uses information obtained from the Merseyside Historic Environment Record (MHER) as well as historical maps. All sources consulted during the assessment, including publications, archived records, photographic and cartographic evidence, are listed in the References in Chapter 14.
- 5.10. The additional assessment included a site visit in order to identify any upstanding remains surviving within AS 10 and also to allow an independent assessment of the potential for indirect effects upon the settings of designated heritage assets. The additional assessment also considers the potential effects of an access route along the northern edge of the farmyard to the rear of Tan House Farm. It concludes with assessments of the Magnitude of Impact and the potential Level of Effect and harm resulting from the proposed allocation. This will be in line with the methodology outlined in Chapter 4 of this report and detailed in Appendix 1.

Heritage Baseline

- 5.11. All known designated and non-designated heritage assets located within a 1km radius of the edge of the redline boundary for AS 10 have been included in this review. The aim of this is to help predict whether any similar hitherto unknown archaeological remains are likely to survive within the proposed allocation area and consequently the potential for direct impacts resulting from development. Each heritage asset referred to in the text is listed in the Gazetteer in Appendix AS 10 2.1. Each has been assigned a 'Site No.' unique to this assessment, and the Gazetteer includes information regarding the type, period, grid reference, National Heritage List for England (NHLE) List Entry number, HER number, statutory protective designation, and other descriptive information, as derived from the consulted sources. Each heritage asset referred to in the text is plotted on the location map (Figure AS 10-1) of the report, using the assigned Site Nos.
- 5.12. An examination of the NHLE maintained by Historic England found one Scheduled Monument (**Site 1/9**; Cross (Remains), Green Lane) and four Grade II Listed Buildings: Stocks; Water Street/Green Lane, Thornton (**Site 12**); Edge Farmhouse (**Site 39**); Tan House Farmhouse (**Site 78**) and Orchard Farmhouse (**Site 80**) within 1km of AS 10. The Scheduled Green Lane cross base is also Grade II Listed. There are no Conservation Areas, Registered Parks and Gardens, Registered Battlefields or World Heritage Sites within 1km of AS 10.
- 5.13. Taken together the assets within 1km of AS 10 comprise the heritage baseline. This baseline is set out below in chronological order.

Prehistoric Evidence (-43AD)

- 5.14. No prehistoric remains or artefacts have been identified either within AS 10 or within 1km of it however the potential for unknown remains of this date being present cannot be discounted.

Roman and Early Historic Evidence (43AD - 1000)

- 5.15. No Roman or Early Historic remains or artefacts are known either within AS 10 or within 1km of it, it is possible that remains and artefacts from these periods survive unreported

Medieval Evidence (1000AD - 1500)

- 5.16. Historically AS 10 was located within Sefton, Lancashire a parish under the ownership of the Molyneux family, subsequently Earls of Sefton, from c.1100 onwards.
- 5.17. The Merseyside HER records fieldwalking undertaken in three fields at Sefton in March 1982 (**Sites 43, 92 and 93**), one of the fields walked (**Site 43**) was the field within which allocation AS 10 is now proposed. **Site 43** was walked from northeast to southwest in 10m strips and was found to comprise very wet clayey loam. A backfilled pit was identified. The fieldwalking recovered a range of artefacts including clay pipe fragment, possible medieval pottery coursewares, slipware, brown glazed pottery and salt glazed stoneware. A similar mix of medieval and post-medieval pottery and post-medieval clay pipe stems were recovered from **Sites 92 and 93**. The HER does not discuss the artefacts in detail and the condition of the pottery is not reported. It is acknowledged that while scatters of medieval and post-medieval pottery of this type recovered from fields could be indicative of settlement, such assemblages are more typically interpreted as manuring scatters, fragments of already broken pottery contained within domestic waste that was spread in the fields as manure. Manuring sherds are typically abraded and as such if the examples from **Site 43** were freshly cut they are more likely to indicate settlement.
- 5.18. The Scheduled remains of a medieval cross base (**Site 1/9**) survive northwest of AS 10 at Green Lane, the cross base is also Grade II Listed. As the cross's Scheduling document observes, crosses of this type were typically free standing and were erected between the mid-10th to mid-16th centuries, although the dating of the Thornton example is unclear. The cross base is surmounted by a later sundial of possible 18th century date. The base of a second cross (**Site 77**) was reported at Sefton in 1902 although no trace of it could be found in either 1951 or 1982.
- 5.19. The schedule appended to the 1845 Sefton Tithe Map (Figure AS 10-3) records the field immediately northwest of AS 10 (Field 175, the present garden centre) as Great Mill Croft, suggesting the former presence of a mill. Documentary evidence (**Site 51**) records a mill at Thornton from 1295 onwards and a 'wynd mylle' is reported in the ownership of Thomas Holme in 1548. A further reference occurs in 1607 when it was endowed to William Blake and Robert Underhill and their heirs forever. While the mill is not located, the field name suggests that the site of Tan House Farm may have originated as a windmill.
- 5.20. Edge Farm (**Site 61**) to the south of AS 10 is reported by the HER to be moated. While the date of this moat is unknown, moats of this type are typically understood to be medieval. 'Egge' was granted to Thomas Molyneux in 1315, although it was sold back to the Molyneux's in 1589.

Post-Medieval Evidence (1500AD - 1900)

- 5.21. Three sets of historic maps were examined; 18th and 19th century maps of Lancashire; 18th and 19th century estate and tithe maps for Sefton and Ordnance Survey maps from 1845 onwards.
- 5.22. The two Lancashire maps; Yates' map of 1786 and Greenwood's of 1818 (not illustrated) are schematic and lack detail, although Yates' map shows buildings at Tan House Farm. Greenwood's map is more detailed, depicting multiple buildings at Tan House Farm as well as further structures lining the roads to the north and east. Buildings are shown within the field to the north of AS 10.
- 5.23. The earliest detailed map of the parish, the Earl of Sefton's, Sefton Estate Map of 1769 (Figure AS 10-2) records AS 10 as open ground extending across portions of several fields: *Higher Hobbs Hey*; *Lower Hobs Hey*; *Wasb(?) Hey*; *Edge Heys* and *Little Mill Croft*. A horseshoe shaped feature (**Site 100**) within Little Mill Croft could potentially represent the remains of either the mill or its mound although it is not annotated. The fields were tenanted by Mr T Darwin whose tenancy also included Tan House Farm as well as fields to the north and east of AS 10.
- 5.24. The Sefton Tithe Map of 1845 (Figure AS 10-3) continues to show AS 10 split between multiple fields: 116 (*Clover Meadow*); 117; 168 (*Higher Hobbs Hey*); 170; 169; 174 (*Stackyard Orchard and Former Mill Croft*); 200 and 203. All of these were included within the tenancy of Daniel Williams (DRL 1/72). This map records Tan House farm as *Wendles Green* while the detailed description of the mill croft (**Site 94**) strongly indicates that the mill stood east of the farm buildings, rather than within them as the location reported on the HER (**Site 51**) suggests. Five ponds or pools of water (**Sites 95, 96, 97, 98 and 99**) are shown distributed across AS 10, while numerous further examples are shown elsewhere, all are located either on the edge or in the corners of fields. All these pits have the appearance of marl pits, dug for the extraction of soil for fertiliser. Lewis (2002, 9) reports that the practice of Marling was widespread within Sefton from the medieval period onwards.
- 5.25. Detailed Ordnance Survey mapping commences with the 6 inch to the mile map of 1845-8 (Figure AS 10-4) which shows the fields laid out in the same manner as the contemporary 1845 Tithe, the only significant difference being the former mill croft which is depicted in greater detail as either a garden or orchard. The field system had however been completely reorganised and re-laid along different rectilinear boundaries by 1891 when it appears on the Ordnance Survey map of this date (Figure AS 10-5). This reorganisation extended beyond the fields of Tan House Farm, suggesting that major improvements were undertaken across the Sefton Estate in the late 19th century. The mill croft was removed as part of this rationalisation and amalgamated into a larger, presumably arable, field.
- 5.26. Four Grade II Listed Buildings and structures, including Thornton stocks (**Site 12**), Edge Farmhouse (**Site 39**), Tan House Farmhouse (**Site 78**) and Orchard Farmhouse (**Site 80**), stand within 1km of AS 10.
- 5.27. Tanhouse Farm House (**Site 78**) stands immediately west of AS 10. The site access route would pass along the northern edge to the rear of the farmyard. Although the reference to a 'mill croft' on both the 1769 Sefton Estate Map and the 1845 Tithe Map, suggest that a mill formerly stood there, no references can be found to tanning. A site visit undertaken by the HER in 1982 noted excessive water logging to the south of the greenhouse (garden centre), which could potentially indicate the

presence of infilled tanning pits. Similarly the HER found no evidence for, or indeed knowledge of, the mill, noting an infilled clay pit '*at the end of the track which leads into the field*', which could possibly be the horse shoe shaped feature (**Site 100**) shown within Little Mill Croft on the 1769 Estate Map (Figure AS 10-2).

- 5.28. The two storey Orchard Farmhouse (**Site 80**) stands east of AS 10 on the eastern side of Buckley Hill Lane, it is earlier than Tan House Farm, dating to the early 17th century. Edge Farm House (**Site 39**), south of AS 10, is also two storeys and is of early to mid-19th century date, although it incorporates earlier fabric including a 17th century studded door. The late 18th or early 19th century cast iron stocks at Thornton (**Site 12**) are fenced within the same enclosure as the scheduled cross base and sundial (**Site 1/9**).
- 5.29. The Merseyside HER records a wide range of non-designated post-medieval buildings, sites and features within 1km of AS 10 including 30 farms (**Sites 4, 13, 18, 20, 25, 28, 29, 31, 32, 36, 36, 40, 41, 46, 47, 49, 56, 58, 65, 74, 79, 81, 82, 83, 86, 87, 88, 89, 90 and 91**), 12 houses (**Sites 5, 14, 19, 33, 34, 44, 45, 48, 67, 69, 70 and 73**), seven dovecotes (**Sites 21, 23, 26, 27, 54, 59 and 84**); four blacksmiths (**Sites 2, 52, 75 and 85**), five jetties (**Sites 22, 24, 27, 38 and 55**), three buildings (**Sites 15-17**), two shops (**Sites 8 and 11**), two inns (**Sites 6 and 10**), two village greens (**Sites 3 and 7**), two pumps (**Sites 64 and 65**), three messuages (**Sites 30, 71 and 72**), a school (**Site 66**), a bridge (**Site 62**), a pound (**Site 76**), a brick kiln (**Site 50**), a well (**Site 42**) and a signpost (**Site 63**). Taken together these assets attest to the agricultural economy and landscape which preceded the suburban expansion which occurred over the course of the 20th century.

Modern Evidence

- 5.30. AS 10 is shown substantially unchanged on the 1907 Ordnance Survey map (Figure AS 10-6), the only change, the erection of further buildings within the farmyard to the rear of Tan House Farm, occurring beyond the proposed allocation boundary. The site is also largely unchanged on the 1925 edition (Figure AS 10-7), the only alteration being the subdivision of the southernmost field. Although AS 10 is unchanged on the 1938 survey (Figure AS 10-8), the 1925 sub-division had been removed by 1955 (Figure AS 10-9). Fields had been amalgamated by 1974 (Figure AS 10-10) and AS 10 is shown unchanged on the 1979 and 1989-90 Ordnance Survey maps (Figures AS 10-11 and AS 10-12).

Undated Evidence

- 5.31. The Merseyside HER is in the process of being computerised having recently been transferred to the Merseyside Environmental Advisory Service (MEAS), and some of the records are brief and indeterminate. No further information is available for a findspot (**Site 53**) or an iron working site (**Site 57**) recorded within 1km of AS 10 on the HER.

Walkover Survey

- 5.32. AOC visited AS 10 on the 28th of September 2015, in order to assess the potential for archaeological remains surviving on the site and undertake an independent assessment of the potential for indirect effects upon the settings of designated heritage assets. The site was inspected from the adjacent public road and field margins and found to be under a young crop (Plates AS 10-1 and AS 10-2). No evidence of upstanding archaeological remains was identified and given that the site was under arable cultivation it is likely that any remains which do survive will be buried.

Settings Assessment

- 5.33. The Grade II Listed Tan House farmhouse (**Site 78**) stands northwest of the proposed AS 10 housing allocation, and west of the potential access route indicated within the redline boundary. The farmhouse itself stands towards the western edge of its plot, with its farmyard to the rear and gardens to the front. The enclosures to the west of the farmstead are occupied by greenhouses and polytunnels associated with the Rushton Garden Centre. The farmhouse and its farmyard buildings fall within the garden centre's property boundary and the farmyard is used as a car park. The submitted heritage assessment indicates that the garden centre has now ceased trading.
- 5.34. Tan House Farm fronts southwest towards the junction of Runnels Lane and Edge Lane and is three storey's high. Although its principal southwest facing elevation is not symmetrical, it is clearly Georgian in style and has a Dutch gabled porch (Plate AS 10-5). There are no windows in the rear, northeast facing elevation which is blocked by a lower rear wing and there is only very limited fenestration in the northwest and southeast facing gables. The Listing description notes that the rear wing probably predates the main farmhouse building and its character and appearance would be in keeping with this, suggesting that it may represent the remnants of an earlier farmhouse retained as a service wing within the new residence. Overall the impression is of a typical Georgian farmhouse, purposefully fronted onto the road to give it prominence. The placement of the windows within the principal southwest elevation is unusual and the arrangement has been altered by the removal of one of the larger first floor windows, the bricked up former position of which is clearly evident in the elevation. The second storey attic has less height than the lower floors and is clearly a secondary structure. Curiously, the break between the first floor and the attic is marked by a change in the brickwork evident in both the southwest elevation and the northeast gable, suggesting that the attic could be an additional storey added at a later date.
- 5.35. A large barn and cartshed extend along the northwest boundary of the farmyard, backing onto Runnels Lane, but facing into the farmyard. A two storey outbuilding extends from the rear of the farmhouse, while a separate single storey outbuilding stands northeast of the rear of the farmyard. The northern side of the farmyard is open, extending as far as a hedged field boundary. The submitted heritage assessment suggests that the barn/cartshed structure is probably early 19th century in date and that the single storey outbuilding may have been a shant, an agricultural labourer's cottage. AOC supports these interpretations. The submitted heritage assessment also notes that the outbuildings are currently disused and in '*a state which is not consistent with their conservation*' (Miller 2015, 16), which AOC takes to mean that their current poor condition is not conducive to their conservation. This was evident during the site visit and the exterior of the farmhouse itself also appeared to be in poor condition.
- 5.36. The submitted heritage assessment notes that '*the historic setting of Tan House Farm, originally within the hamlet of Windles Green has altered drastically*' since the time of the 1845-8 Ordnance Survey (Figure AS 10-4). While this is undoubtedly true, it needs to be recognised that these changes have occurred principally to north and west of the farm and result from suburban expansion of both Crosby and Thornton. The 1845 Sefton Tithe Map (Figure 10-3) and the 1769 Sefton Estate Map (Figure 10-2) show three farmsteads grouped together beside the cross roads; the others (**Sites 4 and 13**) which stood to the west and southwest of Tan House have now been lost to this urban expansion. The former presence of these farmsteads, may have made a limited contribution to the cultural value of Tan House, as it is clear from historical mapping that Tan House was associated

with agricultural land to the east and the lands to the west and southwest of the crossroads would, in all probability, have been worked from these other farms. That said the loss of the other farmsteads arguably increases the cultural value of Tan House, as the Listed farmhouse and its curtilage represent the sole surviving farmstead at Windles Green. The open land to its south and east provides the only link to the farmhouse's former rural context.

- 5.37. The submitted heritage assessment also notes that *'only within the partially-enclosed farmyard itself, which is not public space, is the group [of buildings at Tan House] seen to better advantage, away from the suburban backdrop. However this immediate setting is harmed by the disused glasshouses and polytunnels of the former nursery'* (Miller 2015, 17). Whilst Miller correctly identifies the group value afforded to the combination of the Listed farmhouse and the associated farmyard buildings, visibility with the greenhouses (Plate AS 10-3), from within the farmyard is limited by hedges and the intervening presence of the farm buildings.
- 5.38. While the Listed farmhouse appears in views westwards from across AS 10, visibility is restricted to the upper levels by the intervening garden centre buildings and tree belt (Plate AS 10-1-4). The greenhouses and polytunnels appear conspicuous in views westward from Edge Lane, where their presence, taken together with an intervening tree belt, comprised of a single row of conifers, largely screen the Listed farmhouse from view. However both the garden centre and the conifer row are recent intrusions into this view. The nursery is first shown as a single large greenhouse on the 1974 Ordnance Survey map (Figure AS 10-10), whilst the conifer belt is absent from all the historic maps (Figures AS 10-2 to AS 10-12 (1989-90)). Given that the submitted heritage assessment acknowledges that the garden centre has now closed, it is perhaps unclear how far into the proposed plan period this screening will remain. Without the screening provided by these modern intrusions there would open visibility of both the Listed farmhouse and its historic curtilage buildings across the proposed allocation from both the east and southeast. Such views would allow the farm complex to be viewed in its historic authentic setting from across open fields. Whilst any development within the proposed allocation will be visible in views out from the Listed farmhouse, only the rear northeast elevation and the southeast gable will be intervisible and these elevations have little fenestration. The farmhouse's principal southwest elevation will not be intervisible with AS 10.
- 5.39. Historic England's draft guidance on site allocations within local plans sets out a five step procedure for the consideration of heritage during site allocation. Step 2 *'understand what contribution the site (in its current form) makes to the significance of the heritage assets'* (HE 2015b) is relevant here. Whilst the field boundaries have changed, the proposed allocation site remains open arable land, the presence of probable marl pits suggests that it has been predominantly utilised for cultivation throughout the post-medieval period. The Listed farmhouse and its historic farmyard, together form a well preserved example of a comparatively small, but prosperous 18th and 19th century tenanted estate farm. There is consequently a clear contextual relationship between the Listed asset, its historic curtilage and the agricultural land proposed for allocation. Consequently AS 10 falls both within setting of Tan House farm and makes a contribution to its overall cultural value.
- 5.40. The submitted heritage assessment emphasises retention of a 417m wide strip of land to the east of AS 10 arguing that *'while there will be impact upon the wider setting of the listed building [Tan House Farm], it is considered this impact will be moderate, given that a substantial portion of the green corridor will be retained and that public views of the building are in any case limited in the context of this setting'* (Miller 2015, 30). While it is not directly stated, the inference is that this buffer would

address the concern expressed by the Council that the proposed allocation would 'sever' the Listed farmhouse from its rural and agricultural setting (Sefton Local Plan: Site Assessment Form). This argument has several flaws for not only would the proposed housing allocation stand between, the Listed farm and the green corridor, but the green corridor itself is also disjointed by belts of trees and high hedges. The eastern part of the green corridor, separated from visibility by a hedge, is laid out with sports pitches and is no longer legible as a rural landscape. While the views of the farmhouse are currently impinged upon by the redundant glasshouses and polytunnels, these are clearly related to cultivation and are consequently not as incongruous to the farmhouse's agricultural setting as a housing development would be and if the nursery structures were to be removed open visibility from and across the agricultural landscape would again be possible. The proposed green corridor consequently has little value in cultural heritage terms and the potential for experiencing and understanding the farmhouse within a rural context would be lost if AS 10 were to be developed.

- 5.41. AOC's assessment of the effect of the proposed allocation of AS 10 upon the setting of Tan House farmhouse has been undertaken using the methodology outlined in Chapter 4 of this report and detailed in Appendix 1, specifically Tables 1, 2, 6 and 8. Tan House Farm is a good example of a Georgian estate farmhouse and it is consequently of special interest (DCMS 1010, 4). Ironically the site's recent use as a garden centre has helped protect the historic farm complex and the farmstead itself is consequently a reasonable example of an un-modernised post-medieval farmstead. Taking these factors together, the Grade II Listed farmhouse is considered to be of Regional Importance. The placing of farmhouses within the landscape can generally be seen as functional as they were typically positioned in relation to their landholdings and to take advantage of agricultural resources and communication routes. In this case however the principal Georgian southwest elevation of the farmhouse has clearly been structured so as to represent the status of both the farm and the estate within which it stood. This was a visual statement, and the Listed building's sensitivity to changes which indirectly effect its setting is judged to be Medium.
- 5.42. The submitted heritage assessment bases its conclusions primarily on visual factors associated with the setting of Tan House farmhouse. While the value of the visual elements of setting is clear, cultural heritage settings can be derived from non-visual associative factors. In some cases this is obvious for example a model estate village, its manor and gardens would clearly have a collected setting value, even if not all elements of the group were visible within the same view. A similar case can be made for post-medieval estate farms such as Tan House which, through the gradual planning of firstly the farmhouse, then the farmyard and finally the field system, were created as single functional units. Consequently, despite the currently limited visibility between the farmhouse and the proposed housing allocation, the partial loss of its farmland would impact upon the setting of the heritage asset. Further, this loss of agricultural land would be more conspicuous should the current nursery structures and tree belt be removed. As such AOC considers that development within AS 10 would inevitably result in a direct severance of the relationship between the asset and its setting which, unlike the existing temporary nursery structures, would be irrecoverable and the loss of the farmhouse's agricultural setting would be permanent. Consequently in accordance with the criteria laid out in Appendix 1 (Table 6), the impact would be of High Magnitude. Given its Medium Relative Sensitivity to changes the overall level of effect upon the setting of Tan House farmhouse is predicted to be of Moderate.
- 5.43. The revised boundary for AS 10 includes the access track which passes along the northern edge of the farmyard. The proposed use of this strip is unclear although the submitted heritage assessment infers that it would provide access to the development (Miller 2015, 29). While this access may fall

slightly outwith the rear curtilage of the Listed farmhouse, as defined by the farmyard buildings, there is potential for it to cause an effect upon the setting and the group value of the curtilage buildings, particularly if street furniture such as lighting were required. The legibility and value of the farmyard as a well preserved example of an evolved post-medieval farmstead could potentially be harmed by this element of the proposed allocation.

- 5.44. Site visits by AOC demonstrated that there is currently no intervisibility with either the Scheduled cross base (**Site 1/ 9**) or the remaining three Grade II Listed Buildings and structures of Thornton stocks (**Site 12**), Edge Farmhouse (**Site 39**) and Orchard Farmhouse (**Site 80**)—which stand within 1km of AS 10. Consequently their current settings would not be materially altered by the allocation of AS 10.

Direct Impact Assessment

- 5.45. Direct impacts associated with development within AS 10 relate to the possibility of disturbing, removing or destroying in situ remains and artefacts during groundbreaking works (including excavation, construction and other works associated with the development) on this site. Such impacts fall beyond the scope of the submitted heritage assessment. The potential for direct impacts have been categorised in accordance with the scales laid out in Appendix 1.
- 5.46. The Merseyside HER reports a programme of archaeological fieldwalking within AS 10 in March 1982. This is the only archaeological evaluation recorded on the site and it recovered an assemblage of medieval and post-medieval artefacts which could potentially relate to settlement, although they could equally be derived from the scattering of household waste across the fields as manure. Historical records document a mill within the vicinity of AS 10 from 1295 onwards and mapping evidence indicates that this may have stood either within or adjacent to the northeast boundary of AS 10. A horseshoe shaped feature depicted within AS 10 on the 1769 Sefton Estate Map could potentially represent the remains of this mill. Given the possible presence of the mill and the results of the fieldwalking, the potential for medieval and post-medieval remains or artefacts to survive within the allocation site is considered to be High. Five ponds or pools of water are shown distributed across AS 10 on the 1845 tithe map (Figure AS 10-3). All these pits have the appearance of marl pits, dug for the extraction of soil for fertiliser. Further disturbances characteristic of infilled marl pits are shown within AS 10 on current Google aerial photographic mapping. Whilst it is probable that these pits will have destroyed any earlier archaeological remains which may have been present within their footprints, disturbance beyond their boundaries is likely to be limited.
- 5.47. No prehistoric, Roman or early historic remains or artefacts are recorded within 1km of AS 10 although this may simply reflect the comparative lack of previous archaeological investigation undertaken within the area. Nevertheless potential for pre-medieval remains or artefacts being present on the site is considered to be Low.
- 5.48. The magnitude of any direct impacts will be dependent on any final design scheme submitted as part of a planning application which may result from the proposed allocation. In the context of housing development direct impacts have the capacity to result in impacts of high magnitude as they could potentially result in the destruction or removal of any archaeological deposits which may be present.

Assessment of the Level of Effect and Harm

- 5.49. The potential for direct impacts is at present hard to quantify without archaeological intervention. This assessment has found a High potential for remains of medieval or later date to be present within AS 10 and a Low potential for earlier remains to be present. Depending on any finalised design scheme, there is a potential for direct impacts of high magnitude occurring. Given this, it is recommended that should AS 10 be included as an allocation in the Local Plan following examination by the Planning Inspectorate, a mitigation strategy should be agreed with the Council prior to the submission of any application. This would include investigation by non-intrusive and/or intrusive means to enable the identification and assessment of any surviving remains and to subsequently mitigate any impact upon these. Such mitigation would either be through avoidance, e.g. preserving the remains in situ, or if this was not warranted through preservation by record facilitated through archaeological excavation, analysis and reporting including publication. The scope of any works would be determined by the Council but could include geophysical survey and trial trenching.
- 5.50. This assessment has identified the potential for an adverse impact upon the setting of the Grade II Listed Tan House farmhouse. In accordance with the methodology outlined in Appendix 1 the level of this effect is considered to be Moderate and significant in planning terms. The proposed allocation would sever the relationship between the Listed farm house and its historic open agricultural context and place it instead within a 21st century suburban setting. Whilst it would no doubt still be possible to understand the building's agricultural origins when inspecting it at close quarters, when viewed at a distance from the east and southeast it would in all probability be barely discernible within the suburban environment and, at best, harder to interpret as a former farm. The predicted impact of this would be 'significant' in planning terms. However, as per the NPPG (2014) the test for substantial harm is set at a high threshold and while there would certainly be harm to the setting of the heritage assets such that there was a reduction in the ability to experience and appreciate its cultural value, it is not judged here that this amounts to substantial harm. This is because while the context in which the asset is seen will change the intrinsic value of the asset will remain and, as set out above, understanding of it as a post-medieval farmhouse and its special architectural interest would still be discernible even it experienced in a different manner than it is currently. While the proposed access track will have an impact upon the farmyard, the relationship between the Listed farmhouse and its associated farm buildings will not be lost and will still be readily appreciable. Additionally, the views of and from the main frontage of the Listed Building will not be appreciably affected. Paragraph 134 of the NPPF notes that '*where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use*'. Consequently, the tests outlined in Paragraphs 134 of the NPPF should be applied and the proposed allocation should only be allowed if it can clearly be shown that the public benefits of allocating the land outweigh the significant adverse effect upon the setting of the farmhouse.
- 5.51. In considering the proposed allocation within the planning balance care will also need to be taken to ensure that the potential use of the northern edge of the farmyard to provide access to the allocation, does not impede options for securing the viable use of either the Listed farmhouse or the historic farm buildings within its rear curtilage.

Conclusion

- 5.52. The assessment for AS 10 is limited in its scope, omitting the potential for direct impacts upon archaeological remains from consideration. While it considers the settings of Grade II Listed Tan House farmhouse and Orchard Farmhouse, other Listed Buildings within 1km of the proposed site allocation are not considered. The assessment underplays the potential indirect impacts upon the setting of Tanhouse Farm. The proposed mitigation of the effects on Tanhouse Farm is unsatisfactory and no mitigation is offered to address the potential for direct impacts upon buried archaeological remains. The submitted assessment for AS 10 states that 'a substantial portion of the green corridor will be retained' (Miller 2015, 30). However the proposed housing allocation will sit between the Grade II Listed Tan House farmhouse and this 'green corridor' and consequently the proposed mitigation would not provide adequate protection of the setting of the farmhouse.
- 5.53. This assessment has predicted that the proposed allocation will result in a Moderate adverse effect upon the setting of Grade II Listed Tan House farmhouse. This effect is considered '*significant*' in planning terms. The effects have are judged to result in less than substantial harm under the terms of the NPPF. Section 66(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act, requires planning authorities to have '*special regard to the desirability of preserving the [listed] building or its setting*' and the Court of Appeal has placed emphasis on this duty. Paragraph 134 of the NPPF states where development will cause less than substantial harm to the cultural value of a heritage assets development should only be permitted if the public benefits clearly outweigh the harm to the asset. Policy NH10 of the Draft Local Plan states that development which effects the settings of Listed Buildings will only be permitted where it, '*preserves*' the setting and '*respects and conserves historic and positive existing relationships between the listed building and its surroundings*'. It is clear that any development within AS 10 would fail to meet the criteria set out in NH10 as it would break the setting relationship between the Listed farmhouse and its agricultural land. The allocation of AS 10 would also sit uncomfortably with the statutory duty to pay '*special regard*' to the settings of Listed Buildings placed on planning authorities by the 1990 Act. AOC therefore consider AS 10 to be unsuitable for allocation unless the public benefits of allocation can be shown to clearly outweigh the harm to the heritage asset.
- 5.54. Notwithstanding the above, AOC's assessment of direct impacts has found a High potential for remains or artefacts of medieval or later date being present on the proposed allocation site and a Low potential for remains or artefacts of earlier periods being present. It is recommended that in the event of the land being allocated and a subsequent application being progressed, the Council should require further assessment and evaluation, in order to assess the potential impacts of the specific development proposal. This would be in accordance with Paragraph 141 of the NPPF and NH13 and NH14 of the Draft Sefton Local Plan.

6. AS 30: Land at Damfield Lane, Maghull

Review of the Submitted Conservation Assessment

- 6.1. A Conservation Assessment was submitted with regard to the proposed allocation of land at Damfield Lane Maghull (AS 30) by Peter De Figueiredo, Historic Buildings Advisor. The submitted assessment is dated January 2015.
- 6.2. The scope of the submitted assessment is restricted to consideration of the Conservation Area. The stated remit of the submitted assessment is to provide *'an assessment of the site within its historic context and an understanding of the history of the area based on research and analysis'* (De Figueiredo 2015, 15, Para 3). While a statement of significance is included this relates to the land for which allocation is proposed (AS 30) rather than the Conservation Area within which it is set.
- 6.3. Listed Buildings which lie within the Conservation Area are summarised in the submitted assessment, however no specific assessment of potential impacts upon their settings is provided. This is despite a clear statement within paragraph 1.2 of the submitted assessment which states that the site *'is within the setting of the Parish Church of St Andrew and Maghull Chapel, which are Grade II Listed Buildings'* (De Figueiredo 2015, 3). The reference to Maghull Chapel is incorrect, its entry on the National Heritage List for England states that it is Grade II* Listed. The submitted assessment does however include consideration of the presence of the tower of St Andrew's Church (**Site 61**) within certain views. Consideration of direct impacts on any archaeological remains which may be present within AS 30 falls outwith the scope of the submitted assessment.
- 6.4. The submitted assessment provides a *'set of policies and principles... to inform the development of a masterplan'* but stops short of assessing the potential impacts of development on the significance of the heritage assets (De Figueiredo 2015, 3, Para 1.4). The submitted Conservation Statement argues that the Conservation Area is focussed on the cluster of buildings around the Damfield Lane and Deyes Lane Junction to the north of AS 30, although the role played by AS 30 is acknowledged in paragraph 3.4 which states *'The conservation area is a mix of buildings and green space. The informal arrangement of buildings at the junction of Damfield Lane and Deyes Lane is what gives the area its principal character. The grouping of trees, boundary walls and the canalside are also significant features. The open land between the canal and the church is evidence of the former agricultural setting, and retains some aspects of the isolated character of Maghull before it was engulfed by development in the 19th and 20th centuries'* (De Figueiredo 2015, 7, Para 3.4).
- 6.5. With regard to the church tower as seen across AS 30 from the canal towpath and Damfield Lane, the submitted assessment includes 10 photographs which suggest that visibility of the tower from Damfield Lane is intermittent (De Figueiredo 2015, 10-11, Para 3.10 – 3.14). The submitted assessment notes that, in contrast to the towpath, Damfield Lane is *'little used by pedestrians'* (De Figueiredo 2015, 12, Para 3.16) and *'for this reason views from the canal are more important than those from Damfield Lane'*. The assessment provides no evidence base for its conclusions on pedestrian numbers, which would in any case fall beyond both its scope and this current review and are not considered by Historic England in their recent setting advice to be relevant to understanding impacts upon setting (Historic England 2015b, 4). Furthermore, it does not appear to take cognisance of the presence of the Maricourt Catholic High School immediately south of AS 30 on the opposite side of Damfield Lane, which presumably adds both footfall and vehicular traffic to the lane.

- 6.6. Paragraph 4.3.5 of the submitted assessment argues that *'The site [AS 30] has aesthetic value as open, undeveloped land within a mostly built up area, but this relates to amenity rather than heritage. In heritage terms, it affords attractive views of the church tower amongst the surrounding churchyard trees when seen from Damfield Lane and the canal towpath. The land itself, however is featureless and flat, and with the exception of semi-mature trees on all the boundaries it makes no special aesthetic contribution to the character of the conservation area'* (De Figueiredo 2015, 15, Para 4.3.5). The reference to *'semi-mature trees on all the boundaries'* is disingenuous, gaps in the tree belt are present on the Damfield Lane frontage and despite the occasional tree the site's canal bank frontage is open.
- 6.7. AOC considers the submitted Conservation Area assessment provides insufficient information with regards to potential heritage impacts in AS 30 in several areas:
- Identification of heritage assets that could be directly impacted by proposed development is beyond its scope;
 - It does not assess the potential impacts of development on the significance of the identified heritage assets;
 - It does not identify the significance of the Conservation Area;
 - It underplays the contribution made to the character of the Conservation Area by the more secluded, less developed character area south of the church which includes AS 30
 - It does not include comment on mitigation for direct impacts on cultural heritage assets.
- 6.8. While AOC accept that consideration of any detailed development scheme will take place at the application stage, Paragraph 152 of the NPPF states that *'local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided'* (CLG 2012). This accords with Paragraph 18 of the subsequent Historic England Advice on the Historic Environment in Local Plans and is reinforced by Paragraph 3.1 of Historic England's recent draft Advice Note on site allocations. Given these policies it is considered appropriate to consider the potential impacts and effects of development at the allocation stage and this review will include an additional assessment, undertaken by AOC, which will assess the potential for both direct impacts and indirect effects.

