

ENGLISH HERITAGE

The Setting of Heritage Assets

REVISION NOTE

June 2012

On 27 March 2012, the Government published the National Planning Policy Framework (NPPF).

The NPPF supersedes Planning Policy Statement 5: Planning for the Historic Environment (PPS5) as Government Policy on the management of change to the Historic Environment in England.

Whilst some of the references in this document may now be out-of-date, English Heritage believes this document still contains useful advice and case studies.

We are in the process of revising this publication:

- **to reflect changes resulting from the NPPF and other Government initiatives**
- **to incorporate new information and advice based on recent case law and Inquiry decisions**

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ENGLISH HERITAGE



THE SETTING OF HERITAGE ASSETS

ENGLISH HERITAGE GUIDANCE

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SETTING

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.

**Planning Policy Statement 5:
Planning for the Historic Environment**

I. INTRODUCTION AND PURPOSE OF GUIDANCE

The significance of a heritage asset derives not only from its physical presence and historic fabric but also from its setting – the surroundings in which it is experienced. The careful management of change within the surroundings of heritage assets therefore makes an important contribution to the quality of the places in which we live.

This document sets out English Heritage guidance on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes¹. It provides detailed advice intended to assist implementation of *Planning Policy Statement 5: Planning for the Historic Environment* and its supporting *Historic Environment Planning Practice Guide*, together with the historic environment provisions of the National Policy Statements for nationally significant infrastructure projects. It also has relevance in terms of the design policies (paragraphs 33 to 39) in *Planning Policy Statement 1: Delivering Sustainable Development*. It should be read in conjunction with these documents and may additionally assist in the consideration of other policy, regulation and guidance with implications for the setting of heritage assets. Following the publication of the Government's National Planning Policy Framework in 2012, English Heritage will review and revise its advice.

This guidance provides the basis for advice by English Heritage on the setting of heritage assets when we respond to consultations and when we assess the implications of development proposals on the historic estate that we manage. It is also intended to assist others involved with managing development that may affect the setting of heritage assets. While consideration of setting is necessarily a matter of informed judgement, the aim of the guidance is to assist effective and timely decision-making by ensuring it takes place within a clear framework and is as transparent and consistent as possible.

Section 2 of this guidance provides advice on the definition of setting and general principles. Section 3 deals with setting in the context of strategic planning. The frame of reference for these sections is, therefore, the heritage asset and the entirety of its setting. In subsequent sections, which deal with assessing the implications of change, the focus shifts to the development site, within a setting.

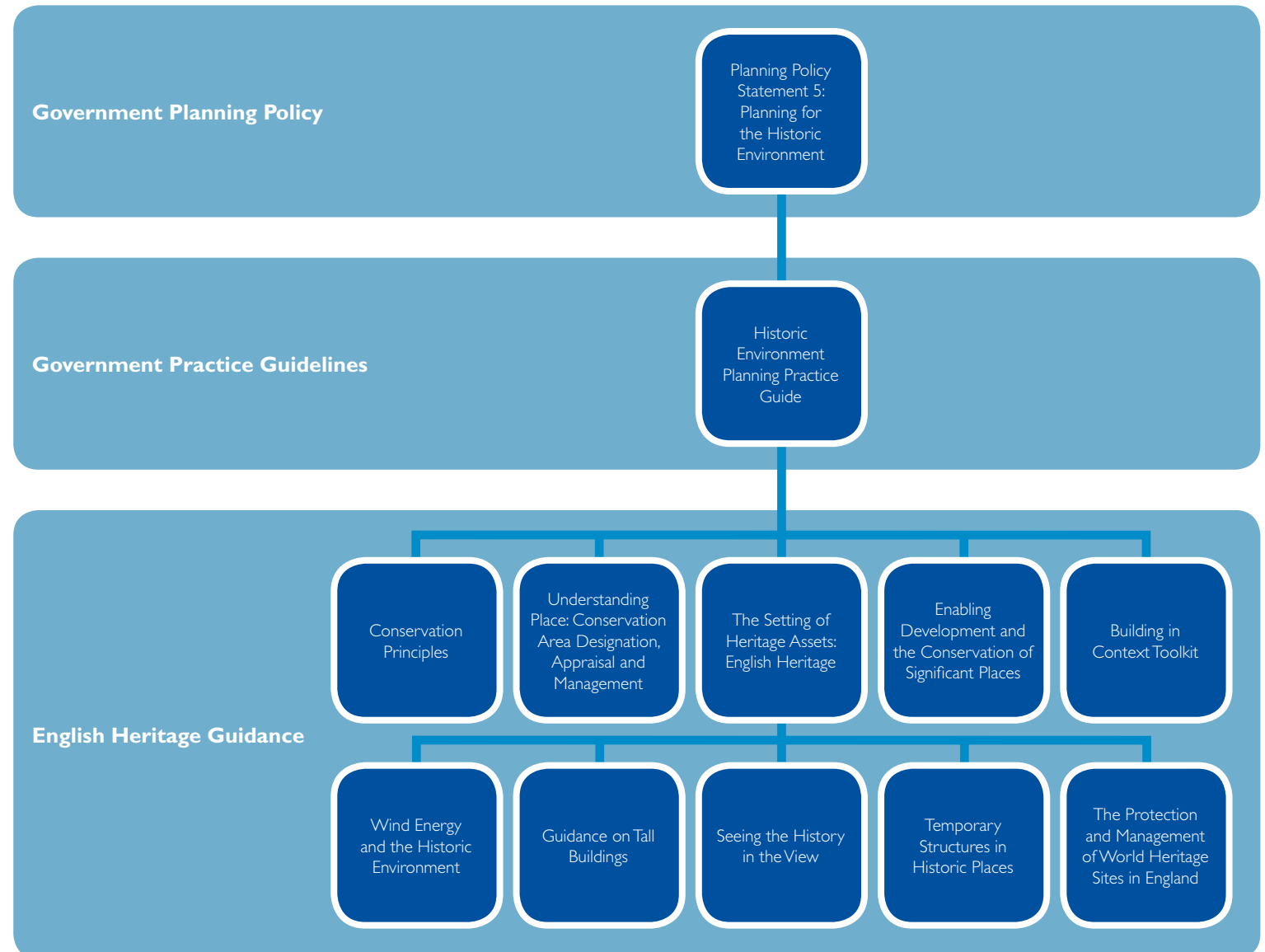
While this document provides the principal English Heritage advice on the issue of setting, it is also supported by other guidance on views, on urban design, on enabling development and on types of development that raise particular setting issues. Figure 1 illustrates the relationships of some of these documents, which are referenced in the text and available on the English Heritage website at www.english-heritage.org.uk.