Additional Heritage Assessment

Scope

- 6.9. The additional assessment undertaken by AOC uses information obtained from the Merseyside Historic Environment Record (MHER) as well as historical maps to establish a heritage baseline for AS 30. All sources consulted during the assessment, including publications, archived records, photographic and cartographic evidence, are listed in the References in Chapter 14.
- 6.10. The additional assessment also included a site visit in order to identify any upstanding remains surviving within AS30 and also to allow for an examination of the potential for indirect effects upon both the settings of designated heritage assets and the character of the Damfield Lane Conservation Area within which it is located. This also includes an assessment of any changes to the Conservation Area affecting AS 30, since its designation in 1991. An independent assessment of the likely effects

of the potential development of AS 30 upon both the character of the Conservation Area and the settings of the Listed Buildings which stand within 1km of AS 30 is has also been undertaken. An assessment of the Magnitude of Impact and the potential Level of Effect and Harm resulting from the proposed allocation is included and has been prepared in line with the methodology as outlined in Chapter 4 of this report and detailed in Appendix 1.

Heritage Baseline

- 6.11. The site at Damfield Lane Maghull (AS 30) occupies a single triangular field bounded to the northwest by the parish church of St Andrew Maghull, to the northeast by Damfield Lane and the south by the Leeds and Liverpool Canal. It is currently covered by overgrown open ground. Four Listed buildings and structures: Maghull Chapel (Grade II*, **Site 6**); the Harrison Monument (Grade II, **Site 51**); St Andrews Church (Grade II, **Site 61**) and a sundial (Grade II, **Site 50**), stand to the north of AS 30 within the churchyard. There are further Listed Buildings within 1km of the proposed allocation site boundaries. AS 30 lies within the Damfield Lane Conservation Area which was designated in 1991. The Advisory Leaflet for the Conservation Area states that:

'The Conservation Area focuses on a loose cluster of buildings around the junction of Damfield Lane and Deyes Lane enclosed by the Leeds-Liverpool Canal and includes six listed buildings. The area includes a significant number of surviving elements of Maghull's early character. This includes the attractive and informal arrangement of buildings which relate to the area's medieval, agricultural past. Also of Significance are landscape features such as the tree groupings, boundary walls and canal setting. With its early medieval routes, there may be considerable archaeological interest in the area' (Sefton Council, n.d).

- 6.12. The Conservation Area was designated in 1991. The Officers report to the Planning Committee (14 August 1991), notes that the Alfred Jones Homes originally objected to the inclusion of *'the agricultural land on the west side of Damfield Lane [AS 30] within the Conservation Area'* arguing that it is *'not of historical or archaeological interest nor is it a village green or an open space'* (Sefton Council 1991, 2, Para 2.4). In response the Council commented that

'...this particular field has important physical and visual links with the building group centred around the church which confirms its position as an essential element of the proposed Conservation Area [...] The openness of the site serves to frame the setting of the main building group from both the canal and the road. It also combines with the wooded areas to the north of Damfield Lane to complete the 'picturesque' character of a 'rural village' scene which is unusual within the centre of a relatively dense urban area. From Damfield Lane, the views out to the surrounding area confirm the integral importance of the site to the proposed Conservation Area. The site is bounded by mature trees and its very openness leading down to the canal emphasises the strength of the containment of the site within the visually and physically enclosed Conservation Area. The site is an important component of the wider scene; which contributes to the character of the core group of buildings within the Conservation Area' (Sefton Council 1991, 3, Paras 3.6 and 3.7).

- 6.13. The Council's more recent Conservation Area advisory leaflet states that:

'The canal forms an important part of the Conservation Area, as does the open land [AS 30] sweeping down to the canal from the church. These areas contribute to the rural character of the area and the setting of the buildings centred on the church.'
Sefton Council, n.d).

- 6.14. All known designated and non-designated heritage assets located within a 1km radius of the edge of the proposed development area have been included in the assessment. The aim of this is to help predict whether any similar hitherto unknown archaeological remains are likely to survive within the proposed development area and consequently to predict the potential for direct impacts resulting from development. Each heritage asset referred to in the text is listed in the Gazetteer in Appendix 3.1. Each has been assigned a 'Site No.' unique to this assessment, and the Gazetteer includes information regarding the type, period, grid reference, NHLE List Entry number, HER number, statutory protective designation, and other descriptive information, as derived from the consulted sources. Each heritage asset referred to in the text is plotted on the location map (Figure AS 30-1) of the report, using the assigned Site Nos.
- 6.15. An examination of the National Heritage List for England maintained by Historic England found one Scheduled Monument (**Site 3**; Maghull Manor), one Grade II* Listed Building (**Site 6**; Maghull Chapel); and nine Grade II Listed Buildings: Chapel House Farm (**Site 7/52**); Chapel House Farm Outbuilding (**Site 8**); the Parish Church of St Andrew (**Site 61**); Harrison's Monument (**Site 51**); the Sundial c.5m South of Maghull Chapel (**Site 50**); Harrison's Home (**Site 62**); the Stone Structure, Possible Folly, c.70m Northeast of Maghull Manor (**Site 53**); Maghull Manor (**Site 63**) and the remains of ancient arch at Maghull Manor (**Site 64**) within 1km of AS 30. Proposed allocation AS 30 is located within the Damfield Lane Conservation Area. There are no Registered Parks and Gardens, Registered Battlefields or World Heritage Sites within 1km of AS10. Taken together the assets within 1km of AS 30 comprise the heritage baseline.

Prehistoric Evidence (-43AD)

- 6.16. No prehistoric remains or artefacts have been identified either within AS 30 or within 1km of it however the potential for unknown remains of this date being present cannot be discounted.

Roman and Early Historic Evidence (43AD - 1000)

- 6.17. No Roman or Early Historic remains or artefacts are known either within AS 30 or within 1km, however it is possible that remains and artefacts from these periods survive unreported. Research by Lewis (2002, 17), indicates that the place name 'Magele' [Maghull] is of British origin, one of only two examples in Sefton, the other being Ince Blundell. This could potentially suggest a very early origin for the settlement at Maghull.

Medieval Evidence (1000AD - 1500)

- 6.18. AS 30 is located within the modern parish of Maghull, historically a township within the parish of Halsall. Prior to local government reorganisation in 1974 Maghull was located within Lancashire. Maghull was recorded at Domesday as 'Magele' a tiny agricultural settlement which had been in the possession of Uctred in 1086. The manor was in the possession of Alan de Halsall in 1212 and the Halsall family continued to be superior lords of Maghull into the 14th century. Maghull remained a township of Halsall Parish until the mid-19th century (Sefton Council n.d). Lewis suggests that

Maghull was extensively wooded during the medieval periods, citing a 1240 land grant which included 40 acres of land in *Maghullcunsho* and a further 40 acres at *Maghullwoode*. Lewis further notes that these figures contrast with the comparatively small area of arable land which can be identified within the township on historical records (Lewis 2002, 13).

- 6.19. A search of the Merseyside HER found no records of medieval remains or artefacts within the proposed allocation AS 30, although Maghull Chapel (**Site 6**), a Grade II* Listed chapel stands north of AS 30 within Maghull churchyard. The chapel's Listing description suggests that it originated in the late 13th century as the family chapel of the Unsworths, although the Council date the surviving arches and piers within the building to around 1200. The chapel was subsequently extended through the erection of a nave in 1775 and further enlargements in 1830, although it was 'restored' to its medieval form during the early 1880's following the construction of the replacement parish church, St Andrew's (**Site 61**), to its east. This 'restoration' involved the demolition of the 1775 nave although the chancel and the north chapel, which together comprise the current Listed Building, were saved following '*heated local debate*' (Sefton Council n.d).
- 6.20. The Merseyside HER records the location of two crosses (**Sites 14 and 15**) within 1km of AS 30, while the position of a third (**Site 54**), lies slightly beyond 1km. Although the dating of these crosses is unclear, crosses of these types were typically erected between the mid-10th to the mid-16th centuries. The 1907 Victoria County History notes three ancient crosses at Maghull, one of which (**Site 15**) was removed in 1890 (VCH cited Merseyside HER). Curiously the entry for the most distant cross (**Site 54**) refers to it as the 'woodland cross', suggesting the ancient woodlands referenced by Lewis were either located north of or extended north of AS 30.
- 6.21. The Scheduled remains of the medieval moated site at Maghull Manor (**Site 3**) survive west of AS 30. While the date of this moat is unknown, moats of this type are typically understood to be medieval and fragments of burnt daub and floor tile were recovered from the island within the moat following shallow ploughing during the 1970's.

Post-Medieval Evidence (1500AD - 1900)

- 6.22. Yates' map of 1786, Greenwood's of 1818 and Hennes' of 1829 (not illustrated) are schematic and lack detail, although the location of AS 30 can be discerned on all of them as open ground east of the canal and south of the Maghull Chapel.
- 6.23. The stretch of the Leeds-Liverpool Canal (**Site 65**) through Maghull was built between 1770 and 1774, cutting along the southern boundary of AS 30. Although a wharf was constructed north of AS 30 at Red Lion Bridge, for the transportation of coal and agricultural produce, the Council note that Maghull township remained a '*fairly static dispersed, marginal community until the early part of the 19th century*' (Sefton Council n.d).
- 6.24. The Maghull Tithe Map of 1840 (Figure AS 30-2) shows AS 30 as open ground, with the Leeds and Liverpool Canal to its south and west and Damfield Lane to its north and east. AS 30 is split between two fields 514 and 515, both of which are recorded on the accompanying apportionment as being of William Baines but occupied by Nicholas Baines (DDFO/22/53). Field 515 was recorded as 'Hold Garden and Stack Croft', while Field 514 to the south was referred to as 'Barn Meadow'. The chapel

is shown to the north at its original pre 'restoration' extent. The chapel was set within a very small enclosure, presumably as a result of its origins as a private chapel of ease rather than an 'established' parish church. Field 515 is shown extending northwards to include the land now occupied by the later parish church (**Site 61**).

- 6.25. Detailed Ordnance Survey mapping commences with the 6 inch to the mile map of 1845-6 (Figure AS 30-3) which shows the site as unchanged fields laid out in the same manner as the near contemporary 1840 Tithe. The two fields within AS 30 had been amalgamated into one by the time of the 1894 Second Edition OS map (Figure AS 30-4) and the northern portion of Field 515 removed to provide land for the new church (**Site 61**) and its enlarged graveyard. Two trees are shown on the northern bank of the canal within AS 30.
- 6.26. Nine Grade II Listed post-medieval buildings and structures: Chapel House Farm (**Site 7/52**); Chapel House Farm Outbuilding (**Site 8**); the Parish Church of St Andrew (**Site 61**); Harrison's Monument (**Site 51**); the Sundial c.5m South of Maghull Chapel (**Site 50**); Harrison's Home (**Site 62**); the Stone Structure, Possible Folly, c 70m Northeast of Maghull Manor (**Site 53**); Maghull Manor (**Site 63**) and the remains of ancient arch at Maghull Manor (**Site 64**) are located within 1km of AS 30.
- 6.27. Three of these Listed assets the St Andrew's Church, Harrison's Monument and the sundial stand, along with the Grade II* Listed medieval chapel, north of AS 30 within the churchyard. Chapel House Farm and its outbuilding stand north of the church at the junction of Damfield Lane and Deyes Lane. St Andrew's Church was built between 1878-80 to the designs of F Doyle. The tower at its west end has a battlemented parapet with a stair turret in its northeast corner; a four sided clock is set into the tower.
- 6.28. The Merseyside HER records a wide range of non-designated post medieval buildings, sites and features within 1km of AS 30 including: eight houses (**Sites 1, 4, 9, 10, 13, 16, 20, 26, 28, 29, 30, 32, 33, 34, 35, 55, 57 and 58**); six farms (**Sites 5, 7, 8, 17, 23 and 24**); twelve bridges (**Sites 37, 40, 43, 45, 47, 48 and 49**); two mileposts (**Sites 36 and 41**); two flood locks (**Sites 12 and 46**) and a drain (**Site 44**) associated with the Leeds and Liverpool Canal and seven dovecotes (**Sites 21, 23, 26, 27, 54, 59 and 84**). Other non-designated assets listed within 1km include quarries (**Sites 21 and 25**), an inn (**Site 22**), a village green (**Site 27**), a building (**Site 31**), a bridge (**Site 38**), a railway station (**Site 39**), a steam mill (**Site 42**), a sundial (**Site 56**), a cottage (**Site 59**) and a lodge (**Site 60**). Taken together these assets attest to the agricultural economy and landscape and the subsequent transportation and suburban expansions.

Modern Evidence

- 6.29. AS 30 is shown unchanged from 1894 on the 1909, 1928, 1955, 1968, 1975 and 1986 Ordnance Survey maps (Figure AS 30-4 to Figure AS 30-10)

Walkover Survey

- 6.30. AOC visited AS10 on the 28th of September 2015, in order to ascertain the potential for archaeological remains to survive on the site and to undertake an independent assessment of the potential for indirect effects upon the settings of designated heritage assets. The site was found to be severely overgrown, with amongst other vegetation thick blackberry bushes which prevented a detailed inspection of the ground surface (Plate AS 30 -1). No evidence of upstanding archaeological

remains was identified although given the extent of vegetation the presence of earthworks and upstanding evidence cannot be discounted. Potential effects upon both settings of Listed Buildings and the character of the Damfield Lane Conservation Area identified are discussed below.

Settings and Conservation Area Assessment

- 6.31. AS 30 extends across the southwest quadrant of the Conservation Area. The site has clearly not been cultivated or grazed for some time and a small number of trees are starting to emerge. However, AS 30 is still open ground and is the only significant expanse of undeveloped land within the Conservation Area. Although another field to the west of Damfield Lane, opposite AS 30 remains open, it was excluded from the Conservation Area in 1991 and was found by AOC to be largely concealed from the lane by a belt of trees. The only other area of open ground, again outwith the Conservation Area, is occupied by the sports pitches to the south of the canal. Open views can be obtained from the canal bank of both the sports pitches and AS 30 (Plate AS 30-2). However, AS 30 is the only area of ground either within the Conservation Area, or within its viewshed, from which the authentic rural setting of both the village and the canal can be appreciated. In 1991 the Council cited the contribution AS 30 makes to the *“picturesque”* character of a *‘rural village scene’* amongst the justification for including this land within the designation. They further noted that the proposed allocation site is *‘unusual within the centre of a relatively dense urban area’* (Sefton Council 1991, 3, Para 3.7). It was clear during the site visit that this finding remains unchanged today.
- 6.32. The submitted assessment describes the topography of AS 30 as *‘featureless and flat’*, noting that *‘with the exception of semi-mature trees on all the boundaries, it makes no special aesthetic contribution to the character of the conservation area’* (De Figueiredo 2015, 15, Para 4.3.5). The overgrowth of the site means that its underlying topography is hard to comprehend although it does appear to slope slightly in several directions and it should be noted that the level of Damfield Lane along the site’s northern and eastern boundary drops to the southeast. The description of the site as *‘featureless and flat’* therefore underplays the aesthetic contribution that AS 30 makes to the character of the Conservation Area.
- 6.33. AS 30 makes three ‘appearances’ within the Conservation Area: it can be seen through trees from the footpath on Damfield Lane, it can be viewed across the canal from the towpath and it can be glimpsed through trees from the access track to the scout hut which runs along its northern boundary. While visibility from Damfield Lane will be clearer during the winter when the trees are bare, it can still be seen during the summer months through the field gate and breaks in the trees. Views across the site from the towpath are open and unimpeded year round (Plate AS 30-3) and AS 30 can also be viewed over the vegetation from the church car park (Plate AS 30-4). In 1991 the Council, noted the field *‘sweeping down to the canal’* and reported the field as *‘high grade agricultural land’* set within retained boundary hedges and trees (Sefton Council 1991, 3, Para 3.8). AOC’s site visit found that the subsequent overgrowth of the site, presumably through neglect, does not materially detract from this. It can therefore be reasonably stated that the open, undeveloped nature of AS 30 makes a notable contribution to the overall aesthetic value of the Conservation Area.
- 6.34. The importance of this aesthetic contribution is elevated by the symbiotic visual and contextual relationship between the canal to the south, the field [AS 30] and the tower of Grade II Listed St Andrew’s Church to its north. While the canal is not individually designated, its passage past AS 30 is included within the Conservation Area and, as the Council’s Conservation Area Advisory Leaflet notes, makes an important contribution to the overall designation (Sefton Council, n.d). Indeed in

1991 the Council cited the relationship between the canal, the open ground (AS 30) and the church amongst their reasons for designation (Sefton Council 1991, 3, Para 5.6). For this reason, the potential effect of the development of AS 30 upon its setting falls within the scope of this assessment. The present parish church dates to 1878-80 and its tower, which extends above the tree line, is its most prominent feature. Given that the church post-dates the canal by around a century, it is reasonable to suppose that the view from the canal towpath to the tower was intentional and that the tower's southeast clock face was intended to be both prominent and legible in views northwards across AS 30 from the towpath. This critical visual relationship between the church, the open undeveloped land within AS 30 and the canal bank can therefore be seen as central to the settings of the Grade II Listed Church, the non-designated canal and the Conservation Area.

- 6.35. The submitted assessment traces visibility from the canal along a route from the Hall Lane canal bridge to the south and along the canal towpath as it passes along the opposite bank to AS 30 to the bridge which carries the A59 over the canal, at which point both the canal and the towpath exit the Conservation Area. This route was retraced by AOC. The submitted statement notes that church tower is not visible in views northwards from the Hall Lane Bridge, this is correct although the trees which terminate this view stand within the southern tip of AS 30. The submitted assessment includes photographs to support its assertion that the church tower is concealed from view from the towpath until just south of AS 30. Comparisons with canalside bushes/vegetation suggest that both the 'in view' and 'out of view' shots reproduced in the statement were taken from points quite close together on the canal bank. AOC's visit, which took place in September when the trees were in leaf, found the church tower to be visible from a point slightly northwest of the last cottage on the canal bank (Plate AS 30-5), south of the AS 30 boundary. It also found that with exception of limited screening by a tree, the church tower was continually visible (Plates AS 30-6 to AS 30-7) until the towpath passes beyond the northern boundary of AS 30 and that the top of the tower was just visible above the tree line as the towpath passes the boundary of the site hut compound (Plate AS 30-8). The proposed allocation is clearly visible in all these views extending between the church and the canal. While the canal is not designated, AS 30 extends right to the northern canal bank and it can reasonably be argued that both the bank and the open ground behind it are key components of the setting of the canal as it is the only place within the Conservation Area where the canal's authentic rural context can be recognised and appreciated. It is therefore clear that the relationship between AS 30, the canal bank and the canal makes a critical contribution to the overall character of the Conservation Area.
- 6.36. The Council noted the presence of a substantial number of trees within the Conservation Area at the time of designation, citing the '*important and visually impressive line of limes fronting Damfield Lane*' amongst their reasons for designation (Sefton Council 1991, 4, Para 5.5). The site visit established that these limes which line both sides of the lane remain in place today, creating an arboreal tunnel along which the rural context of the lane is preserved (Plate AS 30-9). While residential development has taken place since 1991 to the north of AS 30 at Chapel House, this development is set back from the lane, and is not visible from it and the setting of the lane and the authenticity of the lime tree avenue is consequently unaffected (Plate AS 30-10). The lime avenue runs behind identical low stone walls on both sides of the lane, creating a clear visual link between both sides of the lane. AS 30 extends along the western side of the lane behind the limes and is accessed via a field gate through the boundary wall. AS 30 or parts thereof is visible at all times of the year and open views can be obtained through breaks in the trees including a large break, north of the Chapel House driveway (on the opposite side of the lane). Visibility is greater during the winter and spring when the trees are bare or in bud.

- 6.37. The submitted assessment notes that the Grade II Listed tower of St Andrew's Parish Church is visible, across AS 30, from Damfield Lane through gaps in the trees. The assertion within the submitted assessment that trees conceal views from the southeast corner of the site is misleading and the church tower appears in views north from the road through a gap in the trees at this point (Plate AS 30-11) (De Figueiredo 2015, 10, Para 3.1).
- 6.38. Four Listed buildings: Maghull Chapel (Grade II*, **Site 6**); the Parish Church of St Andrew (Grade II, **Site 61**); Harrison's Monument (Grade II, **Site 51**) and the sundial c.5m South of Maghull Chapel (Grade II, **Site 50**), stand north of AS 30 within the parish churchyard. Taken together these assets have a group value and they share the same immediate setting.
- 6.39. The assets are separated from AS 30 by the churchyard, which includes modern burials and cremations, and the access track to the scout hut. The church car park, which lies immediately northeast of the churchyard, also shares a boundary with AS 30 although it is screened from the churchyard by vegetation. A straight path runs northwards from the access track to the church, framing a vista which includes the church tower, the nave and the more recent cemetery (Plate AS 30-12). In the opposite direction views can be obtained southwards down the churchyard path towards the tree line which separates the access track from the proposed site allocation (Plate AS 30-13). The site visit found that views of the proposed allocation site are prohibited during the summer months although some visibility, at least at roof height would occur during the summer months, and visibility during the winter would be greater. The submitted assessment does not include a discussion of this view, nor does it reproduce any photograph. At ground level, the church's southern elevation could be considered secondary to its setting as the church is entered and approached from the north. However development within AS 30 would have an effect on this element of the setting of the church.
- 6.40. The tower of St Andrews Church has been discussed in relation to views of it from across AS 30. It is the only prominent landmark within the churchyard asset group and when viewed from locations beyond the churchyard, is the only indicator of the asset group's presence. The prominent appearance of the church tower within views is intentional and as its construction postdates the building of the canal, the routing of Damfield Lane and the setting out of the boundaries of the fields at AS 30, it is reasonable to assume that these features not only formed part of its authentic setting but may have influenced its design. Indeed the visual relationship between the canal bank and the tower are likely to have been an intended component of the architect's composition. Consequently many of the attributes which contribute to the tower's authentic setting survive within the Conservation Area.
- 6.41. The oldest building within the churchyard, Maghull Chapel, is Grade II* Listed and represents the only medieval survival within the churchyard (Plate AS 30-14). There is a clear relationship between the chapel and the parish church to its east. The A59 Northway passes immediately west of the chapel on an embankment, and can be glimpsed through trees creating a visual and noise intrusion which is detrimental to its current setting. Nevertheless the tree cover creates a sense of enclosure within which the ancient origins of the chapel can be appreciated. The Listed sundial stands within this enclosed area and the Harrison's Monument is positioned, between the chapel and the church. Intervening tree cover means that even in winter any visibility of AS 30 from the chapel, sundial and monument would be, at worst, extremely limited (Plate AS 30-15). A toilet block positioned within the

churchyard impedes visibility from the monument; it is unsightly and detracts from the character of the churchyard and the setting of the assets within it.

- 6.42. Two further Grade II Listed Buildings are located within the Conservation Area--Chapel House Farm (**Site 7/52**) and Chapel House Farm Outbuilding (**Site 8**). The farmhouse is not intervisible with AS 30. Intervisibility with the outbuilding is extremely limited, through trees and across Damfield Lane. The outbuilding has recently been converted for housing, subdivided and a small residential development has been erected to its east.
- 6.43. Other statutory designated assets located within 1km of the proposed allocation site include one Scheduled Monument (**Site 3**; Maghull Manor) and four Grade II Listed Buildings: Harrison's Home (**Site 62**); the Stone Structure, Possible Folly, c 70m Northeast of Maghull Manor (**Site 53**); Maghull Manor (**Site 63**) and the remains of ancient arch at Maghull Manor (**Site 64**). All are located west of AS 30 and are separated from it by the canal and the A59 Northway as well as a multitude of suburban housing estates. The site visit demonstrated that no visibility is possible and consequently no impact upon their settings is predicted.
- 6.44. This assessment has established that development within AS 30 would be visible in views to and from both the canal towpath and Damfield Lane, as well from the parish churchyard to the north. AOC's assessment of the effects of development within the proposed site allocation upon the settings of designated heritage assets has been undertaken using the methodology outlined in Chapter 4 of this review and detailed in Appendix 1, specifically Tables 1, 2, 6 and 8.
- 6.45. The comparatively small Conservation Area at Damfield Lane can be divided into two distinctive character areas; the northern portion which includes the settlement focus, and the less developed southern part which includes the narrow triangle of land between Damfield Lane and the Leeds and Liverpool Canal. The churchyard and the designated assets within it lies at the intersection of the two areas and can be reasonably said to be a component of both. The tower of the Grade II Listed St Andrews Church stands within this central area and is the Conservation Area's most conspicuous landmark. Development within AS 30 would not be visible from the northern character area and would not affect it.
- 6.46. This assessment has found that the southern character area, which includes AS 30, the lime avenue along Damfield Lane and the Leeds and Liverpool Canal as well as the churchyard and all the designated assets within it, comprises a surviving fragment of the rural landscape which preceded the 20th century expansion of Maghull. Key elements of the chronology of this community remain legible including the 18th century industrial revolution (the canal); late Victorian religious fervour (St. Andrews Church and its landmark tower) and late 19th century aestheticism (the lime avenue). AS 30 occupies the core of the southern character area and although undeveloped is the space through which critical visual interactions between the canal, Damfield Lane and the Listed church tower occur.
- 6.47. The southern part of the Conservation Area is thus one of the few places within which Maghull's origins as a small rural settlement remain legible. The Conservation Area including the southern character area is considered to be of Regional Importance (Appendix 1, Table 1). The Conservation Area draws a considerable portion of its cultural value from its aesthetic qualities and this is particularly true of the 'relict' rural landscape at its southern end which comprises AS 30. The land

covered by the proposed site allocation at AS 30 is a key component of this landscape. While it is the character of, rather than the setting of, the Conservation Area, which is at issue here, the criteria for establishing Relative Sensitivity laid out in Table 2 (Appendix 1) remain relevant. Visual and aesthetic qualities contribute significantly to an observers understanding, appreciation and experience of the Conservation Area and consequently it can be considered to have a High Relative Sensitivity to changes which affect the visual and aesthetic components of its character. This finding applies to views across AS 30 which take in the church tower and also to changes within AS 30 itself as it is the only surviving expanse of undeveloped open land within the designation.

- 6.48. The Grade II* Listed Maghull Chapel is of National Importance. Setting makes a significant contribution to our understanding of both the chapel and its replacement Grade II Listed parish church, both of which can be considered to have High Relative Sensitivity as setting makes a significant contribution to the understanding of these assets. While the setting of the chapel is arguably constrained by its enclosure, the tower of St Andrews Church is an intentional landmark and it is consequently sensitive to changes which either impinge on views of it, or compete with it. Both the Listed sundial and Harrison's Monument were erected within the original churchyard, which is enclosed by vegetation, consequently while their settings are sensitive, it is reasonable to argue that this sensitivity relates primarily to their own architectural and historical attributes and to the collective group value which they share with the chapel, the church and the undesignated historic grave markers with which they share the churchyard. Beyond the churchyard the sensitivity of the sundial and monument to changes to their settings is less and they can therefore be said to have a Low Relative Sensitivity to changes which occur outwith this context .
- 6.49. Chapel House Farm Outbuilding is Grade II Listed and is judged to be of Regional Importance. The outbuilding has been transformed through its subdivision and residential conversion and the agricultural origins of the eastern elevation from which a limited degree of intervisibility with AS 30 is possible are now barely legible. Given this degree of change and in its current form, the former outbuilding, has Low Relative Sensitivity to changes in its setting.
- 6.50. The submitted assessment contains a proposal '*intended to find the optimum use for the site compatible with its conservation area status*' which it considers '*to be housing, together with ancillary social and community facilities*' (De Figueiredo 2015, 20, Para 6.1). It includes a sketch plan showing how public open space and low roof lines could be arranged so as to maintain at least some of the views of the church. While the intention to respect certain views of the church tower shows some consideration of the importance of the views, statements such as '*the development should respect the historic characteristics of the Damfield Lane area, such as the tightly knit development pattern and the scale of existing buildings*' (De Figueiredo 2015, 20, Para 7.6), do not fit well with the 'rural' southern part of the Conservation Area characterised by the open views from the canal towpath over AS 30 towards the church tower and the lime tree avenue extending down Damfield Lane. Any development within AS 30 would compromise, if not destroy, the rural character of the southern part of the Conservation Area, the value of which was cited by the Council in its reasons for designation (Sefton Council 1991, 4, 5.5). Development within AS 30 would be visible through the trees on the western side of the lime avenue, particularly in winter and spring, and this coupled with the need for site access, would compromise the cultural value of Damfield Lane. While some views of the Grade II Listed tower of St Andrew's Church from the towpath would be retained; their context; the critical element of their aesthetic identity would be transformed, as the view would no longer be across an undeveloped field; intact within its historic boundaries, but would rather be across and through

modern development. The rural context which is central to the understanding, identity and distinctiveness of this part of the Conservation Area, would therefore be lost (in views northwards across the canal) or severely compromised (in views north-westwards from Damfield Lane). This loss of significance would be irretrievable and permanent.

- 6.51. Development within AS 30 would therefore result in an impact of High Magnitude upon both the character of the Damfield Lane Conservation Area and the setting of the Grade II Listed St Andrew's Church (Appendix 1, Table 6). Given the High Relative Sensitivity of both the church and the Conservation Area, the level of effect on both assets would potentially be Major (Appendix 1, Table 8).
- 6.52. The assessment of effect in relation to St Andrew's Church as set out in the two paragraphs above primarily relates to how the allocation of AS 30 would affect the church's setting in terms of its context in the wider Conservation Area and as a landmark feature within the Conservation Area. It is considered that it is also relevant to consider how the proposed allocation at AS 30 would affect the setting of the church from within its own churchyard as this is a clear way in which the asset was intended to be experienced. This assessment has found that development within AS 30 would appear through trees in views from the exterior of the southeast facing elevation of St Andrews Church across the churchyard (Plate AS 30-13). Visibility will be inhibited by the intervening vegetation during the summer months, although it is likely that some development at least at roof height would be visible throughout the year. Development within the proposed allocation would be more apparent from autumn through to spring. The church has been found to have a High Relative Sensitivity to changes to its setting and whilst the southern part of the graveyard contains modern internments, the Listed asset is still sensitive to changes in this direction. Currently views southward from the church are contained by the thick treed hedge line which extends southwest-northeast along the southern edge of the scout hut track. Although the submitted assessment indicated that the section of AS 30 on the immediate south-eastern alignment from the church is to be maintained as public open space, it is likely that at least some housing will be apparent to the south of the church. It is also possible that elements of development infrastructure such as street lighting will also appear in views out from the southeast elevation of the church. Any visible presence of development in these views will create a modern artificial intrusion into the church's current arboreal setting and will diminish the experiential qualities of the churchyard which contributes directly to the cultural value of the Listed church. Any appearance of development within views south-eastward from the church would inevitably change the setting of the asset, to the extent that our understanding of the church's original, authentic rural context would be reduced and the overall cultural value of the Listed Building would be at least be marginally diminished. Consequently the effect of the proposed allocation, and any subsequent development, upon the setting of the church, in terms of how the asset is experienced within the churchyard, is predicted to be of Medium Magnitude. Given the Church's High Relative Sensitivity the level of effect would, therefore, be Moderate.
- 6.53. The setting of the Grade II* Listed Maghull Chapel is enclosed by its woodland context, and visibility of development within AS 30 would likely be very limited and restricted to the winter months. Any impact is therefore likely to be slight and would not threaten the understanding, appreciation and experience of the chapel. The effect upon the chapel is therefore unlikely to exceed an impact of Low Magnitude and this would result in a Minor-Moderate level of effect. Potential impacts upon the settings of the Grade II Listed sundial and Harrison's Monument within the churchyard would likely similarly be of Low Magnitude. The Low Relative Sensitivity of these assets means that the level of effect would be Negligible.

- 6.54. Any visibility of development within AS 30 from Chapel Farm Outbuilding will be, at worst, peripheral and impacts would be of Low Magnitude and given its Low Relative Sensitivity the level of effect would consequently be Negligible.

Direct Impacts Assessment

- 6.55. Potential direct impacts on known or unknown buried archaeological remains which may survive within AS 30 relate to the possibility of disturbing, removing or destroying in situ remains and artefacts during groundbreaking works (including excavation, construction and other works associated with the development) on this site.
- 6.56. No prehistoric, Roman or Early Historic remains or artefacts are recorded within 1km of AS 30, although this may simply reflect the comparative lack of previous archaeological investigation undertaken within the area. Nevertheless potential for pre-medieval remains or artefacts being present on the site is considered to be Low.
- 6.57. While no medieval archaeological remains or artefacts have been recorded within AS 30, given its proximity to the medieval Maghull chapel, the presence of medieval remains or artefacts cannot be discounted and the potential for their presence is considered to be Medium.
- 6.58. The southern boundary of the AS 30 site extends along the north bank of the Leeds-Liverpool Canal. There is a High potential for remains or artefacts associated with the canal being present, although they may be localised to the canal bank.
- 6.59. The magnitude of any direct impacts will be dependent on any final design scheme submitted as part of a planning application which may result from the proposed allocation. In the context of housing development direct impacts have the capacity to result in impacts of high magnitude as they could potentially result in the destruction or removal of any archaeological deposits which may be present.

Assessment of the Level of Effect and Harm

- 6.62. The NPPF requires that an assessment be made of the level of harm, both direct and indirect, which could be caused to heritage assets by development. As paragraph 129 of the NPPF notes any development will be expected to avoid or minimise conflict between the conservation of heritage assets and any aspect of a development proposal. Great weight should be attached to the conservation of heritage assets and the more important the asset, the greater the weight which should be attached to their conservation (NPPF Para 132) and in this context the predicted effects upon the character of the Damfield Lane Conservation Area and the settings of individual Listed Buildings within it are considered relevant. The Historic England Advice Note for Site Allocations in Local Plans (Consultation Draft, 8 June 2015) states that harm should always be avoided in the first instance and that mitigation should only be considered if avoidance does not prove possible. The impetus is on the promoter or applicant to fully justify any harm or mitigation and provide evidence to ensure that they will be effective in reducing harm.
- 6.60. This assessment has identified a potential for an adverse impact resulting in Major level of effects upon both the character of the Damfield Lane Conservation Area and Grade II Listed Church of St Andrew. The Major effects upon the church relate to changes to its setting which will impede

experience of it in the wider Conservation Area context and particularly relate to views of the tower from the beyond the churchyard but within the Conservation Area. Effects upon the setting of the church, such as it is experienced from within the churchyard, are predicted to be Moderate, as a result of impacts upon outward views from the southeast elevation. Moderate and Major level effects are considered 'significant' in planning terms.

- 6.61. Significant effects in planning terms do not necessarily equate to substantial harm within the context of the NPPF. This is because of the high threshold set by the NPPG for establishing substantial harm. Nonetheless, in the case of the Conservation Area it is considered that development of AS 30 would result in substantial harm to the heritage assets. This is because the development of AS 30 would result in the removal of a significant portion of land identified as being an important part of and contributing to the cultural value of the Conservation Area as a whole. With regard to development within Conservation Areas and World Heritage Sites Paragraph 138 of the NPPF states that the '*loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated as either substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole*' (CLG 2012).
- 6.62. While Major effects are predicted upon the setting of the church in the context of how it is experienced from the wider conservation, effects upon the setting in the context of how it is experienced from the churchyard are less and are considered to be Moderate level effects. Both of these effects are considered significant and therefore need to be considered in the planning balance and in decision making. The Moderate effects predicted upon the setting of the church, in the context of the experience of it from the churchyard, on their own would likely be judged to result in less than substantial harm. However, given the Major effect predicted upon the setting of the church when experienced in and from the wider Conservation Area, the level of harm is judged to be substantial. This is because a highly significant, and very probably intended, view of the tower from the canal towpath, which currently survives in its authentic context, would no longer survive. The view across AS 30, currently across an undeveloped field; intact within its historic boundaries, would, were AS 30 to be developed, be across and through modern development. As such the relationship between the church and its wider parish context would largely be severed. Paragraph 132 of the NPPF states that '*Substantial harm to or loss of a grade II listed building, park or garden should be exceptional*' (CLG 2012).
- 6.63. It is therefore clear that the predicted effects upon the character of the Damfield Lane Conservation Area and the setting of the tower of St Andrews Church would result in substantial harm to the cultural value of these assets. Consequently, unless the circumstances could be considered 'exceptional' under the tests outlined in Paragraphs 133 of the NPPF, any development resulting from the proposed allocation of AS 30 would conflict with policy.
- 6.64. Paragraph 134 of the NPPF notes that '*where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use*'. The predicted Minor-Moderate level effects upon the setting of the Grade II* Listed Maghull Chapel would result in less than substantial harm to the cultural value of this asset. The ability to understand the setting of the chapel and what setting contributes to the experience and cultural value of the asset would not be

threatened however the potential for an impact upon its setting would still require consideration within the planning balance.

- 6.65. Any harm resulting from the Negligible level effects predicted upon the settings of Harrison's Monument and the sundial within Maghull Churchyard and the Chapel Farm Outbuilding, all of which are Grade II Listed, would also be less than substantial.
- 6.67. The potential for direct impacts is at present hard to quantify without either archaeological intervention. This assessment has however found a Medium potential for remains of medieval date to be present on the site and a High potential for post-medieval remains to be present with the site, though these may be concentrated along the canal bank. There is also a Low potential for earlier remains to be present. Depending on the finalised design scheme which would be expected to accompany any planning application, there is a potential for direct impacts of high magnitude occurring upon any archaeological remains which may be present.
- 6.68. Notwithstanding, the predicted substantial harm upon both the character of the Conservation Area and the setting of St Andrew's Church as detailed above, AOC consider that should AS 30 be recommended by the Planning Inspectorate for allocation following their examination, a mitigation strategy to deal with potential direct impacts should be agreed with the Council prior to the submission of any application. This would include investigation by non-intrusive and/or intrusive means to enable the identification and assessment of any surviving remains and to subsequently mitigate any impact upon these. Such mitigation would either be through avoidance, e.g. preserving the remains in situ, or if this was not warranted through preservation by record facilitated through archaeological excavation, analysis and reporting including publication. The scope of any works will be determined by the Council but could include geophysical survey and trial trenching. Particular care would need to be taken when planning work along the canal bank.

Conclusion

- 6.72. The submitted assessment for AS 30 is largely confined to consideration of the character of the Damfield Lane Conservation Area. While Listed Buildings are referenced, with the exception of the tower of St Andrew's Church, their settings are not considered. The assessment does not include an assessment '*of the potential impact of the proposed development on the significance of heritage assets in the context of the NPPF and local planning policy*' (De Figueiredo 2015, 3), arguing that this can be deferred until the post-allocation application stage. AOC consider this approach to be insufficient in the light of Para's 128 and 129 of the NPPF. This is because whilst NPPF does not specifically discuss heritage in terms of the allocation of land in local plans, the framework notes that the policies and principles set out within it are also relevant to plan-making (2012, 30, footnote 29). Overall, the assessment underplays the potential impacts on both the character of the Conservation Area and the settings of the Listed Buildings within it. The potential for direct impacts upon archaeological remains fall outwith the scope of the submitted assessment and consequently no mitigation is considered.
- 6.73. This assessment has predicted that the proposed allocation will result in an adverse Major effect upon both the character of the Damfield Lane Conservation Area and the setting of the tower of the Grade II Listed St Andrew's Church. A Moderate effect is also predicted upon setting of St Andrew's Church in the context of the experience of the asset from the churchyard. These impacts are considered '*significant*' in planning terms. The level of harm to the Conservation Area and St

Andrew's Church are considered to be substantial under the terms of the NPPF. Section 66(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act, requires planning authorities to have '*special regard to the desirability of preserving the [listed] building or its setting*'. The Court of Appeal has placed emphasis on this duty and also places an equivalent duty upon planning authorities with regard to Conservation Areas noting Section 72 (1) which states that '*in the exercise, with respect to any buildings or other land within a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'.

- 6.74. Paragraph 132 of the NPPF states that '*Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting... Substantial harm to or loss of a grade II listed building, park or garden should be exceptional*', whilst Paragraph 138 indicates a broadly equivalent approach regarding proposals which would result in substantial harm to the cultural value of a Conservation Area. Policy NH9 of the Draft Sefton Local Plan states that '*development which results in substantial harm to, or demolition of, a designated heritage asset or its setting will not be permitted*'. Policy NH10 of the Draft Local Plan elaborates on this stating that development which effects the settings of Listed Buildings will only be permitted where it, '*preserves*' the setting and '*respects and conserves historic and positive existing relationships between the listed building and its surroundings*'. Conservation Areas are addressed within Policy NH11 of the Draft Sefton Local Plan which states that '*development within conservation areas or affecting their setting will only be permitted where the proposal is of high quality design and preserves or enhances the character or appearance of the conservation area or its setting*'.
- 6.75. It is clear that development within AS 30 would fail to meet the criteria set out in NH10 and NH11 of the Draft Sefton Local Plan as it would result in substantial and irrevocable harm to both the character of the Conservation Area and the setting of the Grade II Listed Parish Church of St Andrew, Maghull. The proposal would therefore also breach Policy NH9 and would conflict with Paragraph 132 of the NPPF. The allocation of AS 10 would also sit uncomfortably with the statutory duty to pay '*special regard*' to the preservation of the settings of Listed Buildings and '*special attention*' to the desirability of preserving the character of Conservation Areas placed on planning authorities by the 1990 Act. For these reasons AOC consider AS 30 to be unsuitable for allocation.
- 6.76. In the case that the Planning Inspectorate, following its independent review of the Draft Local plan recommend that AS 30 is allocated, AOC considers that further assessment of potential direct impacts would need to be undertaken to inform any subsequent planning application. Assessment of any specific proposals upon the setting of the assets noted herein should also be required. In such an event any further assessment and evaluation that was required by the Council, would be in accordance with Paragraph 141 of the NPPF and NH13 and NH14 of the Draft Sefton Local Plan.

7. MN 2.2 Land at Bankfield Lane, Churchtown

Comments on Submitted Heritage Assessment

- 7.1. A Heritage Assessment on behalf of Wain Homes Ltd was submitted with regard to the proposed allocation of land at Bankfield Lane, Churchtown (MN 2.2). The submitted assessment was prepared by CgMs Consulting and is dated March 2014 (Revised September 2014). The CgMs report considers the entirety of the two earlier proposed areas (SR 4.02 and AS 01). However this review by AOC considers only the potential impacts deriving from the updated proposed site allocation (MN 2.2), which excludes an area assessed by CgMs, to the south.
- 7.2. The submitted assessment prepared by CgMs follows guidance set out in the NPPF, NPPG, Historic England Advice Notes and the by Chartered Institute for Archaeologists. It examines records for known heritage assets, undertakes a full map regression and includes a site visit to the proposed allocation site to establish the historic environment baseline conditions and to identify assets which have the potential to be adversely impacted upon by the allocation and subsequent, development of the site at Bankfield Lane.
- 7.3. The submitted assessment includes an assessment of significance and an assessment of the potential impacts upon the historic environment by development within the proposed allocation site. The assessment identifies the potential for '*less than substantial harm*' to the setting of North Meols Conservation Area (CgMs 2014a, para 6.6). Following identification of known archaeological remains in the area surrounding the proposed allocation site, the assessment concludes that no further archaeological evaluation would be required in advance of development.
- 7.4. The submitted assessment by CgMs thus provides adequate information to assess the potential heritage implication of development within the proposed allocation site. The submitted assessment identifies heritage assets which could be impacted by development within the proposed allocation site and provides sufficient information to understand the significance of these assets and any contribution to them made by the proposed allocation site.
- 7.5. As part of the review process AOC undertook a review of the HER and National Heritage List records relevant to this site, reviewed the Merseyside Historic Characterisation information and undertook a site visit which included both the proposed allocation site and designated heritage assets in the surrounding area. The *Churchtown and North Meols Conservation Area Appraisal* (Sefton Council, 2009) was also considered. This work was undertaken to allow an independent review of the conclusions of the heritage assessment and an independent review of the potential effects of the proposed site allocation on the historic environment resource.
- 7.6. MN 2.2 takes in elements of two earlier proposed sites, SR 4.02 and AS 01. Sefton Council's comments on the land allocation for SR 4.02 indicated that this area had Minor Heritage constraints, stating that the allocation would have a:

Minor impact on the North Meols Conservation Area, Churchtown Conservation Area, and the listed buildings therein, by virtue of a limited increase in the sense of suburbanisation.
(Sefton Council 2015b, 2)

7.7. However, Sefton Council's comments on the land allocation for AS 01, described as an extension to proposed Local Plan allocation SR 4.02, indicated that this area had a Significant Heritage Constraint as:

There would be a significant impact in the setting of grade II listed Meols Hall and North Meols Conservation Area arising from the proposed enlarged site if expanded beyond the houses on Blundells Lane. In the northern part of the site this impact would be less pronounced, but still greater than the impact of the smaller site (SR4.02) (Sefton Council 2015b, 2).

7.8. The conclusion of the Council was that *'the southern and eastern parts of the site would significantly affect the setting of the grade II* listed Meols Hall and the North Meols Conservation Area and these should be excluded from any allocation. The remainder of the site is appropriate to allocate for housing in the Local Plan'* (Sefton Council 2015b, 3).

7.9. The CgMs assessment concludes that development of the proposed allocation site *'would not have any impact on any designated assets (Scheduled Monuments, Listed Buildings, Conservation Areas, Registered Parks and Gardens or Registered Battlefields).'* (CgMS 2014a). Although true of direct impacts, this is not true of indirect impacts as demonstrated by the identification by CgMS of *'some, but 'less than substantial harm' to the setting of the Conservation Area by reason of a limited change to its setting.'* (CgMS 2014a,1)

7.10. AOC considers the submitted heritage assessment provides sufficient information with regards to potential heritage impacts in MN 2.2 but has identified a number of minor deficiencies:

- The conclusion that development of the proposed allocation site would not have any impact on any designated assets (Scheduled Monuments, Listed Buildings, Conservation Areas, Registered Parks and Gardens or Registered Battlefields); although true for direct impacts is not true of indirect impacts.
- Listed Buildings within Conservation Areas are not individually identified;
- The identification of low/nil potential for archaeological remains within an area previously undisturbed (with the exception of agriculture) and where evidence for prehistoric and later evidence is known in the wider area underestimates the archaeological potential.
- As a result of the aforementioned identification of low/nil potential for archaeological remains, the assessment does not include comment on mitigation for direct impacts on hitherto unknown cultural heritage assets.

Additional Heritage Assessment

Scope

- 7.11. The submitted CgMs assessment provides sufficient heritage baseline information on the historic environment resource within and surrounding the proposed site allocation to assess the potential impacts on heritage assets. The additional assessment presented below will provide an independent review of the archaeological potential of the proposed allocation site and a review of the potential direct and indirect impacts on heritage assets.
- 7.12. A brief summary is made of the baseline historic environment resource within and surrounding the proposed site allocation, largely a summary of the CgMs Archaeological and Historical Background (CgMs 2014a, Section 4), and the archaeological potential of the proposed allocation site is independently assessed. The additional assessment uses information obtained from the Merseyside Historic Environment Record (MHER). The map regression within the CgMs report is full and complete and as such historic maps are not reproduced here. All sources consulted during the assessment are listed in the References in Chapter 14.
- 7.13. While the submitted assessment is detailed in its consideration of the heritage assets and the settings of the designated assets within 1km of MN 2.2, the report does not treat designated or non-designated assets within the Conservation Areas individually, therefore Meols Hall (**Site 42**), a Grade II* Listed Building located 850 m south-west of the proposed site allocation, and the Registered Park and Garden of Churchtown Botanic Gardens (**Site 4**) both within the Conservation Area are not individually considered. This assessment will therefore address this shortcoming through assessment of the setting of individual assets where appropriate.
- 7.14. The additional assessment included a site visit in order to assess the potential for upstanding remains to survive within the boundaries of MN 2.2 and also to allow an independent assessment of the potential for indirect effects upon the settings of nearby designated heritage assets. The additional assessment includes an assessment of the Magnitude of Impact and the potential Level of Effect and Harm resulting from the proposed allocation. This has been produced in line with the methodology outlined in Chapter 4 of the review and detailed in Appendix 1.

Heritage Baseline

- 7.14. All known designated and non-designated heritage assets located within a 1km radius of the edge of the proposed allocation site (MN 2.2) have been included in this assessment. The aim of this is to help predict whether any similar hitherto unknown archaeological remains are likely to survive within the proposed allocation site and consequently to assess the potential for direct impacts resulting from development. Each heritage asset referred to in the text is listed in the Gazetteer in Appendix 4.1. Each has been assigned a 'Site No.' unique to this assessment, and the Gazetteer includes information regarding the type, period, grid reference, NHLE number, HER number, statutory protective designation, and other descriptive information, as derived from the consulted sources. Each heritage asset referred to in the text is plotted on the location map (Figure MN 2.2 - 1) of the report, using the assigned Site Nos.
- 7.15. An examination of the National Heritage List for England maintained by Historic England found one Grade II* Listed Building, Meols Hall (**Site 42**); 68 Grade II Listed Buildings; two Conservation Areas (North Meols (**Site 95**) Churchtown (**Site 96**) and one Registered Parks and Garden (Churchtown

Botanic Gardens (**Site 4**)), within 1km of MN 2.2. There are no Scheduled Monuments, Registered Battlefields or World Heritage Sites within 1km of MN 2.2.

- 7.16. The proposed allocation site comprises a flat area of arable land south of Bankfield Lane. The proposed site is bounded to the south and west by small pasture fields and to the east by further agricultural fields.
- 7.17. Taken together, the assets within 1km of MN 2.2 comprise the heritage baseline. Significant elements of this baseline will be considered in chronological order.

Prehistoric Evidence (-43AD)

- 7.18. CgMS (2014a, 20) notes that there “*are no recorded prehistoric archaeological assets within or in the vicinity*” of the proposed allocation site. Further assessment by AOC has noted the findspots of prehistoric burial urns (**Site 13**) and two canoes (**Site 6**) discovered in the wider area in the late 19th century, but which have since been mislaid. This assessment has found no further evidence of prehistoric remains at MN 2.2 and therefore the potential for archaeology of prehistoric date is Low.

Roman and Early Historic Evidence (43AD - 1000)

- 7.19. As CgMs notes, there are no Roman remains recorded by the HER within the proposed site allocation (2014a, 20-21), or within 1km.
- 7.20. AOC has found no further evidence for Roman or Early Historic archaeological remains and therefore the potential for archaeology of a pre-medieval date is Low.

Medieval Evidence (1000AD - 1500)

- 7.21. The CgMs (2014a, 21-22) report notes that the area around MN 2.2 was under parochial organisation by the time of the Domesday Survey and the area was characterised through the medieval period by small villages and isolated settlements surrounded by agricultural fields. The CgMs (2014a, 21) report also makes reference to the long term agricultural history of the area of around MN 2.2, noting possible traces of plough ridges which were evident.
- 7.22. Three non-designated heritage assets have been found upon further consultation of the Merseyside HER belonging to the medieval period and located to the south of MN 2.2; **Site 37** denotes an old field system. **Sites 35** and **36** mark historic points from the 1st Edition Ordnance Survey map 1848, the location of Grove Hey Wood and a fish pond respectively.
- 7.23. Overall, AOC agrees with the CgMs assessment there is a Low potential for medieval archaeology at MN 2.2 (2014a).

Post-Medieval Evidence (1500AD - 1900)

- 7.24. The CgMs (2014a, 22-24) report summarised the recorded evidence for post-medieval (and modern) occupation within and in the vicinity of the proposed allocation site (CgMs 2014a:22-24). This included a map regression exercise, which was presented as figures. The historic map figures have been reviewed and are judged accurate and as such have not been reproduced within the present assessment.

- 7.25. Merseyside HER records no cultural heritage remains within the proposed allocation site. The CgMs (2014a) map regression indicates very little change to the area of MN 2.2 during the post-medieval period with known activity limited to agriculture.
- 7.26. CgMs (2014a, 23) note historic changes along the boundaries of MN 2.2. Three Pools Waterway runs along the north western edge of MN 2.2 on late 19th century mapping (CgMs 2014a: Figure 10) and Cross Train Station is recorded as abutting the north west of MN 2.2 in 1894 (CgMs 2014a: Figure 10).
- 7.27. With regard to designated assets, the CgMs report assesses the two Conservation Areas (**Site 95** and **96**), the Registered Park and Garden at Churchtown Botanic Gardens (**Site 4**) and the Listed Buildings within the Conservation Area as a single entity. The CgMs report records twelve Listed Buildings within the 1km search area, though 68 individual Listed Buildings were identified within 1km on Historic England's *The List* and these were detailed in the gazetteer (Appendix 2.1). The Listed Buildings not individually noted by CgMs are all located within an urban context (see Figure MN 2.2 – 1) and, other than those along Shellfield Road (**Sites 26, 27 & 28**), can be found within the Conservation Areas of Churchtown and North Meols.
- 7.28. Meols Hall (**Site 42**) has been identified by AOC as an asset requiring further assessment of potential impacts on its setting as per the methodology outlined in Chapter 4 of this report and within Appendix 1. CgMs discuss the history of the building and its setting in detail in reference to the Conservation Areas (**Site 95** and **96**) and the Registered Park and Garden at Churchtown Botanic Park (**Site 4**) as well as the importance of the Hall to the surrounding landscape and its development (CgMs 2014a, 24-28).
- 7.29. There are a further ten non-designated heritage assets within the Conservation Areas of Churchtown and North Meols. CgMs did not remark upon these separately but rather, like the listed buildings, dealt with them as part of the conservation area. Two of these are historic houses (**Sites 5** and **88**). There is reclamation ground at **Site 6** where two wooden canoes were found at the turn of the 20th century and have since been lost. **Site 3** is a bridge, **Site 7** a Pound and **Site 94** an embankment. The location of a historic watermill is located at **Site 87**. The remaining non-designated assets (**Sites 90, 91, and 92**) are found within the grounds of Meols Hall and include a cross base, an outbuilding and a pool respectively.
- 7.30. To the north of Churchtown Conservation Area (**Site 96**) are four non-designated buildings, two houses (**Site 38** and **89**), Willow Farm (**Site 39**) and a building (**Site 40**). None of these were identified in the CgMs assessment.
- 7.31. Over 600m north of MN 2.2 are a further five non-designated assets. **Site 9** and **10** are a Church and its respective Vicarage; **Site 12** is a well and **Site 11** a farm. There are two post medieval sites immediately north of MN 2.2, a farm (**Site 8**) and an embankment (**Site 93**). None of these were identified in the CgMs assessment
- 7.32. The presence of post-medieval farm structures, to the north indicates some potential for associated remains to be encountered. Additionally, the undeveloped nature of the proposed allocation site

means that it is unlikely that any remains would have been disturbed. This assessment predicts that there is a Low potential for unrecorded remains and artefacts from this period to survive within the proposed allocation site.

Modern Evidence

- 7.33. The map regression by CgMs (2014a, 22-24) identifies no significant change in the area of MN 2.2 between 1894 and the mid-20th century. There is some change to the field organisation shown on the Ordnance Survey of map 1970 and another shown on the map of 1983.
- 7.34. No remains or artefacts of modern date are recorded within the proposed allocation site, which appears to have been under agricultural use during this period. The CgMs assessment identified the potential for remains of post-medieval (as well as modern) date to be Nil (CgMs 2014a, 17). This assessment predicts that there is a Low potential for unrecorded remains from the modern period to survive within the proposed allocation site.

Walkover Survey

- 7.35. MN 2.2 was visited by AOC on 1st October 2015 in order to assess identify any archaeological remains surviving on the site. The vicinity of the site was also visited to undertake an independent assessment of the potential for indirect effects upon the settings of designated heritage assets The proposed site allocation was found to be in use as ploughed arable fields (Plate MN 2.2- 1). Evidence of historic ploughing was observed as earthwork ridge and furrow within the paddock immediately south of the access track to MN 2.2 (**Site 97**) and was reported by CgMs. This further indicates the long term agricultural nature of the proposed allocation site (Plate MN 2.2- 2).
- 7.36. The settings of the Listed Buildings, Registered Park and Garden and the Conservation Areas, and potential effects identified on them are discussed below.

Settings Assessment

- 7.37. The majority of the Listed Buildings located within 1km of the proposed allocation site would be entirely screened from any development which might take place within it by the intervening urban townscape. This includes the Church of St John, Rufford Road, Southport (**Site 23**) and Scarisbrick Mausoleum to the south of Church of St John, Rufford Road (**Site 24**), both of which are located to the northeast of MN 2.2 and which are screened from the proposed allocation site due to rising ground and suburban development, making it impossible for them to be viewed from the site (Plate MN 2.2- 4). A group of Listed Buildings to the northwest (**Sites 26-29**) are also screened from the proposed allocation site by the intervening built-up area. Additionally, to the southwest of MN 2.2, the many Listed Buildings in this direction, including those located within both the Churchtown (**Site 96**) and North Meols (**Site 95**) Conservation Areas (Plate MN 2.2- 5) are screened from the proposed allocation site by intervening trees and buildings. It considered that, given the current urban setting of these buildings and the screening of them by built elements of that setting, they would not incur settings impacts from any future residential development at the proposed allocation site. Meols Hall (**Site 42**), a Grade II* Listed Building and its surrounding parkland is located at the centre of the Conservation Area and is enclosed by tree belts which prevent any intervisibility with the proposed allocation site. There would be no indirect impacts from development within the proposed allocation site on the settings of individual Listed Buildings within the Churchtown Conservation Area (**Site 96**)

or upon Churchtown Conservation Area as a whole due to the intervening massing of urban structures which would prevent intervisibility.

- 7.38. While the upper parts of trees within the Registered Botanic Gardens (**Site 4**) could be glimpsed to the southwest of MN 2.2 (Plate MN 2.2- 4), there would be no visibility of the proposed allocation site from within the Registered Park and Garden, which is located behind residential development to its north and east. As such, no appreciable alteration to the setting of the Registered Park and Garden is predicted, and it will not be assessed further.
- 7.39. The CgMs assessment (2014a, 5.3.3) notes that there would be a '*limited change*' to the setting of the North Meols Conservation Area (**Site 95**). The tree-lined northern edge of this Conservation Area would be intervisible with MN 2.2. Given the existence of residential buildings in the immediate proximity of the proposed allocation site it is judged that non-visual factors affecting setting, such as increased noise from the proposed allocation site, would not materially impact the setting of the Conservation Area. Therefore the assessment of settings impacts is focussed on alterations to the visual and contextual setting of the North Meols Conservation Area (**Site 95**).
- 7.40. The core of the Conservation Area focuses on the Grade II* Listed Building Meols Hall (**Site 42**) which contributes to its cultural value and it is of High Relative Sensitivity to changes to its setting within its boundaries. Although as quoted within the CgMS assessment, the Meols Hall parkland in the centre of the Conservation Area '*seems to have been designed to shut out the general rural landscape surroundings, providing an enclosed, though extensive green landscape surrounding the Hall*' the Conservation Area of North Meols (**Site 95**) has also been designated for its '*green[er]... character, with few[er] isolated significant buildings. The greenness provides a stronger link to the parkland and agricultural or horticultural areas to the east which has grown up on the drained land*' (Sefton Council, 2009: 21). The cultural value of the Conservation Areas is thus also derived in part from its semi-rural nature. The open rural agricultural land east of the Conservation Area forms part of the open rural setting and contributes to its cultural value and it is thus of High Relative Sensitivity to changes within rural land east of its boundaries. NPPF notes that setting is, '*the surroundings in which a heritage asset is experienced*', and notes that '*elements of a setting may make a positive or negative contribution to the significance of an asset*' (2012, 56). The CgMS report (2014a, 5.3.3) concludes that '*setting, in particular the [allocation] site, makes a neutral contribution to the overall character and significance of the Conservation Area.*' As identified above, this assessment considers that the open rural setting around the Conservation Area and particularly open land to its east contributes to its cultural value. However, this assessment concurs with the CgMs report that the proposed allocation site to the north makes a neutral contribution to the setting of the Conservation Area and considers it to be located beyond those elements of setting that contribute directly to its cultural value. On balance therefore, while the Conservation Area is considered to be highly sensitive to changes within its boundaries and to changes beyond its boundary to the east, it is considered to have Medium Relative Sensitivity to changes to its setting located to the north, south and west.
- 7.41. The proposed allocation site is located on the urban fringe of development on the margin of the wider open rural setting north of the Conservation Area. Views of the proposed allocation site from within the Conservation Area are limited to northward views from the tree-belt which defines the northern edge of the Conservation Area. The tree belt is not shown on the 1854 Ordnance Survey map but is shown on the 1894 second edition. The southern side of Bankfield Lane opposite the Botanic Gardens is also first shown planted on the 1894 survey. The tree belts had been broadened by the

time of the 1911 Ordnance Survey and continued to be maintained throughout the 20th century. The eastern view from MN 2.2 towards Meols Hall has been further restricted since 1938 when trees line the “fish pond” to the southwest (Figure 11-13) and this is later labelled as a “nursery” with more tree screening (Figure 11-14). Given vegetation density any visibility is likely to be limited to the winter months. In addition, any development within the proposed allocation site may be peripherally visible (through vegetation such as hedges and trees) from the south (in particular during winter months). However, development within the proposed allocation site would likely appear in such views with the backdrop of the existing relatively modern residential buildings in close proximity to it. Such alterations to the setting of the Conservation Area would not materially affect the observer’s ability to understand, appreciate and experience the asset. Views of development within the proposed allocation site would be beyond the historic core of Meols Hall and would not lie within key sightlines to the east. Furthermore, there would be a buffer area of over 300m of green space between any development at the proposed allocation site and the Conservation Area thus maintaining its immediate open setting. From within MN 2.2 the eastern section of the North Meols Conservation Area (**Site 95**) is theoretically visible however the intervening fields, trees and hedge lines screen the Conservation Area and therefore any views of the Conservation Area from the proposed allocation site are seen over a distance with intervening plantation and structures making any views partial in nature (Plate MN 2.2- 4). An impact on the setting of the Conservation Area of Low Magnitude is predicted (see Appendix 1; Table 6)

- 7.42. The Conservation Area is judged to be of Medium to High Relative Sensitivity to alterations to its setting due to its deriving its cultural heritage value, at least in part, from its parkland nature and wider agricultural setting to the east. Development within the proposed allocation site would increase the proportion of the wider setting of the Conservation Area occupied by urban development as identified by Sefton Council (2012b, 2). The impact upon the setting is judged to be of Low Magnitude. This would result in, at most, a Minor-Moderate level of effect.
- 7.43. No appreciable indirect effects are predicted upon the settings of any of the other designated heritage assets within 1km of MN 2.2.

Direct Impacts Assessment

- 7.44. Potential direct impacts on known or unknown buried archaeological remains which may survive within the proposed allocation site relate to the possibility of disturbing, removing or destroying in situ remains and artefacts during groundbreaking works (including excavation, construction and other works associated with the development) on this site.
- 7.45. The Merseyside HER reports two findspots within 1km of the proposed allocation site. These include **Site 6** in the recreation ground of the Botanic Gardens where two canoes were uncovered and **Site 13** where burial urns of Neolithic or Bronze Age date were uncovered. Both finds were discovered and reported upon during the late 18th and early 19th centuries and their whereabouts are currently unknown. The potential for prehistoric remains to survive within the proposed allocation site is considered to be Low.
- 7.46. The 1683 Map of land in North Meols belonging to Peter Bold (CgMs, 2014a; Figure 3) suggests that the proposed allocation site has been in agricultural use for at least the last 300 years. Although this would limit large scale disturbance to any earlier remains within the proposed allocation site, the

likelihood of finding earlier archaeology is Low. Additionally, if present it is likely to have been disturbed by deep ploughing. Pottery scatters or individual finds may be found across the site, brought in by manuring or dropped by individuals. Nevertheless potential for pre- and post- medieval remains being present on the site is considered to be Low.

- 7.47. The magnitude of any direct impacts will be dependent on any final design scheme submitted as part of a planning application which may result from the proposed allocation. In the context of housing development, direct impacts have the capacity to result in impacts of high magnitude as they could potentially result in the destruction or removal of any archaeological deposits which may be present.
- 7.48. The absence of designated heritage assets within MN 2.2 means that no such assets would be directly impacted by the proposed site allocation.

Assessment of the Level of Effect and Harm

- 7.49. The NPPF requires that an assessment be made of the level of harm, both direct and indirect, which could be caused to heritage assets by development. As paragraph 129 of the NPPF notes, any development will be expected to avoid or minimise conflict between the conservation of heritage assets and any aspect of a development proposal. Great weight should be attached to the conservation of heritage assets and the more important the asset, the greater the weight which should be attached to their conservation (NPPF Para 132) and in this context, the Conservation Area of North Meols (**Site 95**) is relevant.
- 7.50. The Historic England Advice Note for Site Allocations in Local Plans (HE 2015b) states that harm should always be avoided in the first instance and that mitigation should only be considered if avoidance does not prove possible. The impetus is on the promoter or applicant to fully justify any harm or mitigation and provide evidence to ensure that they will be effective in reducing harm.
- 7.51. The potential for direct impacts is at present hard to quantify without archaeological intervention. This assessment has however found a Low potential for remains of prehistoric to post-medieval date to be present on the site and Low potential for later remains to be present. Depending on any finalised design scheme, there is a potential for direct impacts of high magnitude to occur. It is therefore recommended that should MN 2.2 be allocated, a mitigation strategy should be agreed with the Council prior to the submission of any application. This would include investigation by non-intrusive and/or intrusive means to enable the identification and assessment of any surviving remains and to subsequently mitigate any impact upon these. Such mitigation would either be through avoidance, e.g. preserving the remains *in situ*, or, if this was not warranted, through preservation by record facilitated through archaeological excavation, analysis and reporting including publication. The scope of any works would be determined by the Council but could include geophysical survey and trial trenching.
- 7.52. The submitted CgMs report concluded that there would be “*less than substantial harm*” (CgMs, 2014a:32) to the character and setting of each Conservation Area and to the Listed Buildings within 1km of the proposed site allocation, as they are well screened by later urban sprawl, trees lines and hedges.

- 7.53. While the proposed allocation would be harmful to the setting of the North Meols Conservation Area, the harm would not materially affect the observer's ability to understand the Conservation Area as the wider parkland setting for Meols Hall or its comparative green open rural nature.; there would be no appreciable impediment to the understanding of the wider rural setting of the Conservation Area to the east. The level of harm would be less than substantial. The level of harm would be mitigated by the maintenance of open space within any development, permitting viewlines between the Conservation Area and the active rural farmland beyond, and by the use of building design sympathetic to the scale and construction of the already present residential properties in its vicinity.
- 7.54. The submitted CgMS report infers that the "low potential" for finding archaeology within the proposed allocation site negates the need for mitigation and/or further archaeological investigation works (CgMs, 2014a: 33). While this assessment has also identified a Low potential for archaeology within the proposed allocation site this should be determined conclusively and further archaeological mitigation works would be required should the land be allocated and a planning application brought forward.

Conclusion

- 7.73. CgMs's assessment submitted in support of the proposed allocation of MN 2.2 is one of the most complete of the submissions reviewed by AOC and includes detailed cartographic and HER based research on the heritage resource. However, AOC consider that the CgMs assessment underplays the potential for direct impacts upon potential buried archaeological remains and that the proposed mitigation, or lack thereof, is consequently inadequate. We have identified no substantive heritage constraints which in our view would prevent the allocation of land for development under policy NH9 of the Draft Sefton Local Plan. At worst the impact upon the setting of the North Meols Conservation Area would be of Low Magnitude and given its High Relative Sensitivity would result in, at most, a Minor-Moderate level of effect. This level of predicted effect will be less than substantial in terms of the NPPF and as a consequence any effect on the setting of the Conservation Area should be considered within the planning balance under the terms of Paragraph 134 of the NPPF and Policy NH11 of the Draft Sefton Local Plan.
- 7.74. Should the Planning Inspectorate, following its independent review of the Draft Local plan, recommended that MN 2.2 is allocated, further assessment of potential direct impacts would need to be undertaken to inform any subsequent planning application. Assessment of any specific proposals upon the setting of the assets noted herein should also be required. In such an event, any further assessment and evaluation required by the Council would be in accordance with Paragraph 141 of the NPPF and NH13 and NH14 of the Draft Sefton Local Plan.