English Heritage will continue to keep its advice on setting under review in the light of anticipated changes to the planning system, significant planning decisions and developing professional practice.

FIGURE I

Selected policy and guidance relevant to the setting of heritage assets.

The diagram illustrates the relationship of selected Government and English Heritage advice only in terms of setting and views. It does not necessarily depict all English Heritage guidance with relevance to setting and views, nor does it imply any differential weight to be applied to various English Heritage guidance notes.



2. DEFINITION OF SETTING AND KEY CONCEPTS

2.1 THE DEFINITION OF SETTING

Planning Policy Statement 5: Planning for the Historic Environment (PPS 5) defines the setting of a heritage asset as 'the surroundings in which [the 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'.

This definition of setting is supported by a set of principles that allow the concept to be better understood for the purposes of the plan making and development management processes. These are set out in paragraphs 113 to 117 of *PPS 5 Planning for the Historic Environment: Historic Environment Planning Practice Guide* and are repeated here in *Key principles for understanding setting* (page 5) for ease of reference. The remainder of section 2 examines in more detail the principles for understanding setting and how it may contribute to the significance of heritage assets.

2.2 THE EXTENT OF SETTING²

From the definition provided above, it can be understood that setting embraces all of the surroundings (land, sea, structures, features and skyline) from which the heritage asset can be experienced or that can be experienced from or with the asset. Setting does not have a fixed boundary and cannot be definitively and permanently described as a spatially bounded area or as lying within a set distance of a heritage asset. Views on what comprises a heritage asset's setting may change as the asset and its surroundings evolve, or as the asset becomes better understood. Construction of a distant but high building; development generating noise, odour, vibration or dust over a wide area; or new understanding of the relationship between neighbouring heritage assets may all extend what might previously have been understood to comprise setting.

Reference is sometimes made to the 'immediate' and 'extended' setting of a heritage assets³, but the terms should not be regarded as having any particular formal meaning. While many day-to-day cases will be concerned with the immediate setting of an asset, development within the extended setting may also affect significance, particularly where it is large-scale, prominent or intrusive.

Relationship of setting to curtilage, character and context

Setting is separate from the concepts of curtilage, character and context:

- **Curtilage** is a legal term describing an area around a building, the boundary of which is defined by matters including past and present ownership and functional association and interdependency. The setting of an historic asset will include, but generally be more extensive than, its curtilage (if it has one).
- The **character** of a historic place is the sum of all its attributes. This may include its relationships with people, now and through time; its visual aspects; and the features, materials, and spaces associated with its history, including its original configuration and subsequent losses and changes. Heritage assets and their settings contribute to character, but it is a broader and non-statutory concept, often used in relation to entire historic areas and landscapes.
- The **context** of a heritage asset⁴ is a non-statutory term used to describe any relationship between it and other heritage assets, which are relevant to its significance. These relationships can be cultural, intellectual, spatial or functional (English Heritage 2008a). They apply irrespective of distance, extending well beyond what might be considered an asset's setting, and can include the relationship of one heritage asset to another of the same period or function, or with the same designer or architect.

KEY PRINCIPLES FOR UNDERSTANDING SETTING*

- Setting is the surroundings in which an asset is experienced. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. 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. (113)
- The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. They would be considered to be within one another's setting. (114)
- Setting will, therefore, generally be more extensive than curtilage, and its perceived extent may change as an asset and its surroundings evolve or as understanding of the asset improves. (115)
- The setting of a heritage asset can enhance its significance whether or not it was designed to do so. The formal parkland around a country house and the fortuitously developed multi-period townscape around a medieval church may both contribute to the significance. (116)
- The contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. Nevertheless, proper evaluation of the effect of change within the setting of a heritage asset will usually need to consider the implications, if any, for public appreciation of its significance. (117)

*Taken from paragraphs 113 to 117 of *PPS 5 Planning for the Historic Environment: Historic Environment Planning Practice Guide* with relevant paragraph numbers cited.