8. MN 2.11 Land south of Moor Lane, Ainsdale

Comments on Submitted Heritage Assessment

- 8.18. A letter of “Independent Comment” was submitted with regard to the above proposed allocation by Joanna Morgan, Conservation Architect on behalf or for Martin Fletcher, Architects. The submitted assessment is dated 11th December 2014.
- 8.19. The letter is focussed on a study of a Grade II Listed Building, Formby House Farmhouse (**Site 15**), 170m west-southwest of MN 2.11. The assessment is made using the Listing detail from the NHLE and two maps, one of which is incorrectly captioned. The letter includes a settings assessment of the Listed asset and places great store on the presence of the tree line around the building and recommends a buffer zone be implemented to protect Formby House Farmhouse.
- 8.20. Archaeological concerns, including the potential for buried remains and artefacts to be present on MN 2.11 and to be directly impacted by its development lie beyond the scope of Morgan’s letter. The potential for indirect impacts upon the settings of other designated assets within the vicinity of MN 2.11 is also omitted from consideration.
- 8.6. AOC considers the letter by Morgan provides insufficient information with regards to the potential heritage impacts associated with the allocation of land at MN 2.11 in several areas:
- Current legislation, policy and guidance is not considered;
 - it does not identify heritage assets (designated and non-designated) that could be impacted (directly or indirectly);
 - it does not outline the sensitivity to impacts, of such heritage assets (including the Grade II Listed Building (**Site 15**) that is the primary focus of the document);
 - it does not identify the impacts that the allocation might have on the significance of heritage assets (with the exception of the potential impact on the setting of one Listed Building) or any associated level of harm;
 - it does not make adequate comment on mitigation of potential impacts on cultural heritage assets beyond the Listed Building at Formby House Farmhouse.
- 8.4 In the Site Assessment Form the Council considers MN 2.11 to have a “Significant Constraint” due to *“Formby House Farm (a grade II listed building) [which] is located adjacent to the site’s SW corner. The site provides a contextual setting to the listed building to the south. This could limit the proportion of the site that could acceptably be developed.”* (Sefton Council, 2015b: 38). Since the Site Assessment Form (2015b) was completed, the area of MN 2.11 has been greatly reduced, with a northwestern portion of the proposed allocation being drawn back away from Formby House Farmhouse (**Site 15**) to allow a buffer area, to protect the Listed Building from “*significant*” harm.

Additional Heritage Assessment

Scope

- 8.5. While the submitted assessment is detailed in its consideration of the setting of the Grade II Listed Formby House Farmhouse, the potential for direct impacts upon buried archaeological remains falls beyond its scope. This review will therefore update the assessment to take cognisance of this issue. The additional assessment uses information obtained from the Merseyside Historic Environment Record (MHER) as well as historical maps. All sources consulted during the assessment, including publications, archived records, photographic and cartographic evidence, are listed in the References in Chapter 14.
- 8.6. The additional assessment also included a site visit in order to identify any upstanding remains surviving within MN 2.11 and also to allow an independent assessment of the potential for indirect effects upon the settings of designated heritage assets. It assesses the potential Magnitude of Impact and the potential Level of Effect and Harm resulting from the proposed allocation. This will be in line with the methodology outlined in Chapter 4 of this report and detailed in Appendix 1.

Heritage Baseline

- 8.7. All known designated and non-designated heritage assets located within a 1km radius of the edge of the proposed site allocation have been included in the assessment. The aim of this is to help predict whether any similar hitherto unknown archaeological remains are likely to survive within the proposed allocation site and consequently to assess the potential for direct impacts resulting from any subsequent development. Each heritage asset referred to in the text is listed in the Gazetteer in Appendix 5.1. Each has been assigned a 'Site No.' unique to this assessment, and the Gazetteer includes information regarding the type, period, grid reference, NHLE number, HER number, statutory protective designation, and other descriptive information, as derived from the consulted sources. Each heritage asset referred to in the text is plotted on the location map (Figure MN 2.11-1) for the report, using the assigned Site Nos.
- 8.8. An examination of the National Heritage List for England maintained by Historic England found two Grade II* Listed Buildings: **Site 7** Formby Hall (**Site 39**) and **Site 6**, a Dovecote outside Formby Hall and one Grade II Listed Building, **Site 15** (Formby House Farmhouse), within 1km of MN 2.11. There are no Scheduled Monuments, Conservation Areas, Registered Parks and Gardens, Registered Battlefields or World Heritage Sites within 1km of MN 2.11.
- 8.9. Taken together the assets within 1km of MN 2.11 comprise the heritage baseline. This baseline is presented below in chronological order.

Prehistoric Evidence (-43AD)

- 8.10 No prehistoric remains are reported within 1km of the proposed allocation site, although this may simply be indicative of a lack of previous research rather than the absence of remains and artefacts. **Sites 19 & 24** represent two archaeological interventions; both peat core samples; plant remains recovered from these dated from the lower Paleolithic to the late Iron Age.

Roman and Early Medieval Evidence (143AD - 1000)

- 8.11 There are no known Roman or early medieval remains in the proposed allocation site or within 1km of it, although once again this may simply reflect limited fieldwork and the potential for remains and artefacts from these dates being encountered cannot be discounted.

Medieval Evidence (1000AD - 1500)

- 8.12 A possible medieval moat (**Site 12**) at Formby Hall (**Site 7**) is recorded 500 m south-southwest of the proposed allocation site, MN 2.11. Formby Manor was recorded in the Domesday book as three manors held by three *thanes* which was later split into four *ploughlands*; two held by the crown, one by a *serjeanty* and one by a *thane* (Lewis, 2002:65). One of the manors was granted to Hugh de Corona, son of Master Roger of Derby between 1243 and 1247 and the land became the principle seat of his descendants, the Formby's (Lewis, 2002:65). Given the possible presence of the moat it is likely that the post-medieval Formby Hall (**Site 7**) occupies the site of a medieval predecessor. While the presence of a moat has not been confirmed, its potential location has been identified, based on the position and boundaries of the later fish pond (**Site 8**) and gardens which, it has been argued, mark the line of a former moat. Ordnance Survey mapping dating to 1845 (MN 2.11-2) does show a curved fish pond at the end of two extending trees lines to the south of the later Hall which due to its curved shape may be the remains of a moat. However later garden landscaping and alternations have left no definitive traces.
- 8.13 Formby Hall (**Site 7**) has several traces of the medieval manor house incorporated into the building. A 1440's dwelling is evidenced above a door in the later Hall. **Site 10** is a findspot from which burnt daub, iron fragments and black glazed pottery were recovered. Such finds point to the medieval occupation of the site. In the 16th century the land was owned by a single person, Lord Formby who moved the family seat to Halsall in Lancashire. The manor house was subsequently rebuilt.

Post-medieval Evidence (1000AD - 1500)

- 8.14 No post-medieval remains or artefacts are recorded within MN 2.11 by the Merseyside HER, however historic map regression undertaken for this assessment has established that the Cheshire Lines Railway (**Site 34**) linking Southport and Liverpool formerly cut from northwest to southeast within the northern boundary of the proposed allocation.
- 8.15 Pre-Ordnance survey maps are often schematic and lacking in the accuracy of the later cartography. Yates 1789 map (not illustrated) shows the area of the site as being open but no further landmarks indicate the specific location of the site. Greenwood's map of 1818 (not illustrated) appears to show the location of a building which could be "White House", (the 19th century name of Formby House Farmhouse) to the south of the proposed allocation site. If accurate, this map thus shows MN 2.11 as fields. It is not until 1829 and Hennem's map (not illustrated) that the proposed allocation site is accurately presented as fields beside a burn.
- 8.16 The Tithe Map of Formby, 1845 (not illustrated due to its poor condition) indicates that the proposed allocation site was utilised for agriculture with small dwellings are depicted along the edges of fields, though outside the proposed allocation site. which can be seen in earlier mapping. MN 2.11 incorporates three parcels of land shown on the 1845 Tithe apportionment all belonging to the Reverend Miles Formby who was leasing these to Elizabeth Marrow who, in turn, was sub-leasing to William Marshall. Parcel no. 1638 to the south of the proposed allocation site is listed as Barn Fold of

under 1/3 of an acre; parcel 1884 to the northwest is recorded as White House Garden and includes land totaling an area of 3 acres and parcel 1885 to the northeast is recorded as North Hey Meadow, a meadow of over 12 acres. The apportionment shows that the land belonged to the Formby family, of Formby Hall to the south.

- 8.17 The first edition Ordnance Survey map of 1845-6 (Figure MN 2.11 -2) also shows the proposed allocation site covering three fields, with a burn to the southeast edge of the site. The second edition Ordnance survey map of 1894 (Figure MN 2.11 -3) shows the dramatic alteration to the land within northern portion of the proposed allocation site that had resulted from the laying of the Cheshire Lines Railway which linked Southport and Liverpool (**Site 34**).
- 8.18 Three Listed Buildings are located within 1km of MN 2.11. Formby House Farm (**Site 15**) is found within 170m of the proposed allocation site and is located to the west-southwest. It is a Grade II Listed Building. Which dates to the 18th century and is recorded by the 1st and 2nd edition Ordnance Survey maps as "White House" (Figures MN 2.11 -2 and MN 2.11- 3). The house possibly relates to the 'White House Garden' on the Formby Tithe Apportionment of 1845 (not illustrated), in the occupation of William Marshall, who was renting the land through Elizabeth Marrow from Reverend Miles Formby. The farmhouse is much changed between the 1st and 2nd edition Ordnance Survey maps, with the 1845-6 representation (Figure MN 2.11 -2) showing a modest rectangular dwelling with an additional building located to the south and aligned along a field boundary. A water pump is also shown. The later map indicates that farm has been greatly expanded and illustrates a three bay farmhouse with another farm, 'Woodside' to the south. 'Woodside' may be the location of **Site 30**, a barn. White House is also surrounded by trees by 1892 (Figure MN 2.11 -3). The changes to the building and surrounding land suggest that the fortunes of the occupants may have improved between 1845 and 1892.
- 8.19 The current, listed Grade II* Formby Hall (**Site 7**), 500m south-southwest of the proposed allocation site, dates from 1523 and was built for William Formby, however the 1523 Hall clearly had earlier antecedents and was in turn altered by Formby's descendants. Yates' map, 1786 (not illustrated), shows the location of Formby Hall, and suggests the complexity of the structure by a plan view however very little detail about the building can be discerned. Greenwood's 1818 (not illustrated) and Hennet's 1829 (not illustrated) maps name the location of the Hall and depict the buildings as points surrounded by trees.
- 8.20 Formby Hall has been altered over its 500 year history; the Grade II* octagonal Dovecote (**Site 6**) was added to the grounds of Formby Hall in the 18th century. John Formby added an embattled parapet and Colonel John Formby added the Water Tower, in the northwest wing of the structure in the late 19th century. A west wing drawing room was also added around this time. The first edition Ordnance Survey map, 1845-6, shows the Hall in plan view with two northwest facing wings and three bays to the south. An extension is also shown to the east of the building. Ordnance Survey mapping from 1892 (Figure MN 2.11 -3), around the time of the completion of works by Colonel Formby, shows a much reduced Hall compared to the first edition (Figure MN 2.11 -2), with the Hall being drawn as a rectangular building with a wing extending outwards to the northeast.
- 8.21 Early maps show Formby Hall surrounded by woodland and farmland (Figure MN 2.11- 2). Formby Wood, a mixed woodland is found to the north of the Hall, to the northwest are formal gardens (**Site 14**) and further woodland. To the south are two areas of woodland extending back from the Hall with open space in between ending at a fish pond (**Site 8**). The surrounding land is marked as farmland.

There is little change to the landscape by the time of the second edition Ordnance Survey in 1892 (Figure MN 2.11- 3) although the north formal gardens (**Site 14**) seem to have been replaced by some trees and grassland. A barn (**Site 9**) can also be seen in the grounds of the park from 1786 (not illustrated) to 1892 (Figure MN 2.11- 2 & MN 2.11 -3).

- 8.22 There are eight non-designated heritage assets associated with Formby Hall. **Sites 8, 9 & 14** have already been discussed. **Site 1** is a farm recorded on the 1845 Formby Tithe as belonging to Mary Formby with the tenant of the house and garden named as William Rimmer. The site of Formby Hall School (**Site 13**) can be found directly west of Formby Hall and was run from 1703 to 1850 by the Misses Formby (Figure MN 2.11 -2). There is a second dovecote (**Site 31**) a Coach House (**Site 32**) and a mounting block (**Site 11**).
- 8.23 Between the proposed allocation site and Formby Hall are two further non-designated buildings (**Sites 16 & 18**). **Site 18** is named "Pool's House" until 1845 (Figure MN 2.11 -2). The second building on the Old Southport Road (**Site 16**) is not named.
- 8.24 To the west of MN 2.11 there are two non-designated post medieval farms identified in the HER records. **Site 2** is noted as "Warren House" and **Site 3** is named as "Bronk Farm" on the 19th century Ordnance Survey maps (Figure MN 2.11 -2 & MN 2.11- 3).
- 8.25 There are eleven non-designated assets to the north of the proposed allocation site and within 1km of it. Two of these assets are farms (**Site 4 & 5**) and may be found on mapping from 1786 as buildings have been recorded in the area. A further two of the sites are described as farmhouses (**Site 20 & 21**) and another six as houses built in the post-medieval period and found on 19th century Ordnance Survey maps (**Site 17, 23, 26, 27, 28, 29**). **Site 22** is described as a circular Pound at Pinfold.

Modern (AD 1900-)

- 8.26 The northern portion of the site was occupied by the railway (**Site 34**) until the Ordnance Survey map 1955 (Figure MN 2.11 -6). The line is named as the Cheshire Lines Railway which operated until 1952 for passengers and until 1960 for freight. The former line of the railway is still shown extending across MN 2.11 on the 1974-5 Ordnance Survey map (Figure MN 2.11 -7), although it was subsequently removed and the former course of the railway incorporated into the fields.
- 8.27 White House Farm (**Site 15**) keeps its 19th century name until 1928 (Figure MN 2.11 -5) when the farmhouse is labelled Formby House Farm, 'Woodside' is no longer labelled after this time. There is very little change to the structure of the building recorded on modern mapping, though changes to the surrounding tree line are suggested by the deciduous trees illustrated in 1974 (Figure MN 2.11 -7).
- 8.28 Formby Hall (**Site 7**) faced a period of crisis in the 20th century. In 1990 the Hall was bought and restored and a golf house and spa erected within its grounds. **Site 6**, the listed Dovecote, was restored during 1991 using modern and reclaimed bricks.
- 8.29 There are two modern non-designated assets that date solely to the 20th century. Woodvale Farm (**Site 35**), to the north-east of the proposed allocation site first appears on maps in 1909 (Figure MN 2.11 -4) and has very little change up to 1955 (Figure MN 2.11 -6). In 1974 the site is shown as a

caravan park (Figure MN 2.11 -7). Woodvale Airfield (**Site 25**) was a Second World War RAF base which opened in December 1941 the airfield remains under RAF control.

- 8.30 The modern mapping shows the loss of the post-medieval house to the north of the allocations site. **Site 17, 20, 21, 23, 26, 27, 29** dating from the later 19th century were demolished or abandoned during the 20th century and have since been built over. The Coach House at Formby Hall (**Site 32**) has fared better and was extended into two buildings by 1908 and is still currently standing.

Walkover Survey

- 8.31 The proposed allocation site of MN 2.11 was visited on the 1st October 2015 and the land was found to be used as pasture fields (Plate 1). AOC did not access the proposed site allocation but viewed it from adjacent public roads. The proposed allocation site is flat and therefore good views across the site were obtained.
- 8.32 Two features were recorded during the site visit and one Listed Building was assessed. **Site 33** a pond was noted in the centre of the proposed allocation site (Plate MN 2.11- 2), this pond is clearly modern as it is not shown on the 1974-5 Ordnance Survey map. The course of the abandoned railway (**Site 34**) was seen during the walkover (Plate MN 2.11- 3).

Settings Assessment

- 8.33 The Grade II Listed Formby House Farm farmhouse (Plate MN 2.11- 4) stands 170m west of the MN 2.11 proposed allocation site. The farmhouse itself is a white-washed T-shaped two storey building standing towards the western edge of its plot which is bounded on its western edge by Southport Old Road running north to south. The structure faces south towards a small courtyard and is enclosed to the north and east by a tree lined garden.
- 8.34 Two modern buildings, a coach house/garage and a modern barn to its rear are located respectively southeast and east of the Listed farmhouse. Both these buildings have a higher degree of visibility from MN 2.11 than the Listed Farmhouse, the modern barn being particularly prominent in views from the north. Morgan's letter submitted in support of development within MN 2.11 states that the *"building faces south...therefore, has always turned its back on the fields to the north"* (Morgan, 2014). The letter further states that there are *"partial visuals across the fields from Moor Lane"* (Morgan 2014) though when looking out from the farmhouse the suburban character of the surrounding area is noticeable, particularly towards Moor Lane. The Listed Building is further described as retaining *"its sense of [the] rural landscape"* (Morgan, 2014) due to its screening from the A656, the Formby Bypass which runs within 100m east of the structure and from the wider suburban context. Having inspected the farmhouse from both Southport Old Road (the road on which it is situated) and Moor Lane (where MN 2.11 is proposed), AOC conclude this description is broadly true and accurate. However access to the property was not gained and therefore the extent of potential visibility from its rear elevation cannot be confirmed. The main elevation of the farmhouse faces south, across its courtyard which has been enclosed since 1892. Therefore the element of setting which contributes most to the value of the asset is the critical view from the building to the south. A secondary original outlook would have been westward towards Southport Old Road, the historic route from which it continues to be accessed.
- 8.35 Farmhouses are usually associated with their farmland; however it is unclear whether "White House", the historic name of the building was associated directly with agriculture or whether it was simply a

tenanted cottage on the Formby Estate. While the 1845 Apportionment names the plot “White House Garden”, the Ordnance Survey shows the building in an enclosed area with a hedge or tree line to the north. This suggests that “White House” was an isolated building.

- 8.36 AOC’s assessment of the effect of the proposed allocation of MN 2.11 upon the setting of Formby House Farm has been undertaken using the methodology outlined in Chapter 4 of this report and detailed in Appendix 1, specifically Tables 1, 2, 6 and 8. As a Grade II Listed Building, Formby House Farm is considered to be of Regional Importance (Appendix 1, Table 1). The farm’s core setting can be said to relate to views of its principal south facing elevation within which the qualities detailed in the Listing description are readily identifiable. Whilst it could not be inspected in detail, where the north elevation is visible from Moor Lane it appeared to have been extended and altered. The modern buildings to east of the Listed farmhouse also impinge on its setting, consequently the important elements of setting which contribute to the cultural value of the farmhouse can be said to be focused to the south within its immediate curtilage. While the farmhouse may have an elevated sensitivity to changes to the south and within its curtilage it can reasonably be argued that it is less sensitive to more distant changes in other directions. Historic map evidence indicates that northward views from Formby House Farm have been at least partially impeded by tree cover from at least 1894 onwards, when an Ordnance Survey map of this date depicts trees in close proximity to the north of the house. The placing of farmhouses within the landscape can generally be seen as functional as they were typically positioned in relation to their landholdings and to take advantage of agricultural resources and communication routes. Farmhouses, however, remain sensitive to changes which could affect their rural context; that is to say they are sensitive to changes which could affect the ability of the observer to appreciate them within their authentic rural situation, from which their original agricultural function derived. Whilst it is unclear whether the Listed Building originated as a farmhouse or a cottage, it is clearly a rural building associated with the post-medieval agricultural economy and consequently its rural context forms a critical component of both its setting and its overall significance. Consequently the farmhouse can be said to have a Medium Relative Sensitivity to changes to its setting, as the contribution made by its rural context to an experience of it contributes moderately to an observer’s understanding and appreciation of its overall cultural value (Appendix 1, Table 2).
- 8.37 While the farmhouse can be glimpsed from Moor Lane, during the summer months it can only be clearly seen from the road when the observer is standing adjacent to the eastern end of the proposed allocation site. However Google Streetview suggests that visibility is greater during the winter months and, although it could not be confirmed without site access, it is likely that there will be a higher level of visibility from the site itself. While the concealment of the farmhouse within tree cover means it is potentially less sensitive to changes to north and east, it is acknowledged that setting can be associative as well as visual and that the Listed Building is therefore sensitive to any changes which might further urbanise its setting. Whilst the proposed retention of a buffer between MN 2.11 and the farmhouse is to be welcomed, it is inevitable that development within the proposed allocation site would diminish the observer’s ability to appreciate its authentic rural origins and context. This assessment is based on views of the proposed allocation site from the public road. It is acknowledged that visibility from within the proposed allocation site is likely to be greater and development within the proposed allocation site would represent a notable alteration to the setting of Formby House Farm, although it would fall beyond those elements which directly contribute to an understanding of the Listed Building’s cultural value; which can be reasonably considered to be its principal south facing elevation within which the qualities detailed in the Listing description are readily identifiable. For this reason the impact upon the setting of the farmhouse is predicted to be of

Medium Magnitude (Appendix 1, Table 6). Given the farmhouse's Medium Relative Sensitivity to changes to its setting this impact would be result in a Minor-Moderate level of effect (Appendix 1, Table 8).

- 8.39 The site visit established that the Grade II* Listed Buildings Formby Hall and its Dovecote are not intervisible with the proposed allocation site consequently no material effect on their settings by future development within MN 2.11 is predicted.

Direct Impact Assessment

- 8.40 Potential direct impacts on known or unknown buried archaeological remains relate to the possibility of disturbing, removing or destroying in situ remains and artefacts during groundbreaking works (including excavation, construction and other works associated with the development) on this site.
- 8.41 No prehistoric or Roman remains or artefacts are recorded within 1km of MN 2.11, although this may simply reflect the comparative lack of previous archaeological investigation undertaken within the area and the potential for remains and artefacts from these periods being encountered is considered to be Low.
- 8.42 Historic map evidence indicates that the proposed allocation is likely to have been in agricultural use throughout the post-medieval period, although it also highly probable the site was under cultivation throughout the preceding medieval period. Given the known medieval assets in the surrounding area there is Medium potential of remains of this date to survive on site. The location of former railway line indicates a High potential for remains of a post-medieval date, though any surviving remains may be limited to 'manuring scatters', artefacts or ceramics possibly brought into the area as nightsoil or fertiliser, or could be associated debris from the railway.
- 8.43 The proposed site allocation has been subject to a degree of former disturbance; while the course of the former railway is now barely discernible its construction and use during the 19th and 20th centuries is likely to have impacted on any archaeological remains which may have once been present beneath it. Similarly Google Streetview images show earth piled within MN 2.11 in 2015 although it is unclear from these images whether excavation work has recently been undertaken. The earth had been cleared and the ground restored by the time of AOC's visit in October 2015.
- 8.44 The magnitude of any direct impacts will be dependent on any final design scheme submitted as part of a planning application which may result from the proposed allocation. In the context of housing development direct impacts have the capacity to result in impacts of high magnitude as they could potentially result in the destruction or removal of any archaeological deposits which may be present.

Assessment of the Level of Effect and Harm

- 8.45. The NPPF requires that an assessment be made of the level of harm, both direct and indirect, which could be caused to heritage assets by development.. As paragraph 129 of the NPPF notes, any development will be expected to avoid or minimise conflict between the conservation of heritage assets and any aspect of a development proposal. Great weight should be attached to the conservation of heritage assets and the more important the asset, the greater the weight which should be attached to their conservation (NPPF Para 132) and in this context the Grade II Listing of Formby House Farm is relevant. The Historic England Advice Note for Site Allocations in Local Plans (HE 2015b) states that harm should always be avoided in the first instance and that mitigation should only be considered if avoidance does not prove possible. The impetus is on the promoter or applicant to fully justify any harm or mitigation and provide evidence to ensure that they will be effective in reducing harm.
- 8.46. The potential for direct impacts is at present hard to quantify without archaeological intervention. This assessment has however found Medium and High potential for remains of medieval and post-medieval date, respectively, being present on the site and a Low potential for earlier remains being present. Depending on any finalised design scheme, there is a potential for direct impacts of high magnitude occurring, although the effects of prior impacts resulting from the former railway need also to be taken into consideration. Given this it is recommended that should MN 2.11 be allocated, a mitigation strategy should be agreed with the Council prior to the submission of any application. This would include investigation by non-intrusive and/or intrusive means to enable the identification and assessment of any surviving remains and to subsequently mitigate any impact upon these. Such mitigation would either be through avoidance, e.g. preserving the remains in situ, or if this was not warranted through preservation by record facilitated through archaeological excavation, analysis and reporting including publication. The scope of any works will be determined by the Council but could include geophysical survey and trial trenching.
- 8.47. This assessment has identified a potential for an impact of Medium Magnitude upon the setting the Grade II Listed Formby House Farm in accordance with the methodology outlined in Appendix 1 the level of effect would be a Minor-Moderate effect. While development within the proposed allocation would have an adverse effect upon the setting of Formby House Farm, the level of harm predicted is not such that it would threaten the observer's ability to understand the Listed Building or the elements of setting which contribute most to the cultural value of the asset. These being primarily associated with views of and from its south facing elevation, as referenced in its Listing Description. The proposal to retain a development free buffer to the north and east of the farmhouse would lessen both the magnitude of impact and the level of harm. The level of harm would therefore be less than substantial. Paragraph 134 of the NPPF notes that *'where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use'*.
- 8.48. In considering the proposed allocation within the planning balance care will need to be taken to ensure that regard is given to the setting of the Grade II Listed Building and the public benefits of the any proposed development must clearly be seen to outweigh any harm to it.

Conclusion

- 8.49. The assessment prepared by Joanna Morgan submitted for MN 2.11 was the shortest of the submissions reviewed by AOC, confined to a single letter written by a conservation architect, it provides only a summary of the setting of Grade II Listed Formby House Farm. No consideration is given to the potential for indirect impacts upon other designated assets within 1km of the site or direct impacts upon any archaeological remains which may potentially be present. Consequently no mitigation for addressing potential impacts upon archaeological remains is proposed. AOC has undertaken a comprehensive assessment which includes the potential for buried archaeological remains in order to correct these deficiencies.
- 8.50. AOC's assessment of the site has been based upon the MN 2.11 boundary supplied to us by Sefton Council, this boundary allows for a larger buffer surrounding the Grade II Listed Formby House Farm than the more limited buffer proposed by Joanna Morgan. AOC's conclusions on potential impact of development upon the setting of the farmhouse are based upon the Council's buffer, if development were to extend to the more localised buffer proposed by Morgan the impact upon the cultural value of the asset would clearly be greater.
- 8.51. Assuming that the land within the buffer proposed by the Council is excluded from the allocation, we have identified no substantive heritage constraints which in our view would prevent the allocation of land for development under policy NH9 of the Draft Sefton Local Plan. The impact upon the setting of Grade II Listed Formby House Farm would be of Medium Magnitude, a Minor-Moderate level effect. This level of predicted effect will be less than substantial and as a consequence any effect on the setting of the Listed Building should be considered within the planning balance under the terms of Paragraph 134 of the NPPF and Policy NH11 of the Draft Sefton Local Plan.
- 8.52. Should the Planning Inspectorate, following its independent review of the Draft Local plan, recommend that MN 2.11 is allocated, further assessment of potential direct impacts would need to be undertaken to inform any subsequent planning application. Assessment of any specific proposals upon the setting of the assets noted herein should also be required. In such an event any further assessment and evaluation required by the Council, would be in accordance with Paragraph 141 of the NPPF and NH13 and NH14 of the Draft Sefton Local Plan.

9. MN 2.16 Land at Liverpool Road, Formby and MN 2.17 Land at Altcar Lane, Formby

Review of Submitted Heritage Assessment

- 9.1. A Heritage Appraisal with supporting information, prepared by Stephen Levrant Heritage Architecture on behalf of Morris Homes has been submitted with regard to proposed allocation MN 2.16 and MN 2.17. The assessment is dated March 2015. Sefton Council also asked AOC to comment on an adjacent proposed allocation (AS 28); this will be considered separately within this review. Figure AS 21-1, shows the relationship between MN 2.16, MN 2.17 and AS 28.
- 9.2. The submitted heritage appraisal covers the proposed allocation sites of both MN 2.16 and MN 2.17 and focuses on the impact of development on the Listed Buildings at Lovelady's Farm located between the two proposed allocation sites. The submitted assessment identifies "*a possible constraint to development, due to the potential of development within both sites to adversely affect [the] setting*" of the buildings at Lovelady's Farm (Levrant, 2015:4). The appraisal has taken into consideration other heritage assets such as Robinson's Cottage (No 1 Liverpool Lane (**Site 9**)) to the north of the farm which Levrant states was "*historically ...tied to the village rather than an isolated rural location*". However, the submission omits other Listed Buildings within 1km of the proposed allocations from consideration. Consideration for the potential for direct impacts upon any buried or upstanding archaeological remains or artefacts which may be present on MN 2.16 and MN 2.17 is also omitted although these issues lie beyond the stated scope of the Levrant submission.
- 9.3. In their Local Plan Site Assessment Form Sefton Council comment that MN 2.16 has a "*moderate heritage constraint*" due to "*Lovelady's Farm and adjacent buildings (all grade II listed) [which] are located approximately 50 m to the site's SW corner. The southern and western parts of the sites provide a contextual farmland setting to the group of listed buildings. This could restrict development on part of the site's western edge adjacent to Liverpool Road*" (Sefton Council, 2015b:17). The boundary of MN 2.17 has been reduced since its initial assessment by the Council in the Site Assessment Form (Sefton Council, 2015b:19). Sefton Council considered the original MN 2.17 proposed allocation to have a "*minor heritage constraint*". The reasoning given is that "*Lovelady's Farm and adjacent buildings (all Grade II Listed) are located approximately 50 m to E of the site. The eastern part of the site provides a contextual farmland setting to the group of listed buildings*" (Sefton Council, 2015b: 20).
- 9.4. AOC considers the submitted heritage assessment provides insufficient information with regards to potential heritage impacts resulting from the allocation of MN 2.16 and 2.17 in several areas:
- Identification of heritage assets that could be directly impacted by proposed development is beyond its scope;
 - It does not assess the potential impacts of development on the significance of the identified heritage assets;
 - Although current Historic England Guidance "Historic Environment Good Practice Advice in Planning. Note 3: The Setting of Heritage Assets" is referenced in detail, current legislation, policy and guidance is not considered in full.

- The potential for effects upon the settings of designated assets beyond the Listed Buildings at Lovelady's Farm is not considered
- *It does not include comment on mitigation for direct impacts on cultural heritage assets.*

Additional Heritage Assessment

Scope

- 9.5 While the submitted assessment considers the potential for indirect effects upon the settings of the Grade II Listed Lovelady's Farm, No 1 and 2 The Barns and No 3 and 4, The Barns, the potential for direct impacts upon buried archaeological remains falls beyond its scope. This review will therefore update the assessment to take cognisance of this issue. The updated assessment uses information obtained from the Merseyside Historic Environment Record (MHER) as well as historical maps. All sources consulted during the assessment, including publications, archived records, photographic and cartographic evidence, are listed in the References in Chapter 14. AOC's additional heritage assessment is based upon the current site allocations supplied by Sefton Council (as shown on Figures MN 2.16-1 and MN 2.17-1) and the potential for impacts deriving from earlier iterations have not been taken into consideration.
- 9.6. The additional assessment also included a site visit in order to identify any upstanding remains within MN 2.16 and MN 2.17 and also to allow an independent assessment of the potential for indirect effects upon the settings of designated heritage assets. It will conclude with assessments of the Magnitude of Impact and the potential Level of Effect and Harm resulting from the proposed allocations. This will be in line with the methodology outlined in Chapter 4 of this report and detailed in Appendix 1.

Heritage Baseline

- 9.7. All known designated and non-designated heritage assets located within a 1km radius of the edge of the proposed allocation sites have been included in the additional assessment. The aim of this is to help predict whether any similar hitherto unknown archaeological remains are likely to survive within the proposed sites and consequently the potential for direct impacts resulting from development. Each heritage asset referred to in the text is listed in the Gazetteer in Appendix 7.1. Each has been assigned a 'Site No.' unique to this assessment, and the Gazetteer includes information regarding the type, period, grid reference, NHLE number, HER number, statutory protective designation and other descriptive information, as derived from the consulted sources. Each heritage asset referred to in the text is plotted on the location maps (Figure MN 2.16-1 and Figure MN 2.16-2) of the report, using the assigned Site Nos.
- 9.8. An examination of the National Heritage List for England maintained by Historic England found ten Grade II Listed Buildings: Raven Meols Farm Farmhouse (**Site 2**) The Cross, Cross Green (**Site 8**); No 38 Liverpool Road or Old Spanker's Cottage (**Site 24**); No 110 Liverpool Road (**Site 27**); No 2 Church Road (**Site 30**); No 1 and 2, The Barns, Liverpool Road (**Site 37**); No 3 and 4, The Barns, Liverpool Road (**Site 38**); a Pump and Trough to the south of Hoggshill Farmhouse (**Site 40**); Dean's Cottage, Park Road (**Site 50**) and Hoggshill Farmhouse (**Site 58**) are of which are located within 1km of MN 2.16 or MN 2.17. There are no Scheduled Monuments, Conservation Areas, Registered Parks and Gardens, Registered Battlefields or World Heritage Sites within 1km of either MN 2.16 or MN 2.17.

- 9.9. Taken together the designated and non-designated assets within 1km of MN 2.16 and MN 2.17 comprise the heritage baseline for each of the proposed allocations. This baseline is presented below in chronological order.

Prehistoric Evidence (-43AD)

- 9.10. No prehistoric remains or artefacts have been identified within the redline boundaries of either MN 2.16 or MN 2.17. **Site 31** is found to the southwest of both proposed allocation sites and marks the location of a findspot of dolphin bones. These were found in 1969 during flood defence works on the River Alt. The bones all show evidence of being fired and are recorded as being of Mesolithic or Neolithic date. However, although the bones were found under river gravels there is no evidence to secure a prehistoric date.

Roman and Early Historic Evidence (43AD - 1000)

- 9.5. There are no Roman or Early Historic remains or artefacts known within either MN 2.16 or MN 2.17 or within 1km of them. However it is possible that remains and artefacts from these periods survive unreported.

Medieval Evidence (1000AD - 1500)

- 9.6. There are no known remains dating to the period 1000-1500AD recorded on either MN 2.16 or MN 2.17, although it is possible that remains and artefacts from these periods survive unreported. The land was historically owned by the Earls of Sefton, the Molyneux family in the medieval period, whose seat was to the south at Croxton Park.
- 9.7. Post-medieval map evidence is suggestive of earlier activities at the proposed allocation sites. Later field names of "Great Salt Field" and "Salt Field" indicate the past industrial nature of the landscape. Salterns, areas of land given over to the production of salt by evaporating water from high salinity water may have existed in the areas of MN 2.16 and MN 2.17, as the River Alt's historic channel cut closer to their southern boundaries than it does at present and would have provided the salt water needed. Salt in the medieval period was an important commodity as it was utilised for many things from preserving food to commerce (English Heritage, 2011: 2). However, Lewis (2002:12) argues that the name of the fields at Altcar may relate to the natural drying of salt after periodic flooding during the medieval period.
- 9.8. Another field name "Higher Shoot" may link the area to one of hunting or shooting in the more recent past or further into the medieval history (Eckwall, 1922).
- 9.9. **Site 23** northeast of MN 2.17 and north of MN 2.16 is the location of a post-medieval windmill. Information held by the Merseyside HER suggests that this windmill was built in 1539, however the wording indicates that this was a new building of a windmill which may suggest that it may have replaced one of earlier date.

Post-Medieval Evidence (1500AD - 1900)

- 9.10. There are no sites of post-medieval date within the redline boundaries of either MN 2.16 or MN 2.17. The land both sites occupy was open field organisation until the late 19th century (Figure MN 2.16-2). The post-medieval evidence for each site is reported separately below.

MN 2.16

- 9.11. An estate map of Altcar produced for the Earl of Sefton in 1769 (Figure MN 2.16 – 2) covers the boundary of MN 2.16 and shows 14 individual parcels, however Lancashire Merseyside Record Office do not hold accessible estate records and therefore only a few of the fields can be named. The parcels are named: “Catherine’s Croft”; “Great Cooks Field o Hey”; “Cooks Fields”; “Higher Shoot” and “Croft Shoot Hey”. Two other fields “Salt Field” and “Great Salt Field” could indicate an earlier use of the land for salt production, although as Lewis has noted the names may simply relate to the natural drying of land following episodes of saline flooding (2002:12). Fields labelled as “Hey” refers to their use as pasture rather than as arable land (Eckwall, 1922).
- 9.12. Altcar was subject to severe flooding and a ‘flood map’ (Figure MN 2.16- 3) was prepared in 1778 showing the extent of the damage. This map indicates that that land extending across the southeast corner of MN 2.16 was flooded at this time.
- 9.13. A further Sefton Estate Map was completed in 1780 and shows an increased number of fields within the boundary of MN 2.16 (Figure MN 2.16- 4). There are eighteen parcels of land occupying the proposed allocation site. Pierce Neal holds four parcels; including Cooks Field, two doles in Salt Field, and New Field. Thomas Neal has use of a messuage, outbuilding, garden and yard as well as Higher Shoot field. Parcel 20 is held by Mr Peter Bostock, with one messuage and buildings and 2 doles in Salt Field. Thomas Johnson had parcel 21 with land in Moss Hey as well as in Salt Field. Five individuals held doles in Wilkins Field: Robert Formby; John Dobbs; Philip Norris; Ellin Belvin (which was later leased to another unnamed individual) and Richard Norris. “Will” Brown and Ed Lovelady had doles in New Field and Shoots Croft and John Belvin land in Cooks Field and Catherine’s Croft. Thomas Tickle owned a strip in Crofts Hey. Two cottage parcels are named in the area, one belonging to Richard Lovelady and another to the Misses Cath[erine] and Mary Piercy. A “dole” is a strip or area of land within a larger field that was owned or leased; a “messuage” is a dwelling or house and its associated land; “croft” is an enclosed part of ground used for tilling.
- 9.14. The maps also show who was leasing land within the proposed allocation site. Lovelady owned two parcels, 31 which was leased to Catherine Brown and consisted of a cottage and gardens and 40 Cooks Field which was occupied by Thomas Neal. Lovelady, as a land owner, may relate to the Listed Building and farm at Lovelady’s Farm (**Site 27**) and shows other land previously owned by the family. A landowner called Sutton was leasing five doles of land to Joseph Corfe; another Rimmer was letting to Edward Lovelady at parcel 41 for two fields. Another landowner was Ainders whose land was occupied by William Tyrer for two doles, one at Catherine’s Croft and another at Marsh Hey.
- 9.15. The proposed allocation site (MN 2.16) is shown as open ground divided into fields on the 1845-6 First Edition Ordnance Survey maps (Figure MN 2.16-5), these fields are narrow and strip like and are clearly derived from the doles within the former unenclosed open fields. These fields had largely

been amalgamated by the time of the Second Edition Ordnance Survey map of 1892 (Figure MN 2.16-6), which continues to show the site as undeveloped open ground.

- 9.16. Within 1km of MN 2.16 there are nine Grade II Listed buildings, all of which also stand within 1km of MN 2.17. The Grade II Listed farm complex at Lovelady's Farm, located between MN 2.16 and MN 2.17 consists of three individually Listed buildings: Lovelady's Farm House (**Site 27**) an 18th century brick built, two storey farmhouse with a slate roof and No's 1 & 2 and 3 & 4 The Barns. The latter comprise components of the former's farmyard which are listed as two separated structures (**Site 37** and **38**). No's 1 & 2 and 3 & 4 The Barns have now been converted to residential use. Structures are shown on the site of the farm on the 1769 Sefton Estate Map (Figure MN 2.16 – 2) although it is unclear whether these are the present Listed structures or earlier buildings on the site. Ordnance Survey mapping shows the farmhouse in 1845-6 (Figures MN 2.16- 5 & MN 2.17- 5) as a singular rectangular building with two off-shoots to the western end and a pump, this most likely depicts the main farmhouse. The later edition of 1892 (Figure MN 2.16- 5 & MN 2.17- 5) shows this earlier building with another constructed to the east and closer to Liverpool Road which may indicate the presence of more farm buildings and therefore the construction **Site 37** and **38**. The 2nd Edition map labels the farm as "Loveladys Farm". The farm is associated with fields to its west and fenland agricultural areas to its south.
- 9.17. Other Grade II Listed Buildings within 1km of MN 2.16 include the Cross at Cross Green Formby (**Site 8**), which was the second cross to occupy the site after Mr Weld Blundell removed the old cross and pedestal in 1879, claiming the Green as his own. Also included are No 2 Church Road (**Site 30**) which is an 18th century brick-built former farmhouse and Deans Cottage, Park Road (**Site 50**), an example of a 16th century cruck framed house standing on sandstone blocks. Old Spanker's Cottage (No 38 Liverpool Road, **Site 24**), a lime washed cottage with a thatched roof, is located north of both proposed allocation sites. Hoggshill Farmhouse (**Site 58**) and a pump and trough (**Site 40**) are also both Listed. Hoggshill Farmhouse is a 17th century cement rendered brick, one storey building with three bays, the pump and trough comprise an example of a 19th century iron pump which is complete as well as its associated stone trough.
- 9.18. Thirty eight non-designated heritage assets are recorded within 1km of both MN 2.16 and MN 2.17. These include 21 houses (**Sites 3, 6, 9, 10, 11, 12, 14, 15, 16, 17, 18, 20, 21, 24, 25, 26, 43, 45, 46, 47, 51 and 54**), a row of cottages (**Site 5**), an outbuilding (**Site 36**) a set of stocks (**Site 29**), the site of a bridewell (**Site 19**), a date stone (**Site 32**), an 18th century school (**Site 49**), two barns (**Sites 1 and 13**), a coin of Charles II (**Site 28**), a brewery (**Site 39**), a cross base (**Site 4**) and a former brick pit (**Site 42**).

MN 2.17

- 9.19. Cartographic evidence indicates that, like MN 2.16, MN 2.17 was open ground from at least 1769 onwards. Figure MN 2.17- 2 shows the approximate location of the proposed allocation site on the 1769 Map of Altcar (Figure MN 2.17-2). MN 2.17 is shown occupied by two parcels of land in the 1769 Earls of Sefton, Altcar maps. Parcel 81 and 21, called Marsh and Marsh Hey respectively. The 1778 flood map (Figure MN 2.17-3) locates MN 2.17 north of the flooded area.

- 9.20. The later Sefton Estate Map of 1780 (Figure MN 2.17-4) continues to show MN 2.17 subdivided into two parcels of land. Parcel 20 belonging to Peter Bostock mentioning Marsh Hey and 21 to Thomas Johnson for a dole in Marsh Hey.
- 9.21. The 1km search area for MN 2.17 includes ten Listed Buildings, nine of which have been previously mentioned. The additional Grade II Listed Building, Raven Meols Farmhouse (**Site 2**), lies 850m west of MN 2.17. A datestone inscribed "RL/IL/1733" dates the brick farmhouse to the 18th century.
- 9.22. Five non-designated heritage assets within 1km search MN 2.17 lie beyond 1km of MN 2.16 and include a possible windmill (**Site 53**), two buildings (**Site 44** and **48**) a millstone (**Site 52**) and the former course of the River Alt (**Site 57**).

Modern Evidence

- 9.23. Two 20th century sites lie within 1km of MN 2.16 and MN 2.17 **Site 33**, a light engineering factory and **Site 39**, a former brewery are recorded on the Historic Environment Record.
- 9.24. Both MN 2.16 and MN 2.17 are shown as undeveloped and unchanged on Ordnance Survey Maps dating between 1906 and 1977-85 (Figures MN 2.16-7 to MN 2.16-11 and MN 2.17-7 to MN 2.17-11).

Walkover Survey

- 9.26. AOC visited MN 2.16 and MN 2.17 on the 1st of October 2015 (Plates MN 2.16-1 - 16-2 and MN 2.17-1 - 17.2). The land at MN 2.16 is arable and had been recently ploughed. No features were visible. MN 2.17 is currently utilised as pasture for horses and chickens. MN 2.16 lies in a slight hollow with hedge covered embankments to the east, south and west close to the roads. Visibility to and from land within MN 2.17 was limited by trees to the west, north and east.
- 9.27. One feature was found during the walkover survey in MN 2.17, an embankment (**Site 56**) which runs along the southern field boundary from the south-eastern corner of the plot for about 50m (Figure MN 2.17-1 and Plate MN 2.17-3). No feature on the historic or modern mapping correlates with this feature and it is in all probability recent.

Settings Assessment

- 9.28. The group of Grade II Listed buildings of Lovelady's Farm (**Site 27**), No 1 and 2 The Barns (**Site 37**) and No 3 and 4 The Barns (**Site 38**) stand 60m equidistant of the MN 2.16 and MN 2.17 proposed allocation sites (MN 2.16-3 and MN 2.17-4). The development of MN 2.16 lies to the east of the Listed Buildings and MN 2.17 is to the west. The three buildings form a group which incorporate the main farmhouse and two outbuildings of the working Lovelady's Farm. A cattery has been established at Lovelady's Farm Farmhouse, whilst the two Listed farm buildings (**Sites 37** and **38**) have been converted to residential use. This modern change in use has, to a degree, impacted negatively upon their authentic character and legibility as historic farm buildings. Lovelady's Farm Farmhouse stands in the north-western portion of the plot, with No 1 and 2 The Barns to the north and No 3 and 4 The Barns to the northwest. All three buildings date from the 18th century.
- 9.29. Lovelady's Farm Farmhouse (**Site 27**) is a two story brick built 18th century farmhouse that stands on an inward facing courtyard facing its two barns (**Site 37** and **38**). The principle elevation faces north

into the courtyard from a central entrance towards **Site 37** and views of and from its south elevation are restricted by a treeline along the field boundary immediately south of the Farmhouse.

- 9.30. No 1 and 2 The Barns, **Site 37** stands opposite Lovelady's Farm Farmhouse. Historically the building was a stable and the listing description notes it retains some earlier features such as interior stable partitions and mangers. However, it has since been converted into residential use. The building has two storeys and six bays. The building is Listed "*for group value*", which indicates that the Listed Building's cultural value is largely derived from how it relates to **Sites 27** and **38** and because it contributes to and informs the immediate setting and value of these associated assets.
- 9.31. **Site 38**, No 3 and 4 The Barns is the third building in the Listed group. The Listed Building is 18th century in date and stands two storeys high. It was historically a barn or outbuilding and retains cheeks and barn doors. The shadow of diamond patterned ventilation holes exist on the south elevation (the holes have been blocked along with the rear door on the western elevation). The cultural value or significance of the barn is largely derived from the contribution it adds to the understanding of Lovelady's Farm. The barn enriches the current setting of the other farm buildings by maintaining the legibility of a farm courtyard environment.
- 9.32. The three buildings discussed above form a coherent group 'Lovelady's Farm'. As the cultural value of the structures is inextricably linked this settings assessment will assess the predicted indirect impact of the development within MN 2.16 and MN 2.17 on the whole Farm rather than the individual structures. The submitted heritage assessment notes that "*Lovelady's Farm retains considerable heritage value as an example of a once common agricultural group. Its heritage values are largely derived from the collection of buildings within the group and the continued focus on the former farmhouse.*" (Levrant, 2014: 22). This is true and mentioned in the Listing descriptions for **Sites 37** and **38**. Moreover, the immediate setting of the group makes a notable contribution to how the Listed Buildings are understood as well as how they are visually appreciated. The submitted assessment also argues that "*The significance of the setting of the listed buildings lies in the relationship with the main road (Liverpool Road) and its position on the urban edge of Little Altcar.*" (Levrant, 2014:22). The assessment goes on to suggest that "*The open views to the south, across the flat coastal plains, contrast to the urban form of the setting of the buildings to the north, and which together root the buildings in the agricultural tradition but also in the urban development of Little Altcar.*" (Levrant, 2014:22).
- 9.33. The authentic setting of the farm lies in its relationship with its agricultural landscape. The placing of farmhouses within the landscape can generally be seen as functional as they were typically positioned in relation to their landholdings and to take advantage of agricultural resources and communication routes. Whilst the submitted assessment identifies the importance of Liverpool Road as a transport and communication route it is incorrect in suggesting that the urban development of Little Altcar has compromised the setting of the listed farm complex to the extent that it is now read as part of the 'urban village' (Levrant 2015,17). The Listed Buildings and structures of Lovelady's Farm were purposefully placed to exploit and manage the agricultural resources of its landholding, and consequently the surrounding agricultural lands are arguably of more relevance to its setting than the subsequent urban growth to its north. This places emphasis on the importance of views southwards and westwards across agricultural lands from the farm. This crucial element of the farm's setting remains unaffected. Whilst, the submitted assessment is correct in pointing out that

Lovelady's Farm is on the edge of an urban settlement, the farm's authentic character as a rural agricultural complex remains legible particularly when it is viewed from the south and southwest.

- 9.34. However it also needs to be acknowledged that the element of setting which contributes most the significance of the farm relates to the courtyard and the interplay between the three Listed Buildings. Indeed the Listing Description for the farmyard buildings **Sites 37** and **38** explicitly notes that they have been listed to protect the understanding and setting of Lovelady's Farm and Farmhouse (**Site 27**). The three buildings are positioned around a central farmyard and each structure's principle facade faces inwards into the court. The north elevation of Lovelady's Farmhouse (**Site 27**) has a central, arched entrance, the front elevation of No 1 and 2 The Barns (**Site 37**) also faces inwards to the main courtyard and **Site 38**'s eastern facade faces east into the central courtyard. Lovelady's Farmhouse has windows in its south facing elevation however a tree line erected along the plot boundary means views southward and across its historic fields are limited. The views west are also limited by a tree and hedge line which marks the boundary of the farm and by **Site 38** which sits on the western side of the plot.
- 9.35. Views of the Farm as well as its setting from the north are limited by the urban development of Little Altcar, whilst traffic levels on the Liverpool Road also compromise its setting to a degree. From the southeast along Liverpool Road, glimpses of the Farm are possible from a distance; however trees and hedges marking the southern boundary of Lovelady's Farm limit views of and from it in this direction. To the west views towards the Listed farm complex from MN 2.17 are open although trees and intervening buildings will in all probability prevent visibility with the farmhouse itself. The rear west facing elevation of **Site 38** is visible from MN 2.17 as is the western gable of **Site 37**.
- 9.36. AOC's assessment of the effect of the proposed allocation of MN 2.16 and MN 2.17 upon the setting of Lovelady's Farm has been undertaken using the methodology outlined in Chapter 4 of this review and detailed in Appendix 1, particularly with reference to Tables 1, 2, 6 and 8. All three Grade II Listed Buildings are considered to be of Regional Importance (Appendix 1, Table 1). The elements of setting which contribute most to the cultural value of Lovelady's Farm relate to the courtyard around which the buildings are set, although where they are visible the agricultural lands to the west, south and east provide the farm's retained authentic rural context. Whilst Lovelady's Farm has been compromised by the residential conversion of its Listed farmyard buildings, the complex clearly remains legible as a rural farmstead associated with the post-medieval agricultural economy and consequently its rural context forms a critical component of both its setting and its overall significance. Consequently all three Listed Buildings can be said to have a Medium Relative Sensitivity to changes in their setting as the contribution made by their rural context to their setting contributes moderately to an observer's experience of it and to an understanding and appreciation of its cultural value (Appendix 1, Table 2).
- 9.37. In cultural heritage terms, an indirect impact refers to any change in the baseline condition of a designated heritage asset resulting from a development beyond the boundaries of the asset. Indirect impacts can be positive as well as adverse.
- 9.38. MN 2.16 extends across arable fields and is separated from Lovelady's Farm by the Liverpool Road and a high hedge line which extends along the boundary of the proposed allocation. This severely inhibits views of the farm from MN 2.16 and vice versa. Indeed during the summer months only the roofline and the chimney of the farmhouse can be seen and even this visibility is diminished by vegetation (Plate MN 2.16-5). Views out from the Farm to MN 2.16 are limited to the farmhouse

(**Site 27**) and No's 3 and 4 The Barns (**Site 38**) and these will have marginal views of any development, though as previously mentioned the buildings do not face outwards down Liverpool Road and towards the proposed site allocations but into the courtyard. The proposed site allocation of MN 2.16 would impact the relationship between Lovelady's Farm and its agricultural setting by increasing suburban development within its rural setting, however this would not materially affect an observer's ability to understand, appreciate or experience the asset. Consequently there would be a Low Magnitude of impact (Appendix 1, Table 6) on the setting of the group of Listed Buildings at Lovelady's Farm (**Sites 27, 37, 38**) resulting from the allocation, and any subsequent development of MN 2.16. Given that three Listed Buildings, collectively have a Medium Relative Sensitivity to changes which effect their setting, the level of effect of development within MN 2.16 upon the setting of the Listed Buildings is predicted to be Minor (Appendix 1, Table 8). However, this conclusion is dependent upon the substantial hedged boundary along the northern side of Liverpool Road (the southern boundary of MN 2.16) being retained within any development.

- 9.39. Intervisibility between Lovelady's Farm house and MN 2.17 will be largely if not entirely blocked from view by intervening buildings including the Listed Nos. 3 and 4 the Barns. 3 and 4 the Barns are clearly visible from MN 2.17. However, their integrity has been affected by their conversion meaning that views from them towards MN 2.17 are less sensitive. Despite its conversion, 3 and 4 the Barns remains a prominent feature in eastward views from MN 2.17 and this visibility will inevitably be impinged upon by any development, although views from the field to the south where the former barn is also prominent will be unaffected as this field lies beyond the proposed allocation. While MN 2.17 is intervisible with elements of the Listed Farm complex, this visibility will represent only a peripheral visual impact on the setting of the Listed Buildings. The proposed site allocation at MN 2.17 would impact upon the relationship between Lovelady's Farm and its agricultural setting by increasing suburban development, however given the degree of alteration to the complex and the presence of existing residential development to the north, the understanding of the asset and its cultural value would only be marginally diminished. The proposed development would not materially change the legibility of Lovelady's Farm as a former farm complex converted to residential use. Consequently any indirect impact resulting from the allocation of MN 2.17 upon the three Listed Buildings at Lovelady's Farm would be of Medium Magnitude (Appendix 1, Table 6) and given their Relative Sensitivity would result in a Minor-Moderate level effect (Appendix 1, Table 8).
- 9.40. The site visit established that none of the other designated heritage assets within the 1km assessment areas are intervisible with either MN 2.16 or MN 2.17 and consequently their settings will not be materially impacted by development within the proposed allocation sites.

Direct Impact Assessment

- 9.41. Potential direct impacts on known or unknown buried archaeological remains which may survive within the proposed allocation sites relate to the possibility of disturbing, removing or destroying in situ remains and artefacts during groundbreaking works (including excavation, construction and other works associated with the development) on the sites.
- 9.42. No prehistoric or Roman remains or artefacts are recorded within 1km of MN 2.16 or MN 2.17 although this may simply reflect the comparative lack of previous archaeological investigation undertaken within the area. There is a Low potential for prehistoric remains to be encountered within MN 2.16 and MN 2.17.

- 9.43. Evidence of medieval activity on the site of MN 2.16 and MN 2.17, as well as in their vicinities, is derived from cartographic and bibliographic references and suggests that there could potentially be evidence relating to salt production in the area. This would most likely be represented by salterns whose remains would be read as negative features most likely to be encountered during ground breaking works. Therefore there is a Medium potential for archaeology relating to the medieval period to survive at MN 2.16 and MN 2.17.
- 9.44. Archaeology of the post-medieval period may be encountered across MN 2.16 and MN 2.17, though this would most likely relate to the agricultural use of the area as shown on the cartographic representations since 1769. The chance of finding any archaeology of this period is Low and may be represented by singular artefacts or ceramics possibly brought into the area as nightsoil or fertiliser.
- 9.45. The magnitude of any direct impacts will be dependent on any final submitted design scheme which may result from development within the proposed allocation sites. In the context of housing development direct impacts have the capacity to result in impacts of high magnitude as they could potentially result in the destruction or removal of any archaeological deposits which may be present.

Assessment of the Level of Effect and Harm

- 9.46. The NPPF requires that an assessment be made of the level of harm, both direct and indirect, which could be caused to heritage assets by development. As paragraph 129 of the NPPF notes '*any development will be expected to avoid or minimise conflict between the conservation of heritage assets and any aspect of a development proposal.*' Great weight should be attached to the conservation of heritage assets and the more important the asset, the greater the weight which should be attached to their conservation (NPPF Para 132) and in this context the Grade II Listing of Lovelady's Farm Farmhouse, No 1 and 2 The Barns and No 3 and 4 The Barns is relevant. The Historic England Advice Note for Site Allocations in Local Plans (HE 2015c) states that harm should always be avoided in the first instance and that mitigation should only be considered if avoidance does not prove possible. The impetus is on the promoter or applicant to fully justify any harm or mitigation and provide evidence to ensure that they will be effective in reducing harm.
- 9.47. The potential for direct impacts is at present hard to quantify without archaeological intervention. This assessment has however found a Medium potential for remains of medieval or later date being present on the site and a Low potential for earlier remains being present. Depending on any finalised design scheme, there is a potential for direct impacts of high magnitude to occur. Given this it is recommended that, should MN 2.16 and MN 2.17 be allocated, a mitigation strategy should be agreed with the Council prior to the submission of any application. This would include investigation by non-intrusive and/or intrusive means to enable the identification and assessment of any surviving remains and to subsequently mitigate any impact upon these. Such mitigation would either be through avoidance, e.g. preserving the remains in situ, or if this was not warranted through preservation by record facilitated through archaeological excavation, analysis and reporting including publication. The scope of any works would be determined by the Council but could include geophysical survey and trial trenching.

- 9.48. This assessment has identified, in the case of both the proposed allocations, a potential for impacts of Medium Magnitude upon the settings of the three Listed Buildings grouped together at Lovelady's Farm. In accordance with the methodology outlined in Appendix 1 the level of these indirect effects is considered to be Minor-Moderate in the case of MN 2.17 and Minor in the case of MN 2.16. Further tree plantation along the MN 2.16 plot boundary and possibly setting buildings back from the south-western edge of the proposed allocation site would potentially decrease the magnitude of impact and level of harm.
- 9.49. While the proposed allocation of MN 2.16 and MN 2.17 would be harmful to the setting of the Grade II Listed Lovelady's Farm complex it would not threaten an observer's ability to understand the Listed Buildings' authentic functional purpose as a farmhouse and the critical visual and contextual relationship between the farmhouse and the courtyards and associated Listed Buildings would remain intact. As such the level of harm is judged to be less than substantial. Paragraph 134 of the NPPF notes that *'where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use'*.
- 9.50. None of the settings of the other designated heritage assets within 1km of either allocation will be materially affected by their development.

Conclusion

- 9.51. A single assessment has been submitted to cover sites MN 2.16 and MN 2.17. While they are not conjoined, the two sites are located in close proximity and any development within them would potentially raise similar issues, most notably in relation to the settings of the Listed Buildings at Lovelady's Farm. This approach is considered appropriate and this assessment also reviews the two proposed site allocations together. The submitted assessment only considers potential impacts upon the settings of the Lovelady's Farm Listed Buildings, considerations of the potential effects on other Listed Buildings within 1km of the proposed site allocation are omitted. Archaeological issues also fall beyond the scope of this assessment. Consequently no consideration is given to the potential for direct impacts and no mitigation is offered. AOC has updated this assessment within this review to include these omissions
- 9.52. AOC have also been asked to consider a proposal to allocate the land to the south of MN 2.17 and the Liverpool Road (AS 28), this will be considered separately within this review.
- 9.53. AOC have identified no substantive heritage constraints which, in our view, would prevent the allocation of either MN 2.16 or MN 2.17 for development under policy NH9 of the Draft Sefton Local Plan. The impact upon the settings of the three Grade II Listed farm buildings at Lovelady's Farm would be of Medium Magnitude resulting in a Minor-Moderate level of effect in the case of MN 2.17. A Low Magnitude impact upon the setting of the Listed Buildings at Lovelady's Farm is predicted in the case of MN 2.16 this would result in a Minor level of effect. The finding with respect to MN 2.16 would be dependent upon the high vegetation along the intervening southern boundary of the proposed allocation being retained within any future development. These levels of predicted effect will constitute less than substantial harm in terms of the NPPF and as a consequence any effect on the setting of the Listed Building should be considered within the planning balance under the terms of Paragraph 134 of the NPPF and Policy NH11 of the Draft Sefton Local Plan.

9.54. Should the Planning Inspectorate, following its independent review of the Draft Local plan, recommend that MN 2.16 or MN 2.17 are allocated, further assessment of potential direct impacts would need to be undertaken to inform any subsequent planning applications. Assessment of any specific proposals upon the setting of the assets noted herein should also be required. In such an event any further assessment and evaluation required by the Council, would be in accordance with Paragraph 141 of the NPPF and NH13 and NH14 of the Draft Sefton Local Plan.

10. MN 2.19 Land at Andrew's Lane, Formby

Review of Submitted Heritage Assessment

- 10.1. A Heritage Impact Appraisal was submitted with regard to the above proposed allocation . The assessment was prepared by Cass Associates and is dated September 2015.
- 10.2. The submitted assessment prepared by Cass Associates is limited to a settings assessment of a single designated heritage asset: the Grade II Raven Meols Farm Farmhouse, No 13 Kew Road, Formby (**Site 5**). Given the limited scope of this document it does not follow the guidance set out in the NPPF, NPPG, Historic England Advice Notes and by the Chartered Institute for Archaeologists.
- 10.3. The appraisal states that *'there are no associations with other heritage assets in the neighbourhood'* (Cass Associates 2015, 15), apparently with regard to the Grade II Listed farmhouse, rather than the MN 2.19 site. The farmhouse is described as *'The significant heritage asset in the vicinity of the proposed housing'*. No mention is made of any other heritage asset, whether designated or non-designated, within the vicinity of MN 2.19, and there is no evidence that such assets, and consequently potential impacts on them and their settings, have been considered within the appraisal. Additionally, the appraisal does not identify the cultural heritage importance of the farmhouse, and considers the potential impacts on the setting of the Listed Building from an urban design perspective, rather than with regards to effects on the cultural value .
- 10.4. The appraisal makes no mention of policy or guidance with regards to cultural heritage. Additionally, there is no examination of documentary records for known heritage assets within and in the vicinity of the proposed allocation site, and there has been no attempt at a historic map regression. The environmental character of the proposed allocation site is briefly described and the appraisal notes that this is an area of *'dune backlands'*, as described in the Landscape Character Appraisal (Sefton Council 2003). A site visit to MN 2.19 has been made by Cass Associates with the aim of assessing the impact on the setting of the Listed farmhouse (**Site 5**), but no attempt has been made to establish the historic environment baseline conditions and to identify other assets that have the potential to be adversely impacted upon by the allocation and subsequent development of the site at Andrew's Lane.
- 10.5. In terms of the submitted assessment's consideration of impacts upon Ravens Meols Farm it states that, *'Overall, the proposed housing will not have a materially detrimental effect on the setting, character or significance of Raven Meols Farm. The overall significance of this heritage asset will not be harmed'* (Cass Associates 2015, 15-16). However, the cultural value of the farm is not described (beyond its Listed status), nor is the extent to which the setting of the Listed Building contributes that value adequately addressed. Thus, the extent of the effect on the heritage value of this designated asset cannot be adequately identified in the existing report.
- 10.6. The report concludes that, *'There is no need for mitigation'* (Cass Associates 2015, page 16), though this statement clearly relates only to the impacts on the setting of the Listed farmhouse, and not to any other potential effects (direct or indirect) as these are not identified within the report.
- 10.7. AOC considers this assessment by Cass Associates provides insufficient information with regards to potential heritage impacts in several areas:

- It does not identify heritage assets (designated and non-designated) that could be impacted (directly or indirectly);
- It does not outline the cultural heritage value, nor the sensitivity to impacts, of such heritage assets (including the grade II Listed Building (**Site 5**) that is the primary focus of the document);
- It does not identify the impacts that the allocation might have on the significance of heritage assets (with the exception of the potential impact on the setting of one Listed Building, which is inadequately described);
- It does not make adequate comment on mitigation for impacts on cultural heritage assets.

- 10.8. Sefton Council's comments on the allocation as proposed by the developer at the Preferred Options stage stated that MN 2.19 had a Significant Heritage constraint. It stated that:

Kew Farmhouse (a grade II listed building) is located adjacent to the site. If the site were redrawn to exclude land to the west of Formby foot path no.35, the harm would be reduced. This western part of the site provides a contextual farmland setting to the listed buildings'. (Sefton 2015b, 2).

- 10.9. Kew Farmhouse is the former listing title of Raven Meols Farm Farmhouse (**Site 5**). The conclusion of the Council was that the western part of MN 2.19 should not be allocated (due to the effect on the setting of the Listed farm). The proposed site allocation illustrated in the Cass Associates appraisal (2015) excludes this western area. The Council concluded that:

The part of the site to the west of Formby foot path no.35 would significantly affect the setting of grade II listed Kew farmhouse and should not be allocated. The remainder of the site is not subject to any significant restraints, and is appropriate for allocation for housing development in the Local Plan' (Sefton Council 2015b, 3).

Additional Heritage Assessment

Scope

- 10.10. While the submitted assessment considers the potential settings impacts on the Grade II Listed Raven Meols Farm Farmhouse, it does not make a full assessment of the cultural heritage importance of the asset, and the extent to which this value could be impacted. No consideration is given to other potential settings impacts (though given the residential nature and semi-urban location of the development, these may be limited or non-existent). No consideration is given to the archaeological potential of the proposed allocation site and the potential for direct impacts upon buried archaeological remains, which falls beyond its scope. This review will therefore include an additional assessment to take cognisance of these issues. The additional assessment uses information obtained from the Merseyside Historic Environment Record (MHER) as well as historical maps. All sources consulted during the assessment, including publications, archived records and photographic and cartographic evidence, are listed in the References in Chapter 14.
- 10.11. The assessment also included a site visit in order to identify any upstanding remains surviving within the boundaries of MN 2.19 as depicted in the submitted assessment (i.e. not including the western element that has been removed from the development proposal) and also to allow an independent assessment of the potential for indirect effects upon the settings of designated heritage assets. The

additional assessment includes an assessment of the Magnitude of Impact and the potential Level of Effect and Harm resulting from the proposed allocation. This is in line with the methodology outlined in Chapter 4 of the review and detailed in Appendix 1.

Heritage Baseline

- 10.12. All known designated and non-designated heritage assets located within a 1km radius of the edge of the proposed site allocation MN 2.19 have been included in the assessment. The aim of this is to help predict whether any similar hitherto unknown archaeological remains are likely to survive within the proposed allocation site and consequently the potential for direct impacts resulting from development. Each heritage asset referred to in the text is listed in the Gazetteer in Appendix 8.1. Each has been assigned a 'Site No.' unique to this assessment, and the Gazetteer includes information regarding the type, period, grid reference, NHLE (National Heritage List for England) List Entry number, HER number, statutory protective designation, and other descriptive information, as derived from the consulted sources. Each heritage asset referred to in the text is plotted on the location map (Figure MN 2.19 – 1) of the report, using the assigned Site Nos.
- 10.13. An examination of the National Heritage List for England maintained by Historic England found nine Grade II Listed Buildings within 1km of MN 2.19: Raven Meols Farm Farmhouse, No 13 Kew Road, Formby (**Site 5**); No 11 Hoggshill Lane, Altcar (**Site 20**); Deans Cottage, Park Road, Formby (**Site 24**); Lovelady's Farm, No 110 Liverpool Road, Little Altcar (**Site 33**); No 1 and 2, The Barns, Liverpool Road, Little Altcar (**Site 41**); No 3 and 4, The Barns, Liverpool Road, Little Altcar (**Site 42**), Pump and Trough to the south of Hogshill Farmhouse, Hoggs Hill, Altcar (**Site 43**), Old Spanker's Cottage (**Site 44**) and Hogshill Farmhouse (**Site 47**). There are no Scheduled Monuments, Conservation Areas, Registered Parks and Gardens, Registered Battlefields or World Heritage Sites within 1km of MN 2.19.
- 10.14. The proposed allocation site comprises fields under arable cultivation. The Liverpool - Southport railway is located to the immediate east, with residential housing to the north and west and open fields to the southwest and south.
- 10.15. Taken together, the assets within 1km of MN 2.19 comprise the heritage baseline. This baseline will be considered in chronological order.

Prehistoric Evidence (-43AD)

- 10.16. No prehistoric remains or artefacts have been identified within MN 2.19. However, within a 1km radius, possible prehistoric remains are recorded. To the south-east dolphin bones were found in 1969 below the present riverbed during flood defence works under the railway bridge over the River Alt in Altcar (**Site 9**). Dark staining on the bones was interpreted as the result of fire, and the HER records the remains as being of late Mesolithic to early Neolithic date.
- 10.17. Although there is no evidence for prehistoric activity within MN 2.19, the potential for unknown remains of this date to be present cannot be discounted. The dolphin remains indicate at least the potential for evidence of the prehistoric environment to be encountered. The environmental character of the proposed allocation site is described as an area of '*dune backlands*' in the Landscape

Character Appraisal (Sefton Council 2003). It is judged that there is a Low potential for prehistoric remains to survive within the proposed site allocation area.