Landscape, townscape and setting

Extensive heritage assets, such as landscapes and townscapes, can include many heritage assets and their nested and overlapping settings, as well as having a setting of their own. Entire towns also have a setting which, in a few cases, has been explicitly recognised in green belt designations⁵. A conservation area that includes the settings of a number of listed buildings⁶, for example, will also have its own setting, as will the town in which it is situated. The numbers and proximity of heritage assets in urban areas means that setting is intimately linked to considerations of townscape and urban design (see section 2.5). It is also important in terms of the character and appearance of conservation areas and may often relate to townscape attributes such as lighting, trees, and verges, or the treatments of boundaries or street surfaces. Additional advice on setting in relation to conservation areas is provided in *Understanding Place: Conservation Area Designation, Appraisal and Management* (English Heritage 2011a).

The setting of a heritage asset, such as an individual building or site, may closely reflect the character of the wider townscape or landscape in which it is situated, or be quite distinct from it (eg a quiet garden around a historic almshouse located within the bustle of the urban street-scene). Similarity or contrast between the setting of a heritage asset and its wider surroundings – whether fortuitously or by design – may each make an important contribution to the significance of heritage assets.

2.3 VIEWS AND SETTING

The contribution of setting to the significance of a heritage asset is often expressed by reference to views – a view being a purely visual impression of an asset or place, obtained from, or by moving through, a particular viewing point or viewing place. The setting of any heritage asset is likely to include a variety of views of, across, or including that asset, and views of the surroundings from or through

the asset. A long-distance view may intersect with, and incorporate the settings of numerous heritage assets. Views from within extensive heritage assets can also be important contributors to significance: for example, views from the centre of an historic town, *through* the townscape to its surrounding countryside, or from an historic house, *through* its surrounding designed landscape to the countryside beyond.

Some views may contribute more to understanding the significance of a heritage asset than others. This may be because the relationships between the asset and other historic assets or places or natural features are particularly relevant; because of the historical associations of a particular view or viewing point; or because the composition within the view was a fundamental aspect of the design of the heritage asset. Intentional inter-visibility between heritage assets, or between heritage assets and natural features, can make a particularly important contribution to significance. Some assets, whether contemporaneous or otherwise, were intended to be seen from one another for aesthetic, functional, ceremonial or religious reasons. These include military and defensive sites; telegraphs or beacons; and prehistoric funerary and ceremonial sites. Similarly, many historic parks and gardens include deliberate links to other designed landscapes, and remote 'eye-catching' features or 'borrowed' landmarks beyond the park boundary. Inter-visibility with natural or topographic features, or phenomena such as solar and lunar events, can also make a significant contribution to certain heritage assets.

Particular views may be identified and protected by local planning policies and guidance. This does not mean that additional views or other elements or attributes of setting do not merit consideration. Additional English Heritage advice on views is available in *Seeing the History in the View: A Method for Assessing Heritage Significance Within Views* (English Heritage 2011b).

FIGURES 2 AND 3

The setting of a heritage asset can enhance its significance whether or not it was designed to do so. Conscious design, such as that seen in the park and gardens surrounding Cottesbrooke Hall, Northamptonshire, or the apparently fortuitous beauty that derives from harmonies of scale, design and materials in views framing Wells Cathedral, can both make important contributions. © English Heritage

**2.4 SETTING AND THE SIGNIFICANCE OF HERITAGE ASSETS⁷**

Setting is not a heritage asset, nor a heritage designation. 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. Each of these elements may make a positive or negative contribution to the significance of the asset, or be neutral. In some instances the contribution made by setting to the asset's significance may be negligible; in others it may make the greatest contribution to significance. Approaches to assessing this contribution in the context of the development management process are considered further in Section 4.2 (Step 2). In addition, the following paragraphs examine some more general considerations relating to setting and significance.

Change over time

Most of the settings within which people experience heritage assets today have changed over time. Understanding this history of change will help to determine how further development within the asset's setting will contribute to its significance.

The setting of some heritage assets may have remained relatively unaltered over a long period and closely resemble the setting in which the asset was constructed or first used. The likelihood of this original setting surviving unchanged tends to decline with age and, where this is the case, it is likely to make an important contribution to the heritage asset's significance. It is more frequently the case that settings have changed, but these changes may themselves enhance significance. Townscape character, in particular, will often have been shaped by cycles of change and creation over the long term. In these circumstances, the evaluation of development affecting the setting of heritage assets requires

an equal degree of care. The recognition of, and response to, the setting of heritage assets as an aspect of townscape character is an important aspect of the design process for new development, and will, at least in part, determine the quality of the final result.

Where the significance of a heritage asset has been compromised by in the past by unsympathetic development affecting its setting, to accord with *PPS 5* policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building's original designed landscape or the removal of structures impairing views of a building.

Appreciating setting

The definition provided by *PPS 5* makes it clear that the opportunity it affords to appreciate the significance of a heritage asset is an important aspect of setting⁸. This includes the *potential* for appreciation of the asset's significance in the present and the future. People may, for example, be better able to appreciate the significance of a heritage asset once it is interpreted or mediated in some way. Equally they may be able to appreciate the significance of an asset from land that is currently inaccessible, if the extent of statutory or permissive public access changes over time. For this reason, paragraph 117 of the *PPS 5 Practice Guide* confirms that the contribution setting makes to the significance of a heritage asset does not depend on public rights or ability to access the setting.