Roman and Early Historic Evidence (43AD - 1000)

- 10.18. While no Roman remains are known within the proposed site allocation, within 1km a Roman Republican coin has been recovered in Formby (**Site 27**), though its precise findspot is uncertain. This silver denarius of the mid-1st century BC was found about 1866 in Formby Village. Another Roman coin, in this instance of 4th century date, was recovered in Formby (**Site 28**) also around 1866. Although there is no evidence for Roman activity within MN 2.19, the presence of these coins within the surrounding area indicates limited potential for unknown remains of this date to be present. It is judged that there is a Low potential for Roman remains to be encountered within the proposed site allocation.
- 10.19. The settlement of '[Raven] Meols' (Lewis 2002, 17) is Old Norse in origin. No Early Historic remains or artefacts are known either on the proposed allocation site or within 1 km of it, but the possibility that unreported remains and artefacts from this period could survive cannot be discounted. It is judged that there is at most a Low potential for unrecorded remains and artefacts from this period to survive within the proposed site allocation.

Medieval Evidence (1000AD - 1500)

- 10.20. Historically, MN 2.19 was located within the township of Ravenmeols, Lancashire, though now it is located within the parish of Formby. Originally these townships were clearly differentiated, but by the 16th century the boundary between them was unclear, and now Ravenmeols survives mainly as the name of a lane (Lewis 2002, 42). Two lands are recorded in a grant to Cockersand Abbey in the late 12th century, and in the early 13th century grants indicate an open-field economy with breeding of sheep, cattle, horses and pigs. By 1289 approximately half the manor was lost to marine erosion and flooding. Incursion by sand and sea probably destroyed much of the township before the 16th century. Thereafter, Ravenmeols came under the Molyneuxes of Mossborough in Rainford and Wood Hall Melling in the 17th century (Lewis 2002, 42). It is possible that if medieval settlement remains survive in the Ravenmeols area, they have been buried by sand dunes.
- 10.21. No remains or artefacts of medieval date are recorded within the proposed allocation site, or within a 1km radius of it, but the possibility that unreported remains and artefacts from this period could survive cannot be discounted. It is judged that there is a Low potential for unrecorded remains and artefacts from this period to survive within the proposed site allocation.

Post-Medieval Evidence (1500AD - 1900)

- 10.22. Three Lancashire maps: Yates' map of 1786; Greenwood's map of 1818 and Hennessey's map of 1829 (not illustrated) are schematic and lack detail, although all three appear to show a building at Raven Meols Farm (**Site 5**). Both Greenwood and Hennessey's maps appear to show a building to the southeast of Raven Meols, roughly on the location of the 20th century Clayholes Cottage (**Site 45**).
- 10.23. The earliest detailed map of the parish, the Formby Tithe Map of 1845 (not illustrated), records MN 2.19 as a group of fields numbered 88, 89 and 90 from north to south, with the south-east corner being part of Plot 94. To the west, a small building (**Site 45**) appears to be present in Plot 91, a little outside the proposed site allocation. The ownership of these plots is as follows: Plot 88, a 2 acre

pasture field, was owned by 'Midgelands' and was leased to Thomas Klutesise, who sublet it to Robert Ball; the 7 acres of Plot 89, described as 'More Earth Meadow', was owned by Thomas Clifton Esq. and leased to Mavey McHalley; Plot 90, of 2 acres, was again owned by Thomas Clifton and leased to Mavey McHalley; Plot 91 (which was located immediately west of MN 2.19) was described as 'part affiliate Hey Croft Meadow' and was again owned by Thomas Clifton and leased to Mavey McHalley, while Plot 94, an arable field described as 'Higher Middle Baulk', though owned by Thomas Clifton was leased to John Caldwell.

- 10.24. Detailed Ordnance Survey mapping commences with the 6 inch to the mile map of 1845-6, published in 1848 (Figure MN 2.19 – 2), which shows the fields laid out in a similar manner to the contemporary 1845 Tithe, though the building (**Site 45**) to the west of MN 9.12 is more clearly visible, along with shaded areas, perhaps representing enclosed fields or orchards, to the south and north. Additionally, the railway line between Liverpool, Crosby and Southport is depicted along the eastern edge of the proposed allocation site. The field system had, however, been largely reorganised by the time of the 1892 revision of the Ordnance Survey map, published in 1894 (Figure MN 2.19 – 3). While apart from the division caused by the insertion of the railway, the north field (formerly Plot 88) is the same, Plots 89, 94 and the northern element of Plot 90 are now shown to form one large field. A single small building (**Site 45**) is now shown to the immediate west of the proposed site allocation within a slightly reshaped Plot 91.
- 10.25. Nine Grade II Listed buildings and structures stand within 1km of MN 2.19: Raven Meols Farm Farmhouse, No 13 Kew Road, Formby (**Site 5**); No 11 Hoggshill Lane, Altcar (**Site 20**); Deans Cottage, Park Road, Formby (**Site 24**); Lovelady's Farm, No 110 Liverpool Road, Little Altcar (**Site 33**); No 1 and 2, The Barns, Liverpool Road, Little Altcar (**Site 41**); No 3 and 4, The Barns, Liverpool Road, Little Altcar (**Site 42**), Pump and Trough to the south of Hogshill Farmhouse, Hoggs Hill, Altcar (**Site 43**), Old Spanker's Cottage (**Site 44**) and Hogshill Farmhouse (**Site 47**). All are of post-medieval date. Deans Cottage, Park Road, Formby (**Site 24**) is a 16th century cruck-framed building while No 11 Hoggshill Lane, Altcar (**Site 20**) is a 17th century house.
- 10.26. In closest proximity (to the west) Raven Meols Farm farmhouse, No 13 Kew Road, Formby (**Site 5**) has a datestone marked '1733' and a building appears on late 18th century mapping, but the HER indicates that mapping of 1893 shows that all but the eastern extant part of the building had been demolished and Kew Road had been laid out crossing the site.
- 10.27. The Merseyside HER records a wide range of non-designated post-medieval buildings, sites and features within 1km of MN 2.19 including: five farms (**Sites 1, 2, 8, 17 & 32**); 15 houses (**Sites 3, 4, 6, 7, 13, 15, 16, 18, 21, 22, 25, 26, 30, 31 & 37**); a claypit (**Site 12**); three barns (**Sites 14, 35 & 38**); the possible site of a windmill (**Site 40**); a former school (**Site 19**); the former site of a lighthouse (**Sites 10**); the site of the first Formby Railway Station (**Site 36**); the former site of a post-medieval boundary cross that may have later been used as a boundary stone (**Site 11**) and the findspots of two millstones (**Site 23 & 39**). A coin hoard dating to the civil war was found in 1870 at Formby (**Site 29**), to the north. It contained 19 shillings in a pig's bladder concealed in the thatch of a house. The coins dated from the reigns of Elizabeth I to Charles II. It is likely that the coins were hidden in late 1645 or 1646. Taken together these assets attest both the agricultural economy of the area south of Formby, and the suburban and industrial expansion of Formby over the course of the 19th century.

- 10.28. No remains or artefacts of post-medieval date are recorded within MN 2.19. However, there is significant evidence for post-medieval domestic, agricultural and industrial activity in the surrounding area. The presence of at least one building to the immediate west around Clayholes Cottage (**Site 45**) from at least the mid-19th century indicates potential for associated remains to be encountered (in particular in the west of the site allocation). Additionally, the undeveloped nature of the proposed site allocation means that it is unlikely that any remains would have been disturbed. It is judged that there is a Medium potential for unrecorded remains and artefacts from this period to survive within MN 2.19.

Modern Evidence

- 10.29. The field system within the area of MN 2.19 is shown substantially unchanged from 1892 on the 1906 Ordnance Survey map, published in 1909 (Figure MN 2.19 – 4), though to the west of the area, Clayhole Cottage (**Site 45**) is shown over the former site of a small building. A track running to the south-east from the cottage, across the proposed site allocation area, follows the line of a former field boundary. Mapping surveyed between 1925 and 1926 and published in 1928 and c.1934 (Figures MN 2.19 – 5 & 6) shows a similar field layout and depicts buildings at Clayhole Cottage (**Site 45**) just west of the proposed allocation site. These maps also show a small square roofed building (**Site 46**) to the east of Clayhole Cottage, in the south of the proposed site allocation. Mapping revised in 1938, and published in 1948 (Figure MN 2.19 – 7) continues to depict a similar field layout. With the small square structure (**Site 46**) to the east of Clayhole Cottage, and a small rectangular enclosure in the northwest of the proposed allocation site. The non-appearance of this enclosure in the Ordnance Survey map of 1955 (Figure MN 2.19 – 8) indicates its ephemeral nature. In contrast, the small roofed building (**Site 46**) to the east of Clayholes Cottage is still shown, though it has disappeared by the time of mapping in 1974 (Figure MN 2.19 – 9). Apart from some minor changes to field boundaries around the (now un-labelled) Clayholes Cottage, neither the maps of 1974 nor 1978-85 (Figure MN 2.19 – 10) indicates significant changes to the proposed allocation site.
- 10.30. To the north of the proposed allocation site, the HER records Formby Railway Station (**Site 34**) as dating to 1904.
- 10.31. It is judged that there is a Medium potential for unrecorded remains and artefacts from this period to survive within the proposed site allocation.

Walkover Survey

- 10.32. AOC visited MN 2.19 on the 1st of October 2015, in order to ascertain the potential for archaeological remains to survive on the site and to undertake an independent assessment of the potential for indirect effects upon the settings of designated heritage assets. The site was inspected from the adjacent public road and field margins and found to be under arable cultivation (Plate MN 2.19- 1 and MN 2.19- 2). There is a public road to the immediate east, residential housing to the north and west and open fields to the southwest and south. No evidence of upstanding archaeological remains was identified and as the site was under arable cultivation it is likely that any remains which might survive would be buried. The settings of the listed buildings and the potential effects identified are discussed below.

Settings Assessment

- 10.33. Eight of the Grade II Listed Buildings located within 1km of the proposed site allocation area would be screened from any development within it by intervening urban development - No 11 Hoggshill Lane, Altcar (**Site 20**); Deans Cottage, Park Road, Formby (**Site 24**); Lovelady's Farm, No 110 Liverpool Road, Little Altcar (**Site 33**); No 1 and 2, The Barns, Liverpool Road, Little Altcar (**Site 41**); No 3 and 4, The Barns, Liverpool Road, Little Altcar (**Site 42**), Pump and Trough to the south of Hogshill Farmhouse, Hoggs Hill, Altcar (**Site 43**), Old Spanker's Cottage (**Site 44**) and Hogshill Farmhouse (**Site 47**). Site visits by AOC demonstrated that there would be no intervisibility with these Grade II Listed Buildings and structures and the proposed allocation site at MN 2.19, and their current settings would not be materially altered by the proposed site allocation. Consequently, no impacts upon their settings are predicted.
- 10.34. Given the existence of residential buildings in close proximity to the proposed allocation site, it is judged that non-visual factors affecting setting, such as increased noise from the proposed site allocation, located over 100 m to the east, would not materially impact the setting of the Listed Building. Therefore the assessment of settings impacts is focussed on alterations to the visual and contextual setting of the Listed Building. AOC's assessment of the effect of the proposed allocation site (MN 2.19) upon the setting of the Grade II Listed Raven Meols Farm Farmhouse, No 13 Kew Road, Formby (**Site 5**) has been undertaken using the methodology outlined in Chapter 4 of this report and detailed in Appendix 1.
- 10.35. The Grade II Listed Raven Meols Farm Farmhouse, No 13 Kew Road, Formby (**Site 5**) is located 100 m west of the proposed MN 2.19 housing allocation. The building contains a datestone of 1733, and a building appears in this rough location on maps from the late 18th century onwards, but the 1st Edition map of 1848 indicates a long east/west-aligned roofless building, annotated '*Ruin*' adjacent to a small roofed building, to its south-east. It is possible that the present building makes use of a once-derelict building, though the footprint of the building on the 1st Edition map is much longer than the present building. Consequently the present building may date to the 19th century although the cartographic evidence and the presence of the date stone would suggest that it incorporates earlier fabric. As a Grade II Listed Building, whose setting includes the survival of the post-medieval farming landscape that pre-dated the expansion of Formby, Raven Meols Farmhouse is judged to be of Regional Importance (see Appendix 1; Table 1). The cultural value of the farm derives largely from its survival as a late post-medieval farm building. The placing of farmhouses within the landscape can generally be seen as primarily connected to their agricultural and domestic function, as they were typically positioned in relation to their landholdings.
- 10.36. The original setting of Raven Meols Farmhouse would have comprised farmland and ancillary buildings connected with its farming function. The existence of modern housing looming over it to its immediate north serves as a modern intrusion on the building, which compromises the relationship between the farmhouse and its setting, although its authentic rural context remains legible within views of the farmhouse from across the countryside and open fields to the south. The Listed farmhouse therefore remains legible as a rural farmstead associated with the post-medieval agricultural economy and consequently its rural context forms a critical component of both its setting and its overall significance. Consequently Raven Meols can be said to have a Medium Relative Sensitivity to changes to its setting as the contribution made by its rural context to its setting contributes moderately to an observer's experience of it and to an understanding and appreciation of its cultural value (Appendix 1, Table 2). However it needs to be acknowledged that the major

elevations of the house face north and south, and there is a lean-to structure on the east side of the building. This eastern side is less sensitive to alterations to its setting in comparison with views of and from the southern elevation, where upper storey windows are likely to enjoy relatively open views towards the remaining agricultural land in the vicinity of the Listed Building.

- 10.37. The intervening vegetation and buildings between the farmhouse and MN 2.19 severely limits intervisibility of the Listed Building and the proposed allocation site, particularly during the summer months when the trees are in leaf (Plate MN 2.19-3), a conclusion reached also in the Cass Associates appraisal (Cass Associates 2015, 15). Visibility (where peripherally possible) of the development within MN 2.19 from the Listed Building would likely to be limited to the eastern side, an area of lean-to structure. Views in this direction do not contribute significantly to the cultural value and as such the asset is less sensitive to alterations to this element of setting. In addition, the farmhouse may be peripherally visible (through vegetation such as hedges and trees) from the south (in particular during winter months), in views containing both the farmhouse and the proposed allocation site. Such alterations to the setting of the farmhouse would not materially affect the observer's experience of it or their ability to understand and appreciate the asset and its cultural value, and at worst an impact on the setting of the farmhouse of Low magnitude is predicted (see Appendix 1; Table 6).
- 10.38. As the Listed farmhouse is judged to be of Medium Relative Sensitivity to alterations to its setting, the predicted level of effect on the setting of the Grade II Listed Raven Meols Farm Farmhouse, No 13 Kew Road, Formby (**Site 5**) from the proposed site allocation is judged to be at worst Minor (see Appendix 1; Table 8).

Direct Impact Assessment

- 10.39. Potential direct impacts on known or unknown buried archaeological remains which may survive within the proposed site allocation relate to the possibility of disturbing, removing or destroying *in situ* remains and artefacts during groundbreaking works (including excavation, construction and other works associated with the development) on this site.
- 10.40. No early historic or medieval artefacts and few prehistoric or Roman remains are recorded within 1km of MN 2.19, although this may simply reflect the comparative lack of previous archaeological interventions undertaken within the area. Potential for medieval or earlier remains to be present on the site is considered to be Low.
- 10.41. No archaeological remains are recorded by the Merseyside HER within the MN 2.19 site. Ordnance Survey mapping from the 20th century illustrates the existence of a small roofed structure (**Site 46**) within the site allocation, though this had been removed by 1974. Earlier historical maps also record buildings in the 19th century in the area immediately west of the proposed allocation site where later Clayholes Cottage (**Site 45**) would stand. Given the possible presence of peripheral remains associated with the post-medieval building to the west of the site allocation, and the recorded existence of a mid-20th century structure, the potential for post-medieval and/or modern remains to be encountered during the course of development is considered to be Medium.
- 10.42. The magnitude of any direct impacts would be dependent on any final design scheme submitted as part of a planning application which may result from the proposed allocation. In the context of housing development, direct impacts have the capacity to result in impacts of high magnitude as they

could potentially result in the destruction or removal of any archaeological deposits which may be present.

- 10.43. The absence of designated heritage assets from MN 2.19 means that no such assets would be directly impacted by the proposed site allocation.

Assessment of the Level of Effect and Harm

- 10.44. The NPPF requires that an assessment be made of the level of harm, both direct and indirect, which could be caused to heritage assets by development. As paragraph 129 of the NPPF notes, any development will be expected to avoid or minimise conflict between the conservation of heritage assets and any aspect of a development proposal. Great weight should be attached to the conservation of heritage assets and the more important the asset, the greater the weight which should be attached to their conservation (NPPF Para 132) and in this context the Grade II Listing of Raven Meols Farm Farmhouse, No 13 Kew Road, Formby (**Site 5**) is relevant. The Historic England Advice Note for Site Allocations in Local Plans (HE 2015c) states that harm should always be avoided in the first instance and that mitigation should only be considered if avoidance does not prove possible. The impetus is on the promoter or applicant to fully justify any harm or mitigation and provide evidence to ensure that they will be effective in reducing harm.
- 10.45. The potential for direct impacts is at present hard to quantify without archaeological intervention. This assessment has however found a Medium potential for remains of post-medieval or later date to be present on the site and a Low potential for earlier remains to be present. Depending on any finalised design scheme, there is a potential for direct impacts of high magnitude to occur. It is therefore recommended that a mitigation strategy should be agreed with the Council prior to the submission of any future planning application. This would include investigation by non-intrusive and/or intrusive means to enable the identification and assessment of any surviving remains and to subsequently mitigate any impact upon these. Such mitigation would either be through avoidance, e.g. preserving the remains *in situ*, or, if this was not warranted, through preservation by record facilitated through archaeological excavation, analysis and reporting including publication. The scope of any works would be determined by the Council but could include geophysical survey and trial trenching.
- 10.46. This assessment has identified a potential for an adverse impact upon the setting of the Grade II Listed Raven Meols Farm Farmhouse, No 13 Kew Road, Formby (**Site 5**). In accordance with the methodology outlined in Appendix 1 the level of this effect is considered to be, at worst, Minor. While the proposed allocation would be harmful to the setting of the farmhouse, the harm would not materially affect the observer's ability to understand the Listed Building's authentic functional purpose as a farmhouse as it would not noticeably alter the remaining visual relationship between the farmhouse and agricultural land visible from its southern elevation. The level of harm would therefore be less than substantial. Paragraph 134 of the NPPF notes that '*where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use*'.

Conclusion

- 10.47 The assessment submitted for MN 2.19 has been prepared from an urban design perspective and consequently omits consideration of the potential for direct impacts upon the archaeological resource. AOC has updated this assessment within this review to include these omissions and has also undertaken an independent examination of the potential for indirect impacts upon the settings of designated heritage assets including the Grade II Listed Raven Meols Farmhouse.
- 10.48 AOC have identified no substantive heritage constraints which, in our view, would prevent the allocation of MN 2.19 for residential development under policy NH9 of the Draft Sefton Local Plan. The level of effect upon the settings of Raven Meols Farmhouse would, at worst, be Minor although this assessment is based upon the current setting and the fact that intervisibility between the allocation site and the heritage asset is limited by high vegetation. This level of predicted impact will result in less than substantial harm in terms of the NPPF and as a consequence any effect on the setting of the Listed Building should be considered within the planning balance under the terms of Paragraph 134 of the NPPF and Policy NH11 of the Draft Sefton Local Plan.
- 10.49 Should the Planning Inspectorate, following its independent review of the Draft Local plan, recommend that MN 2.19 be allocated, further assessment of potential direct impacts would need to be undertaken to inform any subsequent planning applications. Assessment of any specific proposals upon the setting of the assets noted herein should also be required. In such an event any further assessment and evaluation required by the Council, would be in accordance with Paragraph 141 of the NPPF and NH13 and NH14 of the Draft Sefton Local Plan.

11. MN 2.33 Land at Wango Lane, Aintree

Review of Submitted Heritage Assessment

- 11.1 A Heritage Statement prepared by Stephen Haigh, Buildings Archaeologist was submitted with regard to the proposed allocation of land at Wango Lane, Aintree (MN 2.33) in March 2014. This was followed and superseded by a more comprehensive Heritage Assessment prepared by CgMs Consulting, dated June 2014.
- 11.2 The Heritage Statement by Stephen Haigh (Haigh 2014) focuses on the potential impact on the setting of the Grade II Listed Valley House, No 2 Valley Close, Aintree (**Site 21**), and potential impacts on the non-designated Leeds and Liverpool Canal. It provides a short historical background to the wider area (Aintree), and both the Listed Valley House and the non-designated Leeds and Liverpool Canal (**Site 77**), based on limited documentary and cartographic research. A brief assessment is made of the cultural value of the house, how views of the building relate to its value, and its setting. However, the level of impact on the setting of the house is not clearly defined. Similarly, a brief statement is made with regards to the cultural value of the canal, and how the impact on its setting could be limited, though little attempt is made to define either the canal's setting or the potential level of impact on it.
- 11.3 The assessment prepared by CgMs is a more comprehensive document, and follows guidance set out in the NPPF, NPPG, Historic England Advice Notes and guidance issued by the Chartered Institute for Archaeologists. It examines records for known heritage assets, undertakes a full map regression and includes a site visit to the proposed allocation site to establish the historic environment baseline conditions and to identify assets which have the potential to be adversely impacted upon by the allocation and subsequent development of the site at Wango Lane.
- 11.4 The assessment includes an assessment of cultural value and an assessment of the potential impacts upon the historic environment. The assessment identifies the potential for '*less than substantial harm*' (CgMs 2014b, 25) to the setting and cultural value of the Grade II Listed Valley House, No 2 Valley Close, Aintree (**Site 21**). Given the paucity recorded archaeological remains in the surrounding area the assessment concludes that no further archaeological evaluation would be required. AOC will independently assess this conclusion in this review.
- 11.5 Neither the heritage statement by Stephen Haigh Buildings Archaeologist, nor the CgMs assessment provides a sufficient assessment of the potential impact on the setting of the non-designated Leeds and Liverpool Canal. However, with this exception, the assessment by CgMs provides enough information to identify any heritage assets which could be impacted, to understand the value of these assets and any contribution to them made by the proposed allocation site and to identify the impact that the allocation might have on the cultural value of those assets.
- 11.6 As part of the review process, AOC undertook a review of the HER and National Heritage List records relevant to this site, reviewed the Merseyside Historic Characterisation information and undertook a site visit which included both the proposed allocation site and designated heritage assets in the surrounding area. This work was undertaken to provide an independent study of the conclusions of the heritage assessment and an independent review of the potential effects of the site allocation on the historic environment resource.

- 11.7 Sefton Council's comments on the land allocations stated that MN 2.33 had a Significant Heritage constraint. It stated that the site was, '*Adjacent to a Grade II listed building (Valley House). The site provides a contextual setting to the listed building. Part of the site may originally been [sic] within the curtilage of the listed farmhouse*' (Sefton Council 2015b, 2).
- 11.8 The conclusion of the Council was that the site was '*subject to a significant heritage constraint that means only around 50% of the site could be developed for housing*' (Sefton 2015b, 3).

Additional Heritage Assessment

Scope

- 11.9 The submitted CgMs assessment provides sufficient heritage baseline information on the historic environment resource within and surrounding the site at Wango Lane Aintree (MN 2.33) to assess the potential impacts of development. AOC's assessment will consider the potential for both direct and indirect impacts upon heritage assets by potential residential development which could result from the allocation of MN 2.33, rather than the act of allocation itself. The assessment will consider the settings of all designated assets within 1km of the boundaries of MN 2.33, including Valley House as well as an additional assessment of the potential impacts on the setting of the non-designated Leeds and Liverpool Canal.
- 11.10 A brief summary is made of the baseline historic environment resource within and surrounding the proposed site allocation, largely a summary of the CgMs Archaeological and Historical Background (CgMs 2014b, 12-17). The archaeological potential of the proposed site allocation is independently assessed. The additional assessment uses information obtained from the Merseyside Historic Environment Record (MHER). The map regression within the CgMs report is full and complete. All sources consulted during the assessment are listed in the References in Chapter 14.
- 11.11 The additional assessment also included a site visit in order to identify any upstanding remains within the boundaries of MN 2.33 and also to allow an independent assessment of the potential for indirect impacts upon the settings of designated heritage assets. The additional assessment includes an assessment of the Magnitude of Impact and the potential Level of Effect and Harm resulting from the proposed allocation. This has been produced in line with the methodology outlined in Chapter 4 of the review and detailed in Appendix 1.
- 11.12 This assessment will also consider whether a buffer or other urban design solution is required to protect the setting of the Grade II Listed Valley House.

Heritage Baseline

- 11.13 All known designated and non-designated heritage assets located within a 1km radius of the edge of the proposed site allocation (MN 2.33) have been included in the assessment. The aim of this is to help predict whether any similar hitherto unknown archaeological remains are likely to survive within the proposed site allocation and consequently the potential for direct impacts resulting from development. Each heritage asset referred to in the text is listed in the Gazetteer in Appendix 7.1. Each has been assigned a 'Site No.' unique to this assessment, and the Gazetteer includes information regarding the type, period, grid reference, NHLE (National Heritage List for England) List

Entry number, HER number, statutory protective designation, and other descriptive information, as derived from the consulted sources. Each heritage asset referred to in the text is plotted on the location map (Figure MN 2.33 – 1) of the report, using the assigned Site Nos.

- 11.14 An examination of the National Heritage List for England maintained by Historic England concurred with the findings of the CgMs report that there are no designated heritage assets within the proposed site allocation and that designated heritage assets located within 1km are limited to Listed Buildings (i.e. no Scheduled Monuments, Registered Parks and Gardens, Registered Battlefields, World Heritage Sites or Conservation Areas are located within 1km). The largest concentration of these is the group of 26 Listed Buildings (**Sites 22-23 & 48-71**) within Fazakerley Cottage Homes (**Site 72**), all of which are Grade II Listed, with the northernmost 500m south of the proposed allocation site. These are generally late 19th century houses and are not intervisible with the allocation site, though New Hall Dining Hall, Longmoor Lane, Fazakerley (**Site 67**) in the centre of the complex is a former dining hall with a tower, which is occasionally visible in distant views from the vicinity of the site. A group of three 18th century Grade II Listed Buildings is present some 450m to the west: Nos 1 and 2; Nos 3 and 4, and Nos 5, 6 and 7 Mill Square, Bull Bridge Lane, Aintree (**Sites 25-27**). More distantly to the west is the Grade II Listed Blue Anchor Bridge, Leeds and Liverpool Canal, Melling Road, Aintree (**Site 18**). To the immediate west of the proposed allocation site stands Valley House, No 2 Valley Close, Aintree (**Site 21**), a 17th century Grade II Listed former farmhouse. Additionally, the Leeds and Liverpool Canal (**Site 77**), to the south-east of the proposed site allocation, though non-designated, may be relatively sensitive to impacts on its setting.
- 11.15 The proposed allocation site comprises a low-lying landholding to the south of the River Alt, at present overgrown with vegetation. To the southeast, the edge of MN 2.33 is defined by the raised embankment of the Leeds and Liverpool Canal (**Site 77**), while to the southwest is Wango Lane, with 20th century residential development beyond. The gardens of the Grade II Listed Valley House, No 2 Valley Close, Aintree (**Site 21**) form the western boundary of the allocation site. While to the northwest is further modern residential development on the edge of Aintree. To the northeast, a modern field boundary divides the proposed allocation site from a grassy field.
- 11.16 Taken together, the assets within 1km of MN 2.33 comprise the heritage baseline. Significant elements of this baseline will be considered in chronological order.

Prehistoric Evidence (-43AD)

- 11.17 CgMS notes the recording of the findspot of a Neolithic or Bronze Age flint core (**Site 3**) within the proposed allocation site. The CgMs report also notes the finding of a Neolithic sandstone axe (**Site 8**) to the northeast of the proposed allocation site (CgMs 2014b, 13), though the HER actually records the finding of two axes in this area, along with other Mesolithic and Neolithic finds along the route of the M58. According to the Sefton Historic Settlement Study (Museum of Liverpool 2011, 5-6) a prehistoric axehead and a flint core were discovered in a ploughed field near the eastern boundary of Aintree township close to where the canal crosses the River Alt, i.e. in close proximity to the earlier findspot (**Site 8**). However, subsequent evaluation, which identified three undated pits, did not produce further prehistoric evidence. Additionally, the presence of both Mesolithic and Neolithic sites in the Alt Valley is noted by the HER. The CgMs reports the potential for remains of prehistoric (alongside Roman) date to be Low or Nil (CgMs 2014b, 13). Given the presence of findspots of prehistoric material (some of which may derive from imported soil), both within and in the vicinity of

the proposed site allocation, this assessment has identified that there is a Low potential for prehistoric remains to be encountered within MN 2.33.

Roman and Early Historic Evidence (43AD - 1000)

- 11.18 As CgMs notes, there are no Roman remains recorded by the HER within the proposed allocation site, or within 1km. However, CgMs notes that occasional Roman potsherds and a coin of the reign of Diocletian (3rd – 4th century AD) have been recovered in the Melling area. CgMs report the potential for remains of Roman (alongside prehistoric) date to be Low or Nil (CgMs 2014b, 13). The absence of Roman evidence from the area of MN 2.33 means that there is, at most, Low potential for Roman remains to survive within the proposed allocation site.
- 11.19 The HER records no Early Historic remains or artefacts either on the proposed allocation site or within 1km of it, and CgMs notes the poverty of evidence in the area between the Roman and medieval periods. However, CgMs also note that the nearby Sefton village may have been settled by Anglians in the 6th and 7th century, while Norse settlers appear to have colonised the area around the 10th century. The place name Aintree, or 'Ayntré' is believed to be Scandinavian in origin (CgMs 2014b, 13-14).
- 11.20 CgMs reports the potential for remains of Early Historic (alongside medieval) date to be Nil (CgMs 2014b, 14). The absence of recorded Early Historic evidence from the area of MN 2.33 means that there is little potential for such remains, though given the undeveloped nature of the proposed allocation site any such remains would potentially have remained relatively undisturbed. This assessment predicts that there is, at most, Low potential for Early Historic remains to be encountered within the proposed allocation site.

Medieval Evidence (1000AD - 1500)

- 11.21 The CgMs report notes that around Domesday, MN 2.33 was located within the township of Sefton, with Aintree not recorded as a separate settlement. It also notes that in 1296 William de Aintree owned part of this township, while the manor of Aintree was held by the Nevill family of Hornby. The proposed allocation site was apparently undeveloped and under agricultural use (CgMs 2014b, 14). No remains or artefacts of medieval date are recorded within the proposed allocation site, or within a 1km radius of it. CgMs reports the potential for remains of medieval (alongside Early Historic) date to be Nil (CgMs b 2014, 14). However, the possibility that unreported remains and artefacts from this period could survive, in an area that has since the post-medieval period been undeveloped, cannot be entirely discounted. This assessment judges that there is, at most, a Low potential for unrecorded remains and artefacts from this period to survive within the proposed allocation site.

Post-Medieval Evidence (1500AD - 1900)

- 11.22 The CgMs report summarised the recorded evidence for post-medieval (and Modern) occupation in and in the vicinity of the proposed allocation site (CgMs 2014b, 14-17). This included a map regression exercise, which was presented as figures. The historic map figures are judged accurate and as such have not been reproduced within the present assessment.
- 11.23 According to the CgMs assessment, the Molyneux family, owned much of the area around MN 2.33 under the manor of Sefton and acquired most of the manor of Aintree around the 16th century,

including the area of MN 2.33, Valley House and the surrounding area. These belonged to the Earl of Sefton until the early 20th century (CgMs 2014b, 14).

- 11.24 While the HER records no cultural heritage remains of post-medieval date within the proposed allocation site, the Grade II Listed Valley House, No 2 Valley Close, Aintree (**Site 21**), and its garden are located to the immediate west of MN 2.33. This 17th century former farmhouse was located on the Molyneux estate, being shown on the estate plan of Aintree of 1769, as No. 12 (CgMs 2014b, Figure 3), occupied by William Fleetwood. The western part of the proposed allocation site is made up of elements of the grounds surrounding Valley House (the map indicates this was in use as an orchard). The north of MN 2.33 is the southern part of Little House Croft, while the southeast of MN 2.33 is the southern part of Turn Moor Hey. All were occupied by Mr Fleetwood, as were numerous fields extending north (to the River Alt), west, east and in particular south of the house.
- 11.25 The Leeds and Liverpool Canal (**Site 77**), located to the southeast of the proposed allocation site, is a late 18th century construction. The CgMs report notes that the section adjacent MN 2.33 dates to 1775 (CgMs 2014b, 15). The map regression undertaken by CgMs shows that, by the time of the 1845 tithe apportionment, MN 2.33 was largely a single field containing a pond (with the western part of MN 2.33 taking in a small element of the grounds of Valley House (CgMs 2014b, Figure 5). The Ordnance Survey map of 1894 (CgMs 2014b, Figure 7) shows that the whole of MN 2.33 lay within a single large field, boundary realignment taking in a small element of land formerly shown as being within the grounds of Valley House.
- 11.26 The HER records numerous heritage assets of post-medieval date, within 1km of the allocation site. In addition to the Grade II Listed Valley House (**Site 21**) these include a group of 26 Grade II Listed Buildings (**Sites 22-23 & 48-71**) within Fazakerley Cottage Homes (**Site 72**). A group of three 18th century Grade II Listed Buildings is present some 450 m to the west: Nos 1 and 2; Nos 3 and 4, and Nos 5, 6 and 7 Mill Square, Bull Bridge Lane, Aintree (**Sites 25-27**). While more distantly, the Grade II Listed Blue Anchor Bridge, Leeds and Liverpool Canal, Melling Road, Aintree (**Site 18**) dates to 1831.
- 11.27 In closest proximity (to the west) of MN 2.33 is the Grade II Listed Valley House, No. 2 Valley Close Aintree (**Site 21**), which dates to the 17th century though it has been extensively altered. This 2-storey former farmhouse of brick with stone dressings has a slate roof. The house has two chimney stacks. The entrance to the house is located in a porch under a lean-to roof; the principal elevation faces south and there is a rear extension to the north, partly of stone.
- 11.28 The Merseyside HER and the National Monuments Record identify a wide range of non-designated post-medieval buildings, sites and features within 1km of MN 2.33. The majority of these are shown on an illustration in the CgMs report (CgMs 2014b, Figure 2), and the sites are indicated in Figure MN 2.33– 1 of this report. These heritage assets include Aintree racecourse (**Site 1**), to the west, which dates to 1829. To the south-west is the site of the late 19th century Railway Signal Works on Signal Works Road (**Site 10**), and there are several entries connected with the development of the railway (**Sites 74 & 78**). A section of the Leeds and Liverpool canal at Melling and a section near the proposed allocation site are recorded (**Sites 11 & 77**). Nineteenth century bridges (**Sites 14, 16 & 17**) and a winding hole (**Site 15**) are also connected with the canal. To the northeast of MN 2.33 a probable spoil heap (**Site 19**) was formerly located beside the canal, perhaps derived from its

excavation. There is an overflow (**Site 20**) of the canal further northeast of the proposed allocation site.

- 11.29 There is a concentration of post-medieval settlement features around School Lane, Aintree, to the west of the proposed allocation site, including a school (**Site 28**), a public house (**Site 37**), a smithy (**Site 39**) and an outbuilding (**Site 41**), as well as houses (**Sites 40 & 42-47**). Additionally, the HER records numerous farms (**Sites 4, 24 & 32**), barns (**Sites 35 & 36**) and additional houses (**Sites 2, 5-7, 9 & 33**). The former sites of Aintree Windmill (**Site 29**), Aintree Watermill (**Site 30**) and its mill race (**Site 31**) are also recorded. To the south of the proposed allocation site, the former location of a post-medieval tannery is recorded at Hunter's House, Wango Lane, Aintree (**Site 34**); this is absent from the illustration of HER records in the CgMs report (CgMs 2014, Figure 2).
- 11.30 CgMs reports the potential for remains of post-medieval (alongside Modern) date to be Nil (CgMs 2014b, 17). While no remains or artefacts of post-medieval date are recorded within the proposed allocation site, there is evidence for post-medieval domestic, agricultural and industrial activity in the surrounding area. The presence of a 17th century farmhouse, Valley House (**Site 21**), to the west indicates some potential for associated remains to be encountered (in particular in the west of the proposed allocation site). Additionally, the undeveloped nature of the proposed allocation site means that it is unlikely that any remains would have been disturbed. This assessment predicts that there is a Low potential for unrecorded remains and artefacts from this period to survive within the proposed allocation site.

Modern Evidence

- 11.31 The map regression by CgMs indicates no significant change in the area of MN 2.33 between 1894 and the mid-20th century. However, mapping of 1966-7 (CgMs 2014b, Figure 9) shows the residential expansion of Aintree up to the northwest boundary of MN 2.33 and the line of the River Alt to the north-east of MN 2.33 is shown to have been straightened considerably. Mapping of 1974-8 (CgMs 2014b, Figure 10) indicates further expansion of housing on the western side of Wango Lane. According to CgMs, the eastern boundary of the proposed allocation site was only defined around 2014 (CgMs 2014b, 17).
- 11.32 Within 1km of the proposed allocation site, the HER records modern communications infrastructure, including the M57 Canal Bridge, Melling (**Site 12**) and Ledsons Bridge (**Site 13**) to the northeast of MN 2.33. The HER also records the mid-20th century rebuilding of The Blue Anchor Inn, School Lane, Aintree (**Site 38**), a public house. The former site of an Anti-Aircraft battery is recorded to the west of Valley House (**Site 76**).
- 11.33 No remains or artefacts of modern date are recorded within the proposed allocation site, which appears to have been under agricultural use during this period. While there is evidence for modern domestic and agricultural activity in the surrounding area, extensive 20th century mapping indicates no use of the proposed allocation site apart from agriculture. The CgMs assessment identified the potential for remains of modern (alongside post-medieval) date to be Nil (CgMs 2014b, 17). This assessment agrees that there is no potential for unrecorded remains from this period to survive within the proposed allocation site.

Walkover Survey

- 11.34 AOC visited MN 2.33 on the 28th of September 2015, in order to assess the potential for archaeological remains to survive on the site. The vicinity of the site was also visited to undertake an independent assessment of the potential for indirect effects upon the settings of designated heritage assets. The site was inspected from the adjacent public road, canal banks and field margins and found to be out-of-use former agricultural land that is overgrown with vegetation (Plate MN 2.33- 1). No evidence of upstanding archaeological remains was identified. The site was overgrown but given the former agricultural use of the land, it is likely that any remains which might survive would be buried. The site is relatively flat and lies below the level of the canal embankment, to its southeast. The settings of the listed buildings and the non-designated canal, and potential effects identified on them are discussed below.

Settings Assessment

- 11.35 The majority of the Grade II Listed Buildings located within 1km of the proposed allocation site would be largely, if not entirely, shielded from it by intervening urban development this includes the group of 26 Listed Buildings (**Sites 22-23 & 48-71**) within Fazakerley Cottage Homes; the group of three 18th century Listed Buildings at Mill Square, Bull Bridge Lane, Aintree (**Sites 25-27**) and the Blue Anchor Bridge, Leeds and Liverpool Canal, Melling Road, Aintree (**Site 18**). This assessment agrees with the assessment set out in the CgMs report which indicates that as these buildings are located at a distance, in urban and suburban contexts, with views of the proposed site allocation blocked by intervening buildings, '*no impact upon their setting or significance is predicted*' (CgMs 2014B, 9). Site visits by AOC demonstrated that (with the exception of **Site 67**, see below) there would be no intervisibility with these Grade II Listed Buildings and structures and the proposed allocation site MN 2.33 and their current settings will not be materially altered by development within the proposed allocation site. Consequently, no effects upon their settings are predicted and this settings assessment will focus upon the Grade II Listed Valley House Farm and the non-designated Leeds and Liverpool Canal which are located immediately east and west of MN 2.33 respectively.
- 11.36 During the assessment site visit in September 2015 it was noted that the very top of what appeared to be the tower of the Grade II Listed New Hall Dining Hall, Longmoor Lane, Fazakerley (**Site 67**), in the centre of the Fazakerley Cottage Homes complex, could be glimpsed through trees in views from the edge of the Liverpool and Leeds Canal (**Site 77**). The setting of this Grade II Listed Building is focussed on the housing complex in which it is located, and of which it forms a central element. From this area of Fazakerley, there would be no visibility of MN 2.33. As such, no appreciable impact on the setting of the Listed Building is predicted.
- 11.37 Given the existence of residential building in immediate proximity to the proposed allocation site and both Valley House and the section of the Leeds and Liverpool Canal adjacent to MN 2.33, it is judged that non-visual factors affecting setting, such as increased noise from the proposed site allocation, would not materially impact the setting of the Listed Building. Therefore the assessment of settings impacts is focussed on alterations to the visual and contextual setting of the Listed Building and the non-designated canal. AOC's assessment of the effect of the proposed allocation site (MN 2.33) upon the settings of the Grade II Listed No 2 Valley Close, Aintree (**Site 21**) and the non-designated Leeds and Liverpool Canal (**Site 77**) has been undertaken using the methodology outlined in Chapter 4 of this report and detailed in Appendix 1.

Valley House

- 11.38 The Grade II Listed Valley House, No 2 Valley Close, Aintree (**Site 21**) and its garden are located west of MN 2.33 (Plate MN 2.33- 2). This much altered 17th century former farmhouse was located on the Molyneux estate, being shown on the estate plan of Aintree of 1769 (CgMs 2014B, Figure 3). It contains fragments of timber framing which arguably may indicate an earlier origin (Haigh 2014, 3). As a Grade II Listed Building, and a survival of the post-medieval farming settlement that pre-dates the expansion of Aintree, it is judged to be of Regional Importance (see Appendix 1; Table 1). The cultural value of the house derives largely from its survival as a late post-medieval farm building, associated with the manor of Sefton. The CgMs assessment notes that *'the house retains much of its character as once rural farmhouse due to its architecture'* (CgMs 2014b, 20). It identifies the cultural value of this Listed Building as being *'derived from its architectural and historical interest'* (CgMs 2014b, 18), AOC agrees this assessment.
- 11.39 Valley House now stands immediately east of an area of mid-to-late 20th century residential building on the eastern edge of Aintree, and its main, south-facing, elevation faces residential buildings across Wango Lane. The farm buildings and yards which were located to the west of the Listed Building in the post-medieval period were removed in the 20th century. The outbuildings now standing northeast of the farm are modern. The proposed site allocation comprises a neglected overgrown landholding, now un-utilised farmland, to the east of the house and its garden, with active agricultural land visible beyond. Valley House's authentic rural setting has now been severely compromised by the suburban housing estates and their road networks which extend to its south and west and which back drop it in views from the elevated towpath of the Leeds Liverpool Canal. Its authentic rural context is still appreciable, despite MN 2.33's current severely overgrown condition, when it is viewed from the east from the canal towpath (Plate MN 2.33-4) The Listed farmhouse is therefore still legible as a rural farmstead associated with the post-medieval agricultural economy and consequently its rural context forms a critical component of both its setting and its overall significance. Consequently Valley House can be said to have a Medium Relative Sensitivity to changes in its setting, as the contribution made by what remains of its rural setting contributes moderately to an observer's experience of it and to the ability to understanding and appreciate appreciation its cultural value (Appendix 1, Table 2).
- 11.40 NPPF notes that setting is, *'the surroundings in which a heritage asset is experienced'*, and notes that *'elements of a setting may make a positive or negative contribution to the significance of an asset'* (2012, 56). This assessment agrees with the CgMs assessment that, *'the setting of Valley House and the site has changed dramatically since the farm was constructed'* (CgMs 2014b, 20). While formerly enjoying open views across low-lying farmland, with associated farm buildings of the farm complex in close proximity to the west, this 17th century farmhouse and its much-curtailed grounds are now enclosed by residential development to the south, west and northwest. The hedgeline on the eastern boundary of the garden and the elevated canal bank beyond (dating to the late 18th century) limits views to the east and southeast. The setting of the farmhouse is therefore chronologically diverse, complex and highly evolved from its original simple rural agricultural form. It now contains elements of neglected landholding and agricultural land (to the east); post-medieval industry (the canal to the south-east) and 20th century suburban development (to the south, west and northwest). The close setting of the grounds of the house has, to an extent, lost its authenticity, now comprising, as it does, gardens (with hedges curtailing views out from the vicinity of the house at ground level) and modern outbuildings. It is devoid of the former associated farm buildings. This assessment is largely in agreement with the CgMs report that, *'the house is...isolated...not as it*

once was in a rural context, rather as a single house representing a relict agricultural past within a modern housing estate...which aesthetically puts it at odds with its modern setting' (CgMs 2014b, 21). However, in spite of the overgrown nature of the surviving neglected rural land (MN 2.33) to the east of the house, there is retention of an element of the original and authentic post-medieval agricultural setting of the house, albeit that this area and the farmland beyond are not clearly visible from the main south-facing elevation (which now faces onto suburban Aintree) and views east from the house are in part shielded by trees, in particular at ground level.

- 11.41 The CgMs report states that, *'there is potential for the setting of Valley House to be irreversibly altered by severing all links with its past and original context by the development of the site to the east'*; however, it suggests that the actual impact on the setting would be less dramatic, due in part to *'trees and hedgerows on the east side [of the gardens], on the boundary shared with the site'*, which *'have removed a visual relationship between landscape and monument by confining the views to within the gardens...thereby detracting from the setting of the house'* (CgMs 2014b, 21). It also states that *'the current setting of the Grade II Listed Valley House is confined to the modern residential development on Valley Close to the north and west, and the gardens within the property boundary to the south and east which is surrounded by trees and other planting.'* The CgMs report states that the alterations to the setting of the house have rendered it *'much more inward looking'* (CgMs 2014b, 22), and though the *'the link with the last vestige of once farmland'* (CgMs 2014b, 22) would be removed, this alteration would *'be unlikely to either enhance or detract from the setting'* (CgMs 2014b, 22).
- 11.42 AOC's assessment of the potential impact on the setting of the house and its grounds does not corroborate these conclusions. While the setting of the house has been altered by later intrusions, residential and industrial, a link remains with the now un-utilised landholding and the active agricultural land to the east, albeit views from the house to these areas is currently limited by intervening vegetation and likely only possible from upper storeys. Development within the proposed site allocation has the potential to cause further severance of the relationship between the Listed former farmhouse and remnants of its rural setting, notwithstanding the present existence of intervening vegetation. Unless the allocation of MN 2.33 is carefully managed, development within the site would remove the last remaining vestige of Valley House's authentic rural setting which is primarily experienced via the interplay between it and the Leeds and Liverpool Canal. Views of the house from the canal towpath particularly contribute to this experience. As such any development which would prevent these views and would affect the ability to experience the house in a rural setting. This would be a potential impact on the setting of the house that is judged to be of Medium Magnitude (see Appendix 1; Table 6).
- 11.43 As the Listed former farmhouse is judged to be of Medium Relative Sensitivity to alterations to its setting, the predicted level of effect on the setting of the Grade II Listed Valley House, No 2 Valley Close, Aintree (**Site 21**) from the proposed site allocation is judged to be Minor-Moderate (see Appendix 1; Table 8). However this assessment is based upon the full area of MN 2.33 being built upon. The Council has suggested that do the heritage constraints only a portion of the site may be developable. If a buffer was to be retained allowing broad views of the farmhouse from the canal bank then the Magnitude of Impact would be reduced and the impact of the development upon the cultural value of the Listed Building would be less. Indeed, if the currently overgrown ground between the canal and the farmhouse were to be managed within the development as public open space the setting of the farm house would, arguably, be better conserved.

Leeds and Liverpool Canal

- 11.44 The Leeds and Liverpool Canal (**Site 77**) (Plate MN 2.33- 3) is non-designated but is a significant cultural heritage feature crossing the landscape of Sefton. While a short assessment was made of potential impacts on this heritage asset in the Heritage Statement by Stephen Haigh (Haigh 2014), CgMs did not take into consideration any potential impacts.
- 11.45 The element of the canal that is located adjacent to the southeast of MN 2.33 is a southwest/northeast aligned canal with a towpath running along its north side (between the canal and MN 2.33). The boundary between the area of the canal and the field of MN 2.33 takes the form of an overgrown boundary, which on occasions is dense and high enough to take the form of a hedge. The canal is located on an embankment (likely in order to place it above surrounding low-lying ground that might be susceptible to flooding) and is therefore above the level of MN 2.33. The canal dates to the later 18th century, though there is modern infrastructure in the area of canal in proximity to MN 2.33, including a raised crossing for utilities in the vicinity of Hancock's Bridge, Leeds and Liverpool Canal, Wango Lane, Aintree (**Site 16**). This swing bridge appears to originate from the turn of the 19th and 20th centuries, when a swing bridge replaced an earlier drawbridge (**Site 17**). However, the structure of the extant swing bridge in this location appears to be largely of more recent date, suggesting that it has itself been renewed.
- 11.46 The canal as a whole, though not designated, is an important cultural heritage feature, having been constructed as a major communications link during the industrial revolution between the port of Liverpool and industrial areas of the northwest and north of England (Wigan, Leeds, etc.) As such, in its entirety it is certainly of Regional Importance, and arguably of National Importance (see Appendix 1; Table 1). However, the present assessment is concerned with the element of the canal in close proximity to MN 2.33, which has seen alterations to its associated infrastructure that reduce its ability to inform with regards to its historic industrial communications role (including the loss of the original drawbridge (**Site 17**)). Additionally, there is a lack of associated industrial or communications features in the vicinity of MN 2.33, such as original infrastructure and buildings, with the exception of an aqueduct where the canal crosses the River Alt (**Site 14**) to the northeast and a winding hole (**Site 15**) to the west. The latter is not visible from the vicinity of MN 2.33 due to intervening residential development. As such, this particular stretch of the canal is judged to be of certain local and, at most, Regional Importance. The report by Stephen Haigh (Haigh 2014, 4) judges this stretch of the canal to be of *'low significance, which arises from its late eighteenth century date and from its being part of the wider canal system, a transport network inextricably linked with the industrial revolution, but there are no special features associated with it in this locality'*. This assessment agrees that the *'lack of special features'*, or rather original, associated, features, limits the ability of this section of the canal to inform, in comparison with the canal as a whole, but judges that the canal in this area could be said to retain a Regional Importance.
- 11.47 As noted above, the Haigh assessment indicates that the cultural value of the canal is derived from its being part of *'a transport network inextricably linked with the industrial revolution'*. This assessment is in agreement with the conclusion that the cultural value of the canal largely derives from its communications and industrial function. The placing of canals across the landscape can generally be seen as primarily connected to their communications and industrial function, as they were positioned in order to provide a link between places, utilising the topography of the area that they crossed to facilitate this purpose. Consequently, it is judged that canals can be generally said to

have a Low Relative Sensitivity to alterations to their setting (see Appendix 1; Table 2), their value residing largely in the physical evidence that they can provide, though their setting makes some contribution to an observer's understanding and appreciation of them. The canal in this area has seen significant modern intrusions, including the construction of residential development on the north bank, altering the relationship between the canal and its former setting. As such, the relationship between the canal in this area and its former, largely rural, setting has been compromised, and at most it is judged to be of Low sensitivity to alterations to its setting (Appendix 1; Table 2). It is additionally judged that the canal is mainly sensitive to alterations to its setting that would inhibit views along its length. Alterations either side of the canal that do not inhibit visibility along its length and that do not hinder the ability to understand how its course relates to the topography of the area, for example where it has been elevated, are less likely to appreciably alter the understanding of the canal and its setting. The assessment by Haigh did not specify the sensitivity of the canal to alterations to its setting.

NPPF notes that setting is, '*the surroundings in which a heritage asset is experienced*', and notes that '*elements of a setting may make a positive or negative contribution to the significance of an asset*' (2012, 56). The assessment by Stephen Haigh, though it briefly describes the canal with its slightly elevated location above MN 2.33, makes little attempt to describe the setting of the canal. The site visit for this assessment in September 2015 identified that the canal is located on the urban fringe of Aintree, with a relatively complex setting, marked by both urban and rural elements. Residential and other buildings, mainly of modern date, are visible across vegetation from the canal towpath, in particular in views across the overgrown MN 2.33 towards the west. To the southwest, the bridge (**Site 16**) over the canal carries traffic south and north and this part of the canal is largely located between areas of urban development. However, along the canal banks, there remain areas of undeveloped land, much of which is wooded, and some of which, to the north of the River Alt, is under cultivation. Thus, the setting of the canal is clearly much altered from the relatively undeveloped farming land through which it crossed when it was first constructed, as shown on 19th century historic maps. However, in spite of the loss of much of the original rural agricultural setting of this element of the canal, there remains some rural elements within its mixed urban edge setting. These rural elements include the proposed allocation site, MN 2.33, though it is at present neglected and overgrown.

- 11.48 The report by Stephen Haigh (2014, 4) states that '*Aligning the proposed housing site boundary along the foot of the canal embankment would provide give [sic] adequate margin to preserve the canal's setting.*' Beyond this, there is no indication of the magnitude of impact on the setting of the canal, nor of the level of such an effect.
- 11.49 AOC's assessment of the potential impact on the setting of the canal considers that residential development within MN 2.33 would be appreciable from the vicinity of the canal and in particular from the towpath to the north. However, any development within MN 2.33 would appear against a backdrop of existing residential housing to the north and west when viewed from the vicinity of the canal from the northeast and there would be little alteration to views of the canal from this area. Housing to the southwest of MN 2.33 already largely screens this area from view from the canal bank to the southwest. Thus, only in the vicinity of the part of the canal in closest proximity to MN 2.33, to its southeast, would the development of MN 2.33 have the potential to lead to appreciable alterations to the setting of the canal. The visibility of development within MN 2.33 would lead to the loss of a small rural element within its setting in this area, this is considered to be an alteration to the

setting of the canal which will not affect those elements of its setting, that at this point, directly contribute to an understanding of its cultural value. The presence of development within MN 2.33 would not inhibit visibility along the canal's length nor would it inhibit the ability to understand how its course relates to the topography of the area. Thus, there is potential for an alteration to the setting of the canal, but this would not materially affect an observer's ability experience the asset or the ability to understand and appreciate its cultural value. This would cause a potential impact on the setting of the canal that is judged to be of Low Magnitude (see Appendix 1; Table 6).

- 11.50 As the canal is judged to be of Low Relative Sensitivity to alterations to its setting, the predicted level of effect on the setting of the Leeds and Liverpool Canal (**Site 77**) in this area from development within the proposed allocation site is judged to be Negligible (see Appendix 1; Table 8).

Direct Impact Assessment

- 11.51 Potential direct impacts on known or unknown buried archaeological remains which may survive within the proposed site allocation require consideration. These impacts were assessed in the heritage assessment submitted by CgMs (2014b, 24-7). The present assessment provides an independent review of the potential direct impacts on heritage assets identified by CgMs.
- 11.52 Direct impacts relate to the possibility of disturbing, removing or destroying *in situ* remains and artefacts during groundbreaking works (including excavation, construction and other works associated with the development) on this site.
- 11.53 The assessment by CgMs indicated Nil potential for medieval to modern remains to be present within the proposed allocation site, and at most Low potential for prehistoric and Roman assets to remain. Overall, the CgMs assessment stated (on two occasions) that, '*the potential for archaeological evidence within the site is considered to be nil*' (2014b, 23, 26). No archaeological works are recorded by the Merseyside HER on the site. Post-medieval historical maps record that the west of MN 2.33 was part of land (likely occupied by an orchard) associated with the 17th century Valley House (**Site 21**). Given the existence of recorded cultural heritage remains in the vicinity of the proposed development, including the findspot of a Neolithic or Bronze Age flint core (**Site 3**) (perhaps imported) identified within the proposed allocation site, this assessment judges that there is limited potential for prehistoric to modern remains to be present within the proposed allocation site. The potential for such remains to be encountered during the course of development is considered to be Low. However, the lack of development shown on 20th century mapping indicates that there is no potential for unrecorded remains from this period to survive within the proposed allocation site.
- 11.54 The magnitude of any direct impacts will be dependent on any final design scheme submitted as part of a planning application which may result from the proposed allocation. In the context of housing development, direct impacts have the capacity to result in impacts of high magnitude as they could potentially result in the destruction or removal of any archaeological deposits which may be present.
- 11.55 The absence of designated heritage assets from MN 2.33 means that no such assets would be directly impacted by the proposed site allocation.

Assessment of the Level of Effect and Harm

- 11.56 The level of effect, in terms of setting impact, is judged to be Minor-Moderate for Valley House and Negligible for the Leeds and Liverpool Cana. The NPPF also requires that an assessment be made of the level of harm, both direct and indirect, which could be caused to heritage assets by development. As paragraph 129 of the NPPF notes, any development will be expected to avoid or minimise conflict between the conservation of heritage assets and any aspect of a development proposal. Great weight should be attached to the conservation of heritage assets and the more important the asset, the greater the weight which should be attached to their conservation (NPPF Para 132) and in this context, the Grade II Listed Valley House, No 2 Valley Close, Aintree (**Site 21**) is relevant. Paragraph 135 of NPPF states that, *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset.'* Although not designated, this assessment also considers the potential for harm to the significance of the Leeds and Liverpool Canal (**Site 77**), given its cultural heritage importance.
- 11.57 The Historic England Advice Note for Site Allocations in Local Plans (HE 2015b) states that harm should always be avoided in the first instance and that mitigation should only be considered if avoidance does not prove possible. The impetus is on the promoter or applicant to fully justify any harm or mitigation and provide evidence to ensure that they will be effective in reducing harm.
- 11.58 The potential for direct impacts is at present hard to quantify without archaeological intervention. This assessment has however found a Low potential for remains of prehistoric to post-medieval date to be present on the site and nil potential for later remains to be present. Depending on the finalised design scheme, there is a potential for direct impacts of high magnitude to occur. It is therefore recommended that a mitigation strategy should be agreed with the Council prior to the submission of any future planning application. This would include investigation by non-intrusive and/or intrusive means to enable the identification and assessment of any surviving remains and to subsequently mitigate any impact upon these. Such mitigation would either be through avoidance, e.g. preserving the remains *in situ*, or, if this was not warranted, through preservation by record facilitated through archaeological excavation, analysis and reporting including publication. The scope of any works would be determined by the Council but could include geophysical survey and trial trenching.
- 11.59 This assessment has identified a potential for an adverse effect upon the setting of the Grade II Listed Valley House, No 2 Valley Close, Aintree (**Site 21**). The assessment by CgMs stated that, *'assuming that the trees blocking views to and from Valley House remain in situ and, furthermore, that the rear gardens to housing within any residential development bound the western perimeter of the site to provide a 'buffer', there will be less than substantial harm by the proposed development to the setting and its significance of the designated asset from the development'* and that *'the economic and public benefits of the development of the site should be weighed against the negligible harm to this designated heritage asset'* (CgMs 2014b, 25). CgMs also assert that, any impact from the development of the site would make a *'neutral/negative contribution to its significance from its setting'*, reaching this conclusion as *'the significance of its setting is already significantly compromised by modern residential development. In addition, trees lining the property boundary block access into and from the house to the south and east'* (CgMs 2014b, 27). This conclusion by CgMs relies in part on the retention of intervening trees, and the existence of a suitable buffer adjacent the boundary of the house and MN 2.33. The present assessment, following site visits,

judges that the screening of the house and its close setting by intervening trees is not absolute (in particular there is likely to be visibility out from the upper storeys of the house, especially in winter months).

- 11.60 As noted above, the level of potential effect on the setting of the house is judged by AOC in this assessment to be Minor-Moderate, in accordance with the methodology outlined in Appendix 1. While the proposed allocation would be harmful to the setting of the farmhouse, this assessment agrees with CgMs that the '*significance of [the house's] setting is already significantly compromised by modern residential development* (CgMs 2014b, 27). In particular, the loss of associated farm buildings in its former close setting, residential development of the later 20th century and the building no longer functioning as a farm, has already reduced, but not removed, the ability to understand the post-medieval agricultural nature of the house and its surroundings.

Given the existing compromised nature of the setting of the farmhouse, it is judged that the potential partial severance of the house from a remaining element of rural setting to its east (already somewhat severed by the existence of trees in the vicinity of the eastern boundary of the property) would not cause a major impediment to the ability to understand or appreciate the house and its cultural value. The potential level of harm from the proposed site allocation on the value of the Grade II Listed Valley House, No 2 Valley Close, Aintree (**Site 21**) is therefore judged to be less than substantial. However, this assessment is in agreement with the CgMs report that the existence of a buffer between the house and development within MN 2.33 would reduce the level of harm. Additionally, the level of harm would be mitigated by the maintenance of open space within any development, permitting viewlines between the house and the towpath of the Leeds and Liverpool Canal. and by the use of building design sympathetic to the scale and construction of Valley House and the already present residential properties in its vicinity. If the currently overgrown ground between the canal towpath and Valley House were to be maintained as public space within the development then the setting of the Listed Building would arguably be better conserved.

- 11.61 The report by Haigh (2014) makes no mention of the level of harm to cultural value resulting from potential settings impacts on the Leeds and Liverpool Canal (**Site 77**). However, this assessment has identified a potential for an adverse effect upon the setting of the non-designated canal in the vicinity of MN 2.33. In accordance with the methodology outlined in Appendix 1 the level of this effect is considered to be Negligible. Paragraph 135 of NPPF states that '*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.*' While the proposed allocation would be harmful to the setting of the canal, the harm would not materially affect the observer's ability to understand the canal's authentic functional purpose as part of the communications network of northwest England during the Industrial Revolution; there would be no appreciable impediment to the understanding of the construction and use of this routeway. The level of harm would be less than substantial.
- 11.62 Given that less than substantial harm to the settings of Valley House and the Liverpool and Leeds is predicted it is pertinent to consider that Paragraph 134 of the NPPF notes that '*where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use*'.

Conclusion

- 11.63 Two assessments have been submitted for MN 2.33, one considers the setting of Grade II Listed House and the other has a wider ranging brief which includes the potential for direct effects upon the buried archaeological resource. The latter assessment underplays the potential for direct impacts and consequently offers insufficient mitigation. AOC has updated this assessment within this review to include these omissions and has also undertaken an independent examination of the potential for indirect impacts upon the settings of designated heritage assets including the Grade II Listed Valley House and the non-designated Leeds and Liverpool Canal.
- 11.64 AOC have identified no substantive heritage constraints which in our view would prevent the allocation of MN 2.33 for residential development under policy NH9 of the Draft Sefton Local Plan. The level of effect upon the setting of the Grade II Listed Valley House would be of Minor-Moderate. However this conclusion is based upon the entire site being built upon and the impact upon the cultural value would be diminished if a buffer between the Listed Building and the canal bank were to be maintained. The predicted level of effect at Minor-Moderate, would result in less than substantial harm in terms of the NPPF and as a consequence any effect on the setting of the Listed Building should be considered within the planning balance under the terms of Paragraph 134 of the NPPF and Policy NH11 of the Draft Sefton Local Plan.
- 11.65 Should the Planning Inspectorate, following its independent review of the Draft Local plan, recommend that MN 2.33 be allocated, further assessment of potential direct impacts would need to be undertaken to inform any subsequent planning applications. Assessment of any specific proposals upon the setting of the assets noted herein should also be required. In such an event any further assessment and evaluation that was required by the Council, would be in accordance with Paragraph 141 of the NPPF and NH13 and NH14 of the Draft Sefton Local Plan.

12. AS 28 Land to the South of Lovelady's Farm, Formby

Introduction and Scope

- 12.1. Sefton Council requested that AOC consider a ninth proposed allocation, of land to the south of Lovelady's Farm Formby (AS 28) (Appendix 9.2 Figure AS 28 -1). AS 28 extends south and west of AS 17 and south of the Liverpool Road on the opposite side of the road from MN 2.16. A specific HER search was not undertaken for AS 28 although it falls entirely within the 1km search areas used for MN 2.16 and MN 2.17 and as such complete HER coverage is available for the land contained within AS 28 (Figure AS 28-1) and this HER information is reproduced within the gazetteer (Appendix 9.1). However it needs to be recognised that this HER coverage extends to within 450m of the AS 28 allocation boundary, rather than the 1km buffer used for the other eight sites. Consequently it is recommended that, should AS 28 be allocated, that the applicant prepares an archaeological desk-based assessment for AS 28. Historic map regression has also been undertaken (Figures AS 28-2 to AS28-10). No specific site visit was undertaken for AS 28 although it was seen from both the Liverpool Road (Plate AS 28-1) and the southern boundary of MN 2.17 (Plate AS 28-2)
- 12.2. No Heritage Assessment has been submitted for AS 28 and AOC's assessment will consist of a brief review of the potential for direct and indirect impacts including the possibility of cumulative indirect impacts upon the settings of the three Grade II Listed Buildings at Lovelady's Farm if AS 28, MN 2.16 and MN 2.17 were all to be developed.

Heritage Baseline

- 12.3. Detailed heritage baseline reporting has already been undertaken for MN 2.16 and MN 2.17 (Chapter 9) and consequently will not be duplicated here. The site numbers referred to on Figure AS 28-1 and within the AS 28 gazetteer (Appendix 9.1) are the same as those used for MN 2.16 and MN 2.17 and each of these heritage assets has been discussed within Chapter 9.
- 12.4. A search of the National Heritage Listed for England identified two additional Grade II Listed Buildings, Moss Farmhouse, Ince Blundell (**Site 60**) and Barn to the East of Grange Farm, Ince Blundell (**Site 59**), within 1km of AS 28 which lie beyond 1km of MN 2.16 and MN 2.17 and consequently were not discussed within Chapter 9.
- 12.5. Three Grade II Listed Buildings: Lovelady's Farm No 110 Liverpool Road (**Site 27**); No 1 and 2, The Barns, Liverpool Road (**Site 37**) and No 3 and 4, The Barns, Liverpool Road (**Site 38**) stand within the proposed boundary of AS 28. The history and character of this historic collection of farm buildings has already been discussed in detail in Chapter 9 and will not be repeated here. This assessment will focus on the potential for indirect effects upon the settings of **Sites 27, 37 and 38**, although given that they are located within the proposed allocation boundary it is considered prudent to highlight that any works which would directly affect them will require Listed Building Consent.
- 12.6. A single non-designated heritage asset, the former course of the River Alt (**Site 57**) is recorded crossing the southern part of AS 28 from east to west. The former water course is recorded as a flowing river on historic maps from at least 1769 when it is shown on the 1769 Altcar Estate Map (Figure AS-2). It was also shown on the 1778 Plan of Damaged Land Adjoining the River Alt (Figure AS 23-3) prepared after severe flooding which affected the southern half of AS 28 and the 1780 Altcar Estate Map (Figure AS 28-4). It is shown on Ordnance Survey maps from the 1845-6 1st

Edition Ordnance Survey map (Figure AS 28-5), which also shows historic watercourses extending across AS 28, and continues to be shown running through the proposed allocation site on Ordnance Survey maps until 1974 (Figure AS 28-10). The watercourse can be seen on the intervening Ordnance Survey maps in Figures AS 28-6 to AS 28-9. The River Alt has subsequently been straightened and diverted southwards away from Liverpool Road. The modern canalised route of the Alt now forms the southern boundary of AS 28.

- 12.7. There are two rectangular buildings shown on the 1769 Altcar Estate Map (Figure AS 28-2) which seem to predate Lovelady's Farm. These buildings may represent the origins of the farm, as the Lovelady family owned land and was leasing it out in the area or they may be simple barn structures. By the first Ordnance Survey in 1845 a pump and well are shown at the location of Lovelady's Farm and only the western most of the 1769 buildings is shown (Figure AS 28-5). In 1892 (Figure AS 28-6) both of the earlier structures have been lost and a well is located on the site. A rectangular structure is built to the south of Lovelady's Farm between 1892 and 1906 (Figure AS -7) which was most likely a barn and this building exists on the site until after 1955 (Figure AS 28- 8 & 9).
- 12.8. With the exception of the Lovelady's Farm buildings discussed above no other structures are shown within AS 28 on the historic maps.