Similarly, arguments about the sensitivity of a setting to change should not be based on the numbers of people visiting it. This will not adequately take account of qualitative issues, such as the importance of quiet and tranquillity as an attribute of setting; constraints on the public to routinely gain access to a setting because of remoteness

or challenging terrain; or the importance of the setting to a local community who may be few in number. In accordance with *PPS 5* policy HE 10, it may nevertheless be appropriate to consider the implications for people's and communities' ability to appreciate an asset and its setting when considering a development proposal and to seek to enhance that ability or minimise adverse impacts on it.

Heritage assets that comprise only buried remains may not be readily appreciated by a casual observer; they nonetheless retain a presence in the landscape and, like other heritage assets, have a setting. Historic battles often leave no visible traces, but their sites still have a location and a setting which may include important strategic views; routes by which the opposing forces approached each other; and a topography that played a part in the outcome. Similarly, buried archaeological remains can also often be appreciated in historic street or boundary patterns; in relation to their surrounding topography or other heritage assets; or through the long-term continuity in the use of the land that surrounds them. While the form of survival of an asset may influence the degree to which its setting contributes to significance and the weight placed on it, it does not necessarily follow that the contribution is nullified if the asset is obscured or not readily visible.

FIGURE 4

All heritage assets have a setting, irrespective of the form in which they survive. As two in a chain of Romano-British defences on the Cumbrian coast, inter-visibility between the sites on Swarthy Hill and the fort on the headland at Maryport (in background) was important to their functioning and is now a contribution to their significance as archaeological sites. The Swarthy Hill site has existed as a building, an earthwork, a levelled archaeological site and, now, a reconstructed archaeological site. Its setting, including the historic interest of its intervisibility with the Maryport site, has persisted throughout, although it might have been accorded different weight depending on the form of its survival. © English Heritage

**FIGURE 5**

Historic battles often leave no visible traces but their sites still have a setting. Blore Heath battlefield where, in 1459, the armies of the Houses of York and Lancaster fought the battle that began the English Wars of the Roses. © English Heritage Photo Library

**FIGURE 6**

Landscapes and townscapes can include many heritage assets. Their nested and overlapping settings and the numbers and proximity of heritage assets in urban areas means that setting is intimately linked to considerations of townscape and urban design. The setting of the historic town of Totnes, Devon, embraces the settings of its conservation area, its castle and its many listed buildings. © Peter Anderson, English Heritage Photo Library



2.5 SETTING, DESIGN AND VIABILITY

Designed settings

Many heritage assets have settings that have been designed to enhance their presence and visual interest or to create experiences of drama or surprise. Views and vistas, or their deliberate screening, are key features of these designed settings, providing design axes and establishing their scale, structure, layout and character. These designed settings may also be regarded as heritage assets in their own rights, which, themselves, have a wider setting: a park may form the immediate setting for a great house, while having its own setting that includes lines-of-sight to more distant heritage assets or natural features beyond the park boundary.

Although an understanding of setting and views is an important element of the register entry on the English Heritage *Register of Parks and Gardens of Special Historic Interest in England*, the designated area is often restricted to the 'core' elements, such as a formal park. It is important, therefore, that the extended and remote elements of design are taken into account when the setting of a designed landscape is being evaluated.

Setting and urban design

As much new development in built-up areas takes place within the setting of heritage assets, urban design considerations are often closely linked to the protection and enhancement of setting (see section 4.2 Steps 3 and 4). Consideration of PPS 5 policy HE 7.5 and its supporting guidance, together with the design policies in PPS 1, in tandem with the PPS 5 policies and practice guidance on setting will help to ensure that heritage assets and their settings are physically, socially and economically integrated into the fabric of the modern townscape.

The degree of conscious design or fortuitous beauty in a townscape setting and the degree of visual harmony or congruity it provides will vary, but will always be an important consideration. The heritage significance of a historic townscape that provides the setting for heritage assets can, for example, lie in the broad visual harmony derived from the use of a narrow range of materials (such as the Oolitic limestone of Bath or the stucco of Brighton), even though individual buildings have developed at different times and in different styles. In such a context the design of new development is likely to make a more positive contribution if the same palette is utilised, or have a negative impact if discordant materials are chosen. Equally, the harmony of other townscape settings may encompass a variety of materials and forms, but may be unified by a common alignment, scale or other attribute that it would be desirable for new development to adopt.

There are many examples of innovative buildings and structures in historic areas that are valued for that quality, but where a development in the setting of a heritage asset is designed to be distinctive or dominant and, as a result, it causes harm to the asset's significance, there will need to be justification for that harm in order to accord with the policies within PPS 5. Where the justification lies partly or wholly in the proposed public benefit deriving from the aesthetic value of the new building's architecture, it is important to recognise the subjective and speculative nature of judgements about eventual public value based on a design proposal. This can be compared with the degree of certainty attaching to the current contribution of the setting to the significance of the asset. If the justification flows from the proposed use of the building, rather than its aesthetic values, consideration should be given to avoiding conflict between the new and the harm to the historic environment through other designs, following policies HE7.2 and HE7.5 of PPS 5

FIGURES 7 AND 8

The economic and social viability of a heritage asset can be diminished over the longer term if accessibility to or from its setting is reduced by badly designed or insensitively located development.

FIGURE 7

The construction of a ring road in the 1970s cut across the historic approach to Doncaster Minster from the town and contributed to a decline in congregation size. A newly appointed Places of Worship Support Officer will investigate how to improve physical links with the town.
© English Heritage

FIGURE 8

Limitations on access to its setting caused by the construction of the M3, together with resultant impacts on its significance caused by traffic movement and noise, severely limited the range of viable and suitable options for the adaptive re-use of the redundant barn at Hartley Wintney, Hampshire. The barn was eventually converted to a car show room. Image © English Heritage



in particular. Detailed commentary on these issues lies outside the scope of this guidance. Further advice is currently provided in *By Design: Urban design in the planning system: towards better practice* (CABE/DETR 2000); *Building in Context: New Development in Historic Areas* (English Heritage/CABE 2001); and *Building in Context Toolkit: New Development in Historic Areas* (English Heritage 2006).

Setting and economic and social viability

The economic and social viability of a heritage asset can be diminished if accessibility from or to its setting is reduced by badly designed or insensitively located development. A new road scheme affecting the setting of an historic building may decrease the public's ability or inclination to visit and use it, reducing its social or economic viability, or may limit the options for the marketing or adaptive re-use of a building.

FIGURES 9 AND 10

Long-distance views and linear features such as avenues may be particularly important aspects of designed landscapes, as may the 'borrowing' of features from adjacent landscapes.

FIGURE 9

Grade II* listed Keppel's Column provides a dramatic feature on the skyline when seen from Wentworth Woodhouse, South Yorkshire. The column is one of a series of monuments intended to be visible from the house as key elements of its setting, despite being situated over two kilometres south of the formal park. © English Heritage

FIGURE 10

The designed landscape surrounding Stowe, in Buckinghamshire, illustrates the importance of long-distance views for the setting of the house. Such views may make a particularly important contribution to the significance of a heritage asset. © English Heritage

FIGURES 11 AND 12

An important aspect of setting is the opportunity it affords people to appreciate the significance of a heritage asset, now or in the future.

FIGURE 11

The sensitivity of an asset's setting to change cannot depend on the numbers of people visiting it, as this will not adequately take account of attributes such as quiet, tranquillity or remoteness. For example, the isolated setting of the church of St Thomas a Beckett at Fairfield attests to the marginal nature of past settlement on Romney Marsh and thus contributes to its significance. © English Heritage Photo Library

FIGURE 12

The interpretation of buried archaeology can significantly enhance public appreciation of its setting. Elements of a Roman amphitheatre that lay directly beneath London's medieval Guildhall complex seem to have survived until the 13th century and influenced the layout of the Guildhall buildings and the church of St Lawrence Jewry. This relationship between buried archaeology and modern townscape has been revealed by marking out the form of the amphitheatre in the paving of Guildhall Yard. © English Heritage.



3. SETTING AND PLAN-MAKING

3.1 DEVELOPMENT PLANS

PPS 5 Policy HE 3.4 states that local development plans 'should include consideration of how best to conserve individual, groups or types of heritage assets that are most at risk of loss through neglect, decay or other threats' and Policy HE10.2 states that 'Local planning authorities should identify opportunities for changes in the setting to enhance or better reveal the significance of a heritage asset'.

To achieve these ends, English Heritage recommends that local development plans should address the conservation and enhancement of setting through criteria-based and site-specific policies and, where appropriate, through supplementary planning documents. Policies of this type will provide an effective framework for the consideration of individual planning applications affecting setting and can also usefully address the implications of cumulative change affecting setting. Cross-referencing to policies on urban design or on landscape conservation would also be helpful as these can be closely related to setting.

3.2 OTHER STRATEGIC OR MANAGEMENT PLANS

It is also important for consideration to be given to the setting and views of heritage assets in the preparation of spatial masterplans (such as design guides, development briefs and strategic development frameworks) and in the policies and guidance provided by management and conservation plans (including World Heritage Site management plans, National Park or AONB management plans, conservation area management plans and conservation plans for individual heritage assets).

The proactive analysis of what setting contributes to significance requires a comparable approach to that set out in Section 4.2 (Step 2), where it is discussed in the context of responding to specific

development proposals. While it is not practicable to definitively map setting (as a geographically bounded area) in advance of unforeseen future developments (see section 2.2), it is possible for a plan to define which aspects and qualities of a heritage asset's setting contribute to or detract from its significance, to analyse and illustrate particularly important views or to provide appropriate design guidance. *Seeing the History in the View* (English Heritage 2011b) stresses the advantages conferred by a baseline analysis of views and provides guidance on one possible approach.

3.3 SETTING AND STRATEGIC ENVIRONMENTAL ASSESSMENT

The *Environmental Assessment of Plans and Programmes Regulations 2004*, which give force to *EU Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment*, requires environmental effects to be taken into account by authorities during the preparation of plans and programmes through the process of Strategic Environmental Assessment (SEA). SEA requires the preparation of a baseline environmental study, an assessment of likely significant environmental effects of implementing the plan and its reasonable alternatives, and how these are to be addressed.

Categories of environmental issues requiring consideration through SEA include cultural heritage and landscape. English Heritage recommends, therefore, that the setting of heritage assets is taken into account in the baseline environmental study where appropriate.

FIGURES 13 TO 16

A history of change or a comparative lack of change in the setting of a heritage asset both have the potential to contribute to its significance.

FIGURE 13

Palaeoenvironmental evidence suggests that heathland developed in the New Forest from the Mesolithic period onwards. The present-day setting of a Bronze Age burial mound on Yew Tree Heath, in the New Forest National Park, is likely to resemble the environment within which the monument was constructed and has persisted for many centuries. This adds to the significance of the monument and the public's ability to understand and appreciate it. © Frank Green, New Forest National Park

**FIGURE 14**

The ancient wood-pasture that surrounds the medieval tithe barn at Goudhurst, in the High Weald of Kent, retains much of the historic character of the landscape within which the historic farmstead was originally constructed, reinforcing the significance of the medieval building. © Janina Holubeki/High Weald AONB

**FIGURE 15**

The courtyard of Somerset House, London, with its strictly symmetrical form, planned skyline and dramatic entry sequence, is considered to be the most perfect 18th-century space in London. The view from the Strand, through the courtyard, to the unspoilt skyline makes a major contribution to the significance and public appreciation of the building. © English Heritage

**FIGURE 16**

The setting of St Paul's cathedral, in London's commercial core, is architecturally varied and innovative. The new City of London Information Centre reflects this character by replacing a poorly-designed 1950's kiosk with a bold contemporary structure. The design of the new building was informed by extensive analysis of its context and key sight lines. It defines a new space on the crest of Peter's Hill intended to enhance public appreciation of the cathedral. © English Heritage



4. SETTING AND DEVELOPMENT MANAGEMENT

4.1 PRACTICAL AND PROPORTIONATE DECISION-MAKING

This section sets out the process by which development proposals affecting the setting of a heritage asset may be assessed, and the factors that can be taken into account in doing so. It also considers approaches to avoiding, reducing and mitigating detrimental impacts. In contrast to previous sections, this and subsequent sections focus on the proposed development, rather than on the setting of the heritage asset as a whole.

Protection of the setting of heritage assets need not prevent change. Most places are within the setting of a heritage asset and are subject to some degree of change over time. *PPS 5* policies (particularly HE 6, HE 7, HE 8, HE 9 and HE 10), together with the advice on their implementation in the *PPS Practice Guide*, provide the framework for the consideration of change affecting the setting of undesignated and designated heritage assets as part of the development management process. HE 8 sets out the policy on setting for heritage assets that are not designated and HE 9 and 10 for those that are. The policies are supported by a set of principles described in paragraphs 118 to 122 of the *Practice Guide*. These principles are repeated on page 16, for ease of reference, in 'Key principles for assessing the implications of change affecting setting' and are explored in more detail in the remainder of this section.

Amongst the Government's planning objectives for the historic environment is that conservation decisions are based on the nature, extent and level of a heritage asset's significance and are investigated to a proportionate degree⁹. This approach should inform all decisions relating to setting in terms of the requirements placed on applicants and their agents.

4.2 ASSESSING THE IMPLICATIONS OF DEVELOPMENT PROPOSALS

PPS 5 Policy 6.1 requires the applicant to 'provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance' and policy HE 6.2 requires that 'this information together with an assessment of the impact of the proposal should be set out in the application'.

In order to assess the implications of developments affecting setting, as required by these policies, a systematic and staged approach to assessment can be adopted to provide a sound basis for any Design and Access Statement or Environmental Statement that accompanies a planning application. This will enable all interested parties to understand whether the development proposal is in accordance with relevant national planning and local development plan policies (see section 3).

We recommend the following broad approach to assessment, undertaken as a series of steps that apply equally to complex or more straightforward cases:

- Step 1: identify which heritage assets and their settings are affected;
- Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);
- Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance;
- Step 4: explore the way maximising enhancement and avoiding or minimising harm;
- Step 5: make and document the decision and monitor outcomes.

Each of these steps is considered in more detail below.

KEY PRINCIPLES FOR ASSESSING THE IMPLICATIONS OF CHANGE AFFECTING SETTING*

- Change, including development, can sustain, enhance or better reveal the significance of an asset as well as detract from it or leave it unaltered. For the purposes of spatial planning, any development or change capable of affecting the significance of a heritage asset or people's experience of it can be considered as falling within its setting. Where the significance and appreciation of an asset have been compromised by inappropriate changes within its setting in the past it may be possible to enhance the setting by reversing those changes. (118)
- Understanding the significance of a heritage asset will enable the contribution made by its setting to be understood. This will be the starting point for any proper evaluation of the implications of development affecting setting. The effect on the significance of an asset can then be considered and weighed-up following the principles set out in PPS 5 policies HE 7, 8 and 9. While this consideration is perhaps most likely to address the addition or removal of a visual intrusion, other factors such as noise or traffic activity and historic relationships may also need to be considered. (119)
- When assessing any application for development within the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change and the fact that developments that materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation. (120)
- The design of a development affecting the setting of a heritage asset may play an important part in determining its impact. The contribution of setting to the historic significance of an asset can be sustained or enhanced if new buildings are carefully designed to respect their setting by virtue of their scale, proportion, height, massing, alignment and use of materials. This does not mean that new buildings have to copy their older neighbours in detail, but rather that they should together form a harmonious group. (121)
- A proper assessment of the impact on setting will take into account, and be proportionate to, the significance of the asset and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. (122)

*Taken from paragraphs 118 to 122 of *PPS 5 Planning for the Historic Environment: Historic Environment Planning Practice Guide* with relevant paragraph numbers cited.

Development proposals involving the setting of single and less significant assets and straightforward effects on setting may be best handled through a simple check-list approach and can usefully take the form of a short narrative statement for each assessment stage, supported by adequate plans and drawings etc.

Cases involving more significant assets, multiple assets, or changes considered likely to have a major effect on significance will require a more detailed approach to analysis, often taking place within the framework of Environmental Impact Assessment procedures (see Section 6). Each of the stages may involve detailed assessment procedures and complex forms of analysis such as viewshed analyses, sensitivity matrices and scoring systems. Whilst these may assist analysis to some degree, as setting is a matter of qualitative and expert judgement, they cannot provide a systematic answer. English Heritage recommends that, when submitted as part of a Design and Access Statement, Environmental Statement or evidence to a Public Inquiry, technical analyses of this type should be seen primarily as material supporting a clearly expressed and non-technical narrative argument that sets out 'what matters and why' in terms of the heritage significance and setting of the assets affected, together with the effects of the development upon them.

The heritage values approach outlined in *Conservation Principles: Policy and Guidance for the Sustainable Management of the Historic Environment* (English Heritage 2008a) provides a useful framework for structuring such a narrative and this is considered further in Appendix 5.

Step 1: identifying the heritage assets affected and their settings

The starting point of the analysis is to identify those heritage assets likely to be affected by the development proposal. For this

purpose, if the development is capable of affecting the contribution of a heritage asset's setting to its significance or the appreciation of its significance, it can be considered as falling within the asset's setting. English Heritage therefore recommends that local planning authorities should not interpret the concept of setting too narrowly.

It will normally assist applicants – and local planning authorities in pursuit of their statutory duty with regard to publishing notices¹⁰ – if, at the pre-application or scoping stage, the local authority, having due regard to the need for proportionality:

- indicates whether it considers a proposed development has the potential to affect the setting of a particular heritage asset; or
- specifies an 'area of search' around the proposed development within which it is reasonable to consider setting effects; or
- advises the applicant to consider approaches such as a 'Zone of Visual Influence' (ZVI) or 'Zone of Theoretical Visibility' (ZTV)¹¹ in relation to the proposed development in order to better identify heritage assets and settings that may be affected.

For developments that are not likely to be prominent or intrusive, the assessment of effects on setting may often be limited to the immediate setting, while taking account of the possibility that setting may change as a result of the removal of impermanent landscape or townscape features, such as hoardings or planting.

The area of assessment for a large or prominent development, such as a tall building in an urban environment or a wind turbine in the countryside, can often extend for a distance of several kilometres. In these circumstances, while a proposed development may affect the setting of numerous heritage assets, it may not impact on them all equally, as some will be more sensitive to change affecting their setting than others. Local Planning Authorities are encouraged to

work with applicants in order to minimise the need for detailed analysis of very large numbers of heritage assets. They may give advice at the pre-application stage (or the scoping stage of an Environmental Statement) on those heritage assets, or categories of heritage asset, that they consider most sensitive as well as on the level of analysis they consider proportionate for different assets or types of asset. Because of their particular effects in relation to setting, English Heritage has published separate guidance on wind energy developments (English Heritage 2005), tall buildings (English Heritage/CABE 2007), and temporary structures (English Heritage 2010) that complement this more general guidance.

Where spatially extensive assessments relating to large numbers of heritage assets are required, English Heritage recommends that Local Planning Authorities give consideration to the practicalities and reasonableness of requiring assessors to access privately owned land. In these circumstances, they should also address to the extent to which assessors can reasonably be expected to gather and represent community interests and opinions on changes affecting settings.

Step 2: Assessing whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s)

The second stage of any analysis is to assess whether the setting of a heritage asset makes a contribution to its significance and the extent of that contribution. In other words to determine 'what matters and why?' in terms of the setting and its appreciation. We recommend that this assessment should first address the key attributes of the heritage asset itself and then consider:

- the physical surroundings of the asset, including its relationship with other heritage assets;
- the way the asset is appreciated; and
- the asset's associations and patterns of use.

Assessment Step 2: Assessing whether, how and to what degree settings make a contribution to the significance of the heritage asset(s)

on page 19 provides a (non-exhaustive) check-list of the potential attributes of a setting that it may be appropriate to consider in order to define its contribution to the asset's heritage values and significance. In many cases, only a limited selection of the attributes listed will be of particular relevance to an asset. A sound assessment process will identify these at an early stage, focus on them, and be as clear as possible what weight attaches to them. In doing so, it will generally be useful to consider, insofar as is possible, the way these attributes have contributed to the significance of the asset in the past (particularly when it was first built, constructed or laid out), the implications of change over time, and their contribution in the present.

The local authority Historic Environment Record is an important source of information to support this assessment and, in most cases, will be able to provide information on the wider landscape context of the heritage asset as well as on the asset itself. Landscape Character Assessments and Historic Landscape Character guidance are particularly important sources in this regard.

This assessment of the contribution to significance made by setting will provide the baseline for establishing the effects of a proposed development on significance, as set out in 'Step 3' below. It will, therefore, be particularly focused on the need to support decision-making in respect of the proposed development. A similar approach to assessment may also inform the production of a strategic, management or conservation plan in advance of any specific development proposal (see section 3), although the assessment of significance required for studies of this type will address the setting of the heritage asset 'in the round', rather than focusing on a particular development site.

ASSESSMENT STEP 2: ASSESSING WHETHER, HOW AND TO WHAT DEGREE SETTINGS MAKE A CONTRIBUTION TO THE SIGNIFICANCE OF THE HERITAGE ASSET(S)

The starting point for this stage of the assessment is to consider the significance of the heritage asset itself and then establish the contribution made by its setting. The following is a (non-exhaustive) check-list of potential attributes of a setting that may help to elucidate its contribution to significance, which may usefully be expressed in terms of its heritage values (English Heritage 2008a). Only a limited selection of the attributes listed is likely to be particularly important in terms of any single asset.

The asset's physical surroundings

- Topography
- Other heritage assets (including buildings, structures, landscapes, areas or archaeological remains)
- Definition, scale and 'grain' of surrounding streetscape, landscape and spaces
- Formal design
- Historic materials and surfaces
- Land use
- Green space, trees and vegetation
- Openness, enclosure and boundaries
- Functional relationships and communications
- History and degree of change over time
- Integrity
- Issues such as soil chemistry and hydrology

Experience of the asset

- Surrounding landscape or townscape character
- Views from, towards, through, across and including the asset
- Visual dominance, prominence or role as focal point
- Intentional intervisibility with other historic and natural features
- Noise, vibration and other pollutants or nuisances
- Tranquillity, remoteness, 'wildness'
- Sense of enclosure, seclusion, intimacy or privacy
- Dynamism and activity
- Accessibility, permeability and patterns of movement
- Degree of interpretation or promotion to the public
- The rarity of comparable survivals of setting

The asset's associative attributes

- Associative relationships between heritage assets
- Cultural associations
- Celebrated artistic representations
- Traditions

Step 3: Assessing the effect of the proposed development on the significance of the asset(s)

The third stage of any analysis is to identify the range of effects a development may have on setting(s) and evaluate the resultant degree of harm or benefit to the significance of the heritage asset(s). In some circumstances, this evaluation may need to extend to cumulative and complex impacts and this is considered further in section 4.5.

The range of circumstances in which setting may be affected and the range of heritage assets that may be involved precludes a single approach for assessing effects. Different approaches will be required for different circumstances. In general, however, the assessment should address the key attributes of the proposed development in terms of its:

- location and siting
- form and appearance
- additional effects
- permanence

Assessment Step 3: Assessing the effect of the proposed development on page 21 provides a more detailed list of attributes of the development proposal that it may be appropriate to consider during the assessment process. The list is not intended to be exhaustive and not all attributes will apply to a particular development proposal. Depending on the level of detail considered proportionate to the purpose of the assessment, it would normally be appropriate to make a selection from the list, identifying those particular attributes of the development requiring further consideration and considering what weight attaches to each. The key attributes chosen for consideration can be used as a simple check-list, supported by a short explanation, as part of a Design and Access Statement, or may provide the basis for a more complex assessment process that might sometimes draw on quantitative approaches to assist analysis.

In particular, it would be helpful for local planning authorities to consider at an early stage whether development affecting the setting of a heritage asset can be broadly categorised as having the potential to enhance or harm the significance of the asset through the principle of development alone; through the scale, prominence, proximity or placement of development; or through its detailed design. Determining whether the assessment will focus on spatial, landscape and views analysis, on the application of urban design considerations, or on a combination of these approaches will clarify for the applicant the breadth and balance of professional expertise required for its successful delivery.

Step 4: Maximising enhancement and minimising harm

Maximum advantage can be secured if any effects on the significance of a heritage asset arising from development liable to affect its setting are considered from the project's inception. PPS 5 policies confirm that a well-designed scheme will avoid or minimise detrimental impacts and will identify opportunities for enhancement. Early assessment of setting may provide a basis for agreeing the scope and form of development, reducing the potential for disagreement and challenge later in the process.

Policy HE 10.2 of PPS 5 confirms that local planning authorities 'should identify opportunities for changes in the setting to enhance or better reveal the significance of a heritage asset'. Enhancement of setting will therefore play a major part in the consideration of townscape improvement schemes.

Enhancement may be achieved by actions including:

- removing or re-modelling an intrusive building or feature;
- replacement of a detrimental feature by a new and more harmonious one;

ASSESSMENT STEP 3: ASSESSING THE EFFECT OF THE PROPOSED DEVELOPMENT

The following is a (non-exhaustive) check-list of the potential attributes of a development affecting setting that may help to elucidate its implications for the significance of the heritage asset. Only a limited selection of these is likely to be particularly important in terms of any particular development.

Location and siting of development

- Proximity to asset
- Extent
- Position in relation to landform
- Degree to which location will physically or visually isolate asset
- Position in relation to key views

The form and appearance of the development

- Prominence, dominance, or conspicuousness
- Competition with or distraction from the asset
- Dimensions, scale and massing
- Proportions
- Visual permeability (extent to which it can be seen through)
- Materials (texture, colour, reflectiveness, etc)
- Architectural style or design
- Introduction of movement or activity
- Diurnal or seasonal change

Other effects of the development

- Change to built surroundings and spaces
- Change to skyline
- Noise, odour, vibration, dust, etc
- Lighting effects and 'light spill'
- Change to general character (eg Suburbanising or industrialising)
- Changes to public access, use or amenity
- Changes to land use, land cover, tree cover
- Changes to archaeological context, soil chemistry, or hydrology
- Changes to communications/accessibility/permeability

Permanence of the development

- Anticipated lifetime/temporariness
- Recurrence
- Reversibility

Longer term or consequential effects of the development

- Changes to ownership arrangements
- Economic and social viability
- Communal use and social viability

- restoring or revealing a lost historic feature;
- introducing a wholly new feature that adds to the public appreciation of the asset;
- introducing new views (including glimpses or better framed views) that add to the public experience of the asset; or
- improving public access to, or interpretation of, the