Settings Assessment

- 12.9. The group of Grade II Listed Buildings of Lovelady's Farm (**Site 27**), No 1 and 2 The Barns (**Site 37**) and No 3 and 4 The Barns (**Site 38**) stand within the northern boundary of the proposed allocation AS 28. The three buildings have been discussed in detail in Chapter 9 (para's 9.28-32 and 9.34) although it needs to be noted that they form a group which incorporate the main farmhouse and two outbuildings of the (former) working Lovelady's Farm. A cattery has been established at Lovelady's Farm Farmhouse, whilst the two Listed farm buildings (**Sites 37** and **38**) have been converted to residential use. As the cultural value of the structures is inextricably linked to their group value, this settings assessment will assess the predicted indirect impact of development within AS 28 on the whole Farm rather than the individual structures.
- 12.10. As was noted in Chapter 9 (Para 9.33), the authentic setting of the farm lies in its relationship with its agricultural landscape. The placing of farmhouses within the landscape can generally be seen as functional as they were typically positioned in relation to their landholdings and to take advantage of agricultural resources and communication routes. The Listed Buildings and structures of Lovelady's Farm were purposefully placed to exploit and manage the agricultural resources of its landholding. Views southwards and westwards across agricultural lands from the farm are considered to be elements of setting which make a material contribution to its cultural value. Whilst, the heritage assessment submitted in support of MN 2.16 and MN 2.17 (Levrant 2015,17) is correct in pointing out that Lovelady's Farm is on the edge of an urban settlement, the farm's authentic character as a rural agricultural complex remains legible, particularly when it is viewed from the south and southwest.
- 12.11. However it also needs to be acknowledged that the element of setting which contributes most the cultural value of the farm relates to the courtyard and the interplay between the three Listed Buildings. Indeed the Listing Description for the farmyard buildings **Sites 37** and **38** explicitly notes that they have been listed to protect the understanding and setting of Lovelady's Farm and Farmhouse (**Site 27**). The three buildings are positioned around a central farmyard and each

structure's principle facade faces inwards into the court. The north elevation of Lovelady's Farmhouse (**Site 27**) has a central, arched entrance, the front elevation of No 1 and 2 The Barns (**Site 37**) also faces inwards to the main courtyard and **Site 38's** eastern facade faces east into the central courtyard. Lovelady's Farmhouse has windows in its south facing elevation however a tree line, erected along the plot boundary, means views southward and across its historic fields are limited. The views west are also limited by a tree and hedge line which marks the boundary of the farm and by **Site 38** which sits on the western side of the plot. From the southeast along Liverpool Road, glimpses of the Farm are possible from a distance, however trees and hedges marking the southern boundary of Lovelady's Farm limit views of and from it in this direction.

- 12.12. AOC's assessment for MN 2.16 and MN 2.17 found the Listed Buildings at Lovelady's Farm to be of Regional Importance and to have a Medium Relative Sensitivity to changes in their setting and these conclusions remain unchanged. The reasons for these findings are discussed in detail in paragraph 9.36 and will not be repeated in detail although it is worth noting that the Medium Relative Sensitivity of the buildings is derived in part from the contribution made by their rural context to their setting. This is because their setting contributes moderately to an observer's experience of the assets and also contributes to an understanding and appreciation of their cultural value (Appendix 1, Table 2).
- 12.13. AS 28 extends across arable fields to the south of Lovelady's Farm, whilst visibility may be limited in places by tree planting around the boundaries of the farmstead it is assumed that given the extent of the proposed allocation a degree of intervisibility will be inevitable, although this could not be confirmed without a detailed site visit. The open expanse of arable land south of the farmstead (AS 28) is the only perspective from which the farms authentic open fen edge context can be appreciated and consequently it is particularly sensitive to changes which would impact upon this critical element of its setting. Notwithstanding potential limitations in visibility, large scale development within AS 28 would inevitably entirely remove the Listed farm complex from its rural setting and place it within an urban context. This loss of agricultural land would inevitably result in a direct severance of the relationship between the asset and its setting which would be irrecoverable and the loss of the farm's agricultural setting would be permanent. Consequently in accordance with the criteria laid out in Appendix 1 (Table 6), the impact would be of High Magnitude. Given its Medium Relative Sensitivity to Changes in its setting the overall level of impact upon the setting of the three Listed Buildings at Lovelady's Farm is predicted to be Moderate (Appendix 1, Table 8).
- 12.14. This assessment has only considered the potential for indirect effects upon the three Listed Buildings at Lovelady's Farm resulting from development within AS 28, if the site were allocated it is recommended that consideration be made of the settings of other Listed Buildings within 1km of its boundary including the two Grade II Listed Buildings Moss Farmhouse, Ince Blundell (**Site 60**) and Barn to the East of Grange Farm, Ince Blundell (**Site 59**).

Direct Impact Assessment

- 12.15. Potential direct impacts on known or unknown buried archaeological remains which may survive within the proposed allocation site relate to the possibility of disturbing, removing or destroying in situ remains and artefacts during groundbreaking works (including excavation, construction and other works associated with the development) on the sites.
- 12.16. A full archaeological desk-based assessment has not been undertaken for AS 28 and consequently it is not possible to predict the potential for archaeological remains to survive with confidence.

Historic map regression undertaken as part of this assessment has however found that the former course of the River Alt extended across the southern part of AS 28 at least until 1974 (Figure AS 28-10), whilst other historic watercourses are shown within AS 28 on the First Edition Ordnance Survey 6 inch to the mile map of 1845-6 (Figure AS 28-5). Given this the potential for buried palaeoenvironmental evidence including waterlogged deposits being present within AS 28 is considered to be High.

- 12.17. The magnitude of any direct impacts will be dependent on any final design scheme submitted as part of a planning application which may result from development within the proposed allocation site. In the context of housing development direct impacts have the capacity to result in impacts of high magnitude as they could potentially result in the destruction or removal of any archaeological deposits which may be present.
- 12.18. Given the that a full archaeological desk-based assessment has not been undertaken for AS 28 it is recommended that, should the land be allocated, any future planning application should require be accompanied by a detailed desk-based assessment.

Assessment of the Level of Effect and Harm

- 12.19. A Moderate level effect upon the setting of the Listed Buildings at Lovelady's Farm is predicted to result from any development within the proposed allocation site at AS 28. The NPPF also requires that an assessment be made of the level of harm, both direct and indirect, which could be caused to heritage assets by development. As paragraph 129 of the NPPF notes '*any development will be expected to avoid or minimise conflict between the conservation of heritage assets and any aspect of a development proposal.*' Great weight should be attached to the conservation of heritage assets and the more important the asset, the greater the weight which should be attached to their conservation (NPPF Para 132) and in this context the Grade II Listing of Lovelady's Farm Farmhouse, No 1 and 2 The Barns and No 3 and 4 The Barns is relevant. The Historic England Advice Note for Site Allocations in Local Plans (HE 2015b) states that harm should always be avoided in the first instance and that mitigation should only be considered if avoidance does not prove possible. The impetus is on the promoter or applicant to fully justify any harm or mitigation and provide evidence to ensure that they will be effective in reducing harm
- 12.20. The potential for direct impacts is at present hard to quantify without archaeological intervention preceded by a detailed desk-based assessment. This assessment has however identified a High potential for buried palaeoenvironmental evidence associated with the former course of the River Alt which was present within AS 28 until 1974. Depending on any finalised design scheme, there is a potential for direct impacts of high magnitude to occur. Given this it is recommended that, should AS 28 be allocated, a mitigation strategy should be agreed with the Council prior to the submission of any future planning application. This would include investigation by non-intrusive and/or intrusive means to enable the identification and assessment of any surviving remains and to subsequently mitigate any impact upon these. Such mitigation would either be through avoidance, e.g. preserving the remains in situ, or if this was not warranted through preservation by record facilitated through archaeological excavation, analysis and reporting including publication. The scope of any works would be determined by the Council but could include geophysical survey and trial trenching.
- 12.21. This assessment has identified the potential for an adverse impact upon the setting of the collection of Grade II Listed Lovelady's Farm. In accordance with the methodology outlined in Appendix 1 the

level of this effect is considered to be Moderate. The proposed allocation would sever the relationship between the Listed farmhouse and its historic open agricultural context and place it instead within a 21st century suburban setting. Whilst it would no doubt still be possible to understand the building's agricultural origins when inspecting it at close quarters, when viewed at a distance from the east and southeast it would in all probability be barely discernible within the suburban environment and, at best, harder to interpret as a former farm. The predicted impact of this would be 'significant' in planning terms. However, as per the NPPG (2014) the test for substantial harm is set at a high threshold and while there would certainly be harm to the setting of the heritage assets such that there was a reduction in the ability to experience it and appreciate its cultural value, it is not judged here that this amounts to substantial harm. This is because while the context in which the asset is seen will change, the intrinsic value of the asset will remain and as set out above understanding of it as a post-medieval farmhouse and its special architectural interest would still be discernible. In addition as set out above the element of setting which contributes the most to the cultural value of the Listed Buildings is their relationship to one another within the courtyard around which they are set. It is presumed that no development would take place within the courtyard context. Paragraph 134 of the NPPF notes that '*where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use*'. Consequently, the tests outlined in Paragraphs 134 of the NPPF should be applied and the proposed allocation should only be allowed if it can clearly be shown that the public benefits of allocating the land outweigh the significant adverse effect upon the setting of the farmhouse.

- 12.22. With regard to the levels of effect resulting from development within the proposed allocation sites MN 2.16 and MN 2.17, AOC predict that the level of effect upon the setting of the Listed Buildings at Lovelady's Farm will be Minor and Minor-Moderate, respectively (paragraphs 9.38 and 9.39). The level of effect arising from development of AS 28 alone is judged to be Moderate. Whilst MN 2.16 and MN 2.17 would not either individually or collectively result in a significant effect upon the setting of the three Listed Buildings, AS 28 would, even if it were to be developed on its own without MN 2.16 and MN 2.17, have a significant effect.

Conclusion

- 12.23. This assessment has predicted that the proposed allocation will result in a Moderate adverse effect upon the setting of Grade II Listed Buildings at Lovelady's Farm, Formby. This effect upon these assets is considered '*significant*' in planning terms. The effect is judged to amount to less than substantial harm under the terms of the NPPF. Section 66(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act, requires planning authorities to have '*special regard to the desirability of preserving the [listed] building or its setting*' and the Court of Appeal has placed emphasis on this duty. Paragraph 134 of the NPPF states where development will cause less than substantial harm to the cultural value of a heritage assets development should only be permitted if the public benefits clearly outweigh the harm to the asset. Policy NH10 of the Draft Local Plan states that development which effects the settings of Listed Buildings will only be permitted where it, '*preserves*' the setting and '*respects and conserves historic and positive existing relationships between the listed building and its surroundings*'. It is clear that any development within AS 28 would fail to meet the criteria set out in NH10 as it would break the setting relationship between the Listed farm buildings and their agricultural context. The allocation of AS 28 would also sit uncomfortably with the statutory duty to pay '*special regard*' to the settings of Listed Buildings placed on planning authorities by the 1990 Act.

AOC therefore consider AS 28 to be unsuitable for allocation unless the public benefits of allocation can be shown to clearly outweigh the harm to the heritage asset.

- 12.24. Notwithstanding the above, AOC's assessment of direct impacts has found a High potential for buried palaeoenvironmental evidence to be present within the proposed allocation site. It is recommended that in the event of the land being allocated and a subsequent planning application being progressed, the Council should require further assessment including a desk-based assessment and in all likelihood a subsequent archaeological field evaluation, in order to assess the potential impacts of the specific development proposal. This would be in accordance with Paragraph 141 of the NPPF and NH13 and NH14 of the Draft Sefton Local Plan.

13. Executive Summary

- 13.1. Sefton Council commissioned AOC Archaeology Group to undertake an independent review of eight heritage statements submitted in support of proposed residential allocations within the Sefton Draft Local Plan. AOC is a Registered Organisation of the Chartered Institute for Archaeologists (CIfA) and conforms to the standards of professional conduct outlined in the CIfA Code of Conduct, the CIfA Code of Approved Practice for the Regulation of Contractual Arrangements in Field Archaeology and the CIfA Standards and Guidance for historic environment projects including for Desk Based Assessments.
- 13.2. The heritage assessments for review relate to eight sites located within the Sefton Council Local Authority Area. These are:
- AS 10 Land at Edge Lane, Thornton
 - AS 30 Land at Damfield Lane, Maghull
 - MN 2.2 Land at Bankfield Lane, Churchtown
 - MN 2.11 Land south of Moor Lane, Ainsdale
 - MN 2.16 Land at Liverpool Road, Formby & MN 2.17 Land at Altcar Lane, Formby (covered by one assessment)
 - MN 2.19 Land at Andrew's Lane, Formby
 - MN 2.33 Land at Wango Lane, Aintree (two assessments)
- 13.3. A single heritage assessment covers the allocations at Liverpool Road (MN 2.16) and Altcar Road (MN 2.17) Formby; whilst two separate assessments have been submitted for Wango Lane (MN 2.33). Eight heritage assessments were assessed in total.
- 13.4. Sefton Council subsequently requested that AOC consider a ninth site:
- AS 28 Land to the south of Lovelady's Farm, Formby
- 13.5. No heritage assessment has been submitted for AS 28 so AOC's assessment will consist of a brief review of the potential for direct and indirect impacts, including the possibility of cumulative indirect impacts upon the settings of the three Grade II Listed Buildings at Lovelady's Farm if AS 28, MN 2.16 and MN 2.17 were all to be developed.
- 13.6. The review undertaken by AOC is independent and impartial, no weight has been attached to whether an individual site has been included or omitted from the Draft Local Plan. AOC understand that the proposed allocations are proposed for housing and we have based our review upon this, assuming that given the character of the areas concerned no development would exceed two storeys. AOC's review had four key aims and objectives:
- To review the submitted heritage assessments with respect to their accuracy and the soundness of the data used; assumptions made, and conclusions reached.
 - To consider whether the submitted heritage assessments meet the requirements of current planning regulations and guidance set out in the National Planning Policy Framework (NPPF), National Planning Practice Guidance and Historic England guidance.

- To identify deficiencies in the submitted heritage assessments. The report sets out the results of the appraisal of each submitted heritage assessment, identifying any issues with the heritage assessments and establishing strategies for their rectification.
- To report on conclusions with regards to heritage impacts where they differ from the submitted heritage assessments.

13.7. The eight heritage assessments were found to vary in scope; only two, for MN 2.2 and MN 2.33 prepared by CgMs Ltd contain reviews of the archaeological evidence and the potential for buried or upstanding archaeological remains being directly impacted by development, should allocation and subsequently development occur. The remaining assessments were all restricted to consideration of the potential for impacts upon the settings of Listed Buildings or the character of Conservation Areas. None of the assessments were found, in AOC's opinion to be entirely satisfactory.

13.8. AOC's findings are summarised here by proposed allocation site:

AS 10 Land at Edge Lane Thornton

13.9. With regard to AS 10 Land at Edge Lane, Thornton, AOC have undertaken additional desk-based assessment in order to allow for an assessment of the potential for direct impacts upon any buried archaeological remains or artefacts which may be impacted by development. An independent review and assessment has also been undertaken for the potential for indirect impacts upon the settings of designated heritage assets within 1km of AS 10, including the Grade II Listed Tan House Farmhouse. AOC's findings on AS 10 are reported in Chapter 5 of this review (Paragraphs 5.52 – 5.54).

13.10. The assessment for AS 10 is limited in its scope, omitting the potential for direct impacts upon archaeological remains from consideration. While it considers the settings of Grade II Listed Tan House farmhouse and Orchard Farmhouse, other Listed Buildings within 1km of the proposed allocation site are not considered. The assessment underplays the potential indirect impacts upon the setting of Tanhouse Farm. The proposed mitigation of the effects on Tanhouse Farm is unsatisfactory and no mitigation is offered to address the potential for direct impacts upon buried archaeological remains. The submitted assessment for AS 10 states that 'a substantial portion of the green corridor will be retained' (Miller 2015, 30). However the proposed housing allocation will sit between the Grade II Listed Tan House farmhouse and this 'green corridor' and consequently the proposed mitigation would not provide adequate protection for the setting of the farmhouse.

13.11. This assessment has predicted that the proposed allocation will result in a Moderate adverse effect upon the setting of Grade II Listed Tan House farmhouse. This effect is considered '*significant*' in planning terms. The effect is judged to amount to less than substantial harm under the terms of the NPPF. Section 66(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act, requires planning authorities to have '*special regard to the desirability of preserving the [listed] building or its setting*' and the Court of Appeal has placed emphasis on this duty. Paragraph 134 of the NPPF states where development will cause less than substantial harm to the cultural value of a heritage assets development should only be permitted if the public benefits clearly outweigh the harm to the asset. Policy NH10 of the Draft Local Plan states that development which effects the settings of Listed Buildings will only be permitted where it, '*preserves*' the setting and '*respects and conserves historic and positive existing relationships between the listed building and its surroundings*'. It is clear

that any development within AS 10 would fail to meet the criteria set out in NH10 as it would break the setting relationship between the Listed farmhouse and its agricultural land. The allocation of AS 10 would also sit uncomfortably with the statutory duty to pay '*special regard*' to the settings of Listed Buildings placed on planning authorities by the 1990 Act. AOC therefore consider AS 10 to be unsuitable for allocation unless the public benefits of allocation can be shown to *clearly outweigh* the harm to the heritage asset.

- 13.12. Notwithstanding the above, AOC's assessment of direct impacts has found a High potential for remains or artefacts of medieval or later date being present on the proposed allocation site and a Low potential for remains or artefacts of earlier periods being present. It is recommended that in the event of the land being allocated and a subsequent application being progressed, the Council should require further assessment and evaluation, in order to assess the potential impacts of the specific development proposal. This would be in accordance with Paragraph 141 of the NPPF and NH13 and NH14 of the Draft Sefton Local Plan.

AS 28 Land to the South of Lovelady's Farm, Formby

- 13.13. AOC is unaware that any heritage assessment has been undertaken for the proposed allocation site AS 28, Land to the South of Lovelady's Farm, Formby. Following the Council's request AOC have undertaken a limited assessment of the potential for direct impacts upon any buried archaeological remains or artefacts which may be impacted by development of this site. However we would recommend that the Council request a full archaeological desk-based assessment should AS 28 be allocated. An independent assessment has also been undertaken of the potential for indirect impacts upon the settings of the three Listed Buildings at Lovelady's Farm, Formby. AOC's findings on AS 28 are reported in Chapter 12 of this review (Paragraphs 12.23 – 12.24).
- 13.14. AOC's assessment has predicted that the proposed allocation of AS 28 would result in a Moderate adverse effect upon the setting of Grade II Listed Buildings at Lovelady's Farm, Formby. This effect upon these assets is considered '*significant*' in planning terms. The effect is judged to amount to less than substantial harm under the terms of the NPPF. Section 66(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act, requires planning authorities to have '*special regard to the desirability of preserving the [listed] building or its setting*' and the Court of Appeal has placed emphasis on this duty. Paragraph 134 of the NPPF states where development will cause less than substantial harm to the cultural value of a heritage assets, development should only be permitted if the public benefits clearly outweigh the harm to the asset. Policy NH10 of the Draft Local Plan states that development which effects the settings of Listed Buildings will only be permitted where it, '*preserves*' the setting and '*respects and conserves historic and positive existing relationships between the listed building and its surroundings*'. It is clear that any development within AS 28 would fail to meet the criteria set out in NH10 as it would break the setting relationship between the Listed farm buildings and their agricultural context. The allocation of AS 28 would also sit uncomfortably with the statutory duty to pay '*special regard*' to the settings of Listed Buildings placed on planning authorities by the 1990 Act. AOC therefore consider AS 28 to be unsuitable for allocation unless the public benefits of allocation can be shown to *clearly outweigh* the harm to the heritage asset.
- 13.15. Notwithstanding the above, AOC's assessment of direct impacts has found a High potential for buried palaeoenvironmental evidence to be present within the proposed allocation site. It is recommended that, in the event of the land being allocated and a subsequent planning application being progressed, the Council should require further assessment including a desk-based

assessment and in all likelihood a subsequent archaeological field evaluation, in order to assess the potential impacts of the specific development proposal. This would be in accordance with Paragraph 141 of the NPPF and NH13 and NH14 of the Draft Sefton Local Plan.

AS 30 Land at Damfield Lane, Maghull

- 13.16. With regard to AS 30 Land at Damfield Lane, Maghull, AOC have undertaken additional desk-based assessment in order to allow for an assessment of the potential for direct impacts upon any buried archaeological remains or artefacts which may be impacted by development. An independent review and assessment has also been undertaken of the potential for indirect impacts upon the settings of designated heritage assets within 1km of AS 30 including the Damfield Lane Conservation Area and the Listed Buildings within it. AOC's findings on AS 10 are reported in Chapter 6 of this review (Paragraphs 6.72 – 6.76).
- 13.17. The submitted assessment for AS 30 is largely confined to consideration of the character of the Damfield Lane Conservation Area. While Listed Buildings are referenced, with the exception of the tower of St Andrew's Church, their settings are not considered. The assessment does not include an assessment '*of the potential impact of the proposed development on the significance of heritage assets in the context of the NPPF and local planning policy*' (De Figueiredo 2015, 3), arguing that this can be deferred until the post-allocation application stage. AOC consider this approach to be insufficient in the light of Para's 128 and 129 of the NPPF. This is because whilst NPPF does not specifically discuss heritage in terms of the allocation of land in local plans, the framework notes that the policies and principles set out within it are also relevant to plan-making (2012, 30, footnote 29). Overall, the assessment underplays the potential impacts on both the character of the Conservation Area and the settings of the Listed Buildings within it. The potential for direct impacts upon archaeological remains fall outwith the scope of the submitted assessment and consequently no mitigation is considered.
- 13.18. This assessment has predicted that the proposed allocation will result in an adverse Major effect upon both the character of the Damfield Lane Conservation Area and the setting of the tower of the Grade II Listed St Andrew's Church. A Moderate effect is also predicted upon setting of St Andrew's Church in the context of the experience of the asset from the churchyard. These impacts are considered '*significant*' in planning terms. The level of harm to the Conservation Area and St Andrew's Church are considered to be substantial under the terms of the NPPF. Section 66(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act, requires planning authorities to have '*special regard to the desirability of preserving the [listed] building or its setting*'. The Court of Appeal has placed emphasis on this duty and also places an equivalent duty upon planning authorities with regard to Conservation Areas noting Section 72 (1) which states that '*in the exercise, with respect to any buildings or other land within a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'.
- 13.19. Paragraph 132 of the NPPF states that '*Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting... Substantial harm to or loss of a grade II listed building, park or garden should be exceptional*', whilst Paragraph 138 indicates a broadly equivalent approach regarding proposals which would result in substantial harm to the cultural value of a Conservation Area. Policy NH9 of the Draft Sefton Local Plan states that '*development which results in substantial harm to, or demolition of, a designated heritage asset or its setting will not be permitted*'. Policy NH10 of the Draft Local Plan elaborates on this stating that

development which effects the settings of Listed Buildings will only be permitted where it, ‘preserves’ the setting and ‘respects and conserves historic and positive existing relationships between the listed building and its surroundings’. Conservation Areas are addressed within Policy NH11 of the Draft Sefton Local Plan which states that ‘development within conservation areas or affecting their setting will only be permitted where the proposal is of high quality design and preserves or enhances the character or appearance of the conservation area or its setting.’

- 13.20. It is clear that development within AS 30 would fail to meet the criteria set out in NH10 and NH11 of the Draft Sefton Local Plan as it would result in substantial and irrevocable harm to both the character of the Conservation Area and the setting of the Grade II Listed Parish Church of St Andrew, Maghull. The proposal would therefore also breach Policy NH9 and would conflict with Paragraph 132 of the NPPF. The allocation of AS 10 would also sit uncomfortably with the statutory duty to pay ‘special regard’ to the preservation of the settings of Listed Buildings and ‘special attention’ to the desirability of preserving the character of Conservation Areas placed on planning authorities by the 1990 Act. For these reasons AOC consider AS 30 to be unsuitable for allocation.
- 13.21. In the case that the Planning Inspectorate, following its independent review of the Draft Local Plan, recommend that AS 30 is allocated, AOC considers that further assessment of potential direct impacts would need to be undertaken to inform any subsequent planning application. Assessment of any specific proposals upon the setting of the assets noted herein should also be required. In such an event any further assessment and evaluation that was required by the Council, would be in accordance with Paragraph 141 of the NPPF and NH13 and NH14 of the Draft Sefton Local Plan.

MN 2.2 Land at Bankfield Lane, Churchtown

- 13.22. With regard to the proposed allocation site MN 2.2 Land at Bankfield Lane, Churchtown, AOC have undertaken an independent review and assessment of the potential for both direct and indirect impacts resulting from the proposed allocation, including a consideration of the potential impacts upon the settings of designated heritage assets within 1km of MN 2.2. AOC’s findings on MN 2.2 are reported in Chapter 7 of this review and the conclusions reported in Paragraphs 7.73 – 7.74.
- 13.23. CgMs’s assessment submitted in support of the proposed allocation of MN 2.2 is one of the most complete of the submissions reviewed by AOC and includes detailed cartographic and Historic Environment Record based research on the heritage resource. However, AOC consider that the CgMs assessment underplays the potential for direct impacts upon potential buried archaeological remains and that the proposed mitigation, or lack thereof, is consequently inadequate. We have identified no substantive heritage constraints which in our view would prevent the allocation of land for development under policy NH9 of the Draft Sefton Local Plan. At worst, the impact upon the setting of the North Meols Conservation Area would be of Low Magnitude and given its High Relative Sensitivity would result in, at most, a Minor-Moderate level of effect. This level of predicted effect will be less than substantial in terms of the NPPF and as a consequence any effect on the setting of the Conservation Area should be considered within the planning balance under the terms of Paragraph 134 of the NPPF and Policy NH11 of the Draft Sefton Local Plan.

Should the Planning Inspectorate, following its independent review of the Draft Local plan, recommend that MN 2.2 is allocated, further assessment of potential direct impacts would need to be undertaken to inform any subsequent planning application. Assessment of any specific proposals upon the setting of the assets noted herein should also be required. In such an event, any further

assessment and evaluation required by the Council would be in accordance with Paragraph 141 of the NPPF and NH13 and NH14 of the Draft Sefton Local Plan.

MN 2.11 Land South of Moor Lane Ainsdale

- 13.24. With regard to the proposed allocation site at MN 2.11 Land South of Moor Lane, Ainsdale, AOC have undertaken an independent review and assessment of the potential for both direct and indirect impacts resulting from the proposed allocation, including a consideration of the potential impacts upon the settings of designated heritage assets within 1km of MN 2.11. AOC's findings on MN 2.11 are reported in Chapter 8 of this review and the conclusions reported in Paragraphs 8.49 – 8.52.
- 13.25. The assessment prepared by Joanna Morgan submitted for MN 2.11 was the shortest of the submissions reviewed by AOC, confined to a single letter written by a conservation architect, it provides only a summary of the setting of Grade II Listed Formby House Farm. No consideration is given to the potential for indirect impacts upon other designated assets within 1km of the site or direct impacts upon any archaeological remains which may potentially be present. Consequently no mitigation for addressing potential impacts upon archaeological remains is proposed. AOC has undertaken a comprehensive assessment which includes the potential for buried archaeological remains in order to correct these deficiencies.
- 13.26. AOC's assessment of the site has been based upon the MN 2.11 boundary supplied to us by Sefton Council, this boundary allows for a larger buffer surrounding the Grade II Listed Formby House Farm than the more limited buffer proposed by Joanna Morgan. AOC's conclusions on potential impact of development upon the setting of the farmhouse are based upon the Council's buffer; if development were to extend to the more localised buffer proposed by Morgan, the impact upon the cultural value of the asset would clearly be greater.
- 13.27. Assuming that the land within the buffer proposed by the Council is excluded from the allocation, we have identified no substantive heritage constraints which in our view would prevent the allocation of land for development under policy NH9 of the Draft Sefton Local Plan. The impact upon the setting of Grade II Listed Formby House Farm would be of Medium Magnitude, a Minor-Moderate level effect. This level of predicted effect will be less than substantial and as a consequence any effect on the setting of the Listed Building should be considered within the planning balance under the terms of Paragraph 134 of the NPPF and Policy NH11 of the Draft Sefton Local Plan.
- 13.28. Should the Planning Inspectorate, following its independent review of the Draft Local Plan, recommend that MN 2.11 is allocated, further assessment of potential direct impacts would need to be undertaken to inform any subsequent planning application. Assessment of any specific proposals upon the setting of the assets noted herein should also be required. In such an event any further assessment and evaluation required by the Council, would be in accordance with Paragraph 141 of the NPPF and NH13 and NH14 of the Draft Sefton Local Plan.

MN 2.16 Land at Liverpool Road, Formby and MN 2.17 Land at Altcar Road, Formby

- 13.29. With regard to the proposed allocation sites at MN 2.16 Land at Liverpool Road, Formby and MN 2.17 Land at Altcar Road, Formby, AOC have undertaken an independent review and assessment of the potential for both direct and indirect impacts resulting from the proposed allocation, including a consideration of the potential impacts upon the settings of designated heritage assets within 1km of MN 2.16 and MN 2.17. AOC's findings on these proposed allocations are reported in Chapter 9 of this review and the conclusions reported in Paragraphs 9.51 – 9.54
- 13.30. A single assessment has been submitted to cover sites MN 2.16 and MN 2.17. While they are not conjoined, the two sites are located in close proximity and any development within them would potentially raise similar issues, most notably in relation to the settings of the Listed Buildings at Lovelady's Farm. This approach is considered appropriate and this assessment also reviews the two proposed site allocations together. The submitted assessment only considers potential impacts upon the settings of the Lovelady's Farm Listed Buildings, considerations of the potential effects on other Listed Buildings within 1km of the proposed site allocation are omitted. Archaeological issues also fall beyond the scope of this assessment. Consequently no consideration is given to the potential for direct impacts and no mitigation is offered. AOC has updated this assessment within this review to include these omissions
- 13.31. AOC have identified no substantive heritage constraints which, in our view, would prevent the allocation of either MN 2.16 or MN 2.17 for development under policy NH9 of the Draft Sefton Local Plan. The impact upon the settings of the three Grade II Listed farm buildings at Lovelady's Farm would be of Medium Magnitude resulting in a Minor-Moderate level of effect in the case of MN 2.17. A Low Magnitude impact upon the setting of the Listed Buildings at Lovelady's Farm is predicted in the case of MN 2.16 this would result in a Minor level of effect. The finding with respect to MN2.16 would dependent upon the high vegetation along the intervening southern boundary of the proposed allocation being retained within any future development. These levels of predicted effect will constitute less than substantial harm in terms of the NPPF and as a consequence any effect on the setting of the Listed Building should be considered within the planning balance under the terms of Paragraph 134 of the NPPF and Policy NH11 of the Draft Sefton Local Plan.
- 13.32. Should the Planning Inspectorate, following its independent review of the Draft Local plan, recommend that MN 2.16 or MN 2.17 are allocated, further assessment of potential direct impacts would need to be undertaken to inform any subsequent planning applications. Assessment of any specific proposals upon the setting of the assets noted herein should also be required. In such an event, any further assessment and evaluation required by the Council, would be in accordance with Paragraph 141 of the NPPF and NH13 and NH14 of the Draft Sefton Local Plan.

MN 2.19 Land at Andrew's Lane, Formby

- 13.33. With regard to the proposed allocation site MN 2.19 Land at Andrew's Lane, Formby, AOC have undertaken an independent review and assessment of the potential for both direct and indirect impacts resulting from the proposed allocation, including a consideration of the potential impacts upon the settings of designated heritage assets within 1km of MN 2.19. AOC's findings on this proposed allocation are reported in Chapter 10 of this review and the conclusions reported in Paragraphs 10.47 – 10.49.

- 13.34. The assessment submitted for MN 2.19 has been prepared from an urban design perspective and consequently omits consideration of the potential for direct impacts upon the archaeological resource. AOC has updated this assessment within this review to include these omissions and has also undertaken an independent examination of the potential for indirect impacts upon the settings of designated heritage assets including the Grade II Listed Raven Meols Farmhouse.
- 13.35. AOC have identified no substantive heritage constraints which, in our view, would prevent the allocation of MN 2.19 for residential development under policy NH9 of the Draft Sefton Local Plan. The level of effect upon the settings of Raven Meols Farmhouse would, at worst, be Minor although this assessment is based upon the current setting and the fact that intervisibility between the allocation site and the heritage asset is limited by high vegetation. This level of predicted impact will result in less than substantial harm in terms of the NPPF and as a consequence any effect on the setting of the Listed Building should be considered within the planning balance under the terms of Paragraph 134 of the NPPF and Policy NH11 of the Draft Sefton Local Plan.
- 13.36. Should the Planning Inspectorate, following its independent review of the Draft Local plan, recommend that MN 2.19 be allocated, further assessment of potential direct impacts would need to be undertaken to inform any subsequent planning applications. Assessment of any specific proposals upon the setting of the assets noted herein should also be required. In such an event any further assessment and evaluation required by the Council, would be in accordance with Paragraph 141 of the NPPF and NH13 and NH14 of the Draft Sefton Local Plan.

MN 2.33 Land at Wango Lane, Aintree

- 13.37. With regard to the proposed allocation site at MN 2.33 Wango Lane, Aintree, AOC have undertaken an independent review and assessment of the potential for both direct and indirect impacts resulting from the proposed allocation, including a consideration of the potential impacts upon the settings of designated heritage assets within 1km of MN 2.33. AOC's findings on MN 2.33 are reported in Chapter 11 of this review and the conclusions reported in Paragraphs 11.63 – 11.64
- 13.38. Two assessments have been submitted for MN 2.33, one considers the setting of Grade II Listed House and the other has a wider ranging brief which includes the potential for direct effects upon the buried archaeological resource. The latter assessment underplays the potential for direct impacts and consequently offers insufficient mitigation. AOC has updated this assessment within this review to include these omissions and has also undertaken an independent examination of the potential for indirect impacts upon the settings of designated heritage assets including the Grade II Listed Valley House and the non-designated Leeds and Liverpool Canal.
- 13.39. AOC have identified no substantive heritage constraints which in our view would prevent the allocation of MN 2.33 for residential development under policy NH9 of the Draft Sefton Local Plan. The level of effect upon the setting of the Grade II Listed Valley House would be of Minor-Moderate. However this conclusion is based upon the entire site being built upon and the impact upon the cultural value would be diminished if a buffer between the Listed Building and the canal bank were to be maintained. The predicted level of effect at Minor-Moderate, would result in less than substantial harm in terms of the NPPF and as a consequence any effect on the setting of the Listed Building should be considered within the planning balance under the terms of Paragraph 134 of the NPPF and Policy NH11 of the Draft Sefton Local Plan.

13.40. Should the Planning Inspectorate, following its independent review of the Draft Local plan, recommend that MN 2.33 be allocated, further assessment of potential direct impacts would need to be undertaken to inform any subsequent planning applications. Assessment of any specific proposals upon the setting of the assets noted herein should also be required. In such an event any further assessment and evaluation that was required by the Council, would be in accordance with Paragraph 141 of the NPPF and NH13 and NH14 of the Draft Sefton Local Plan.

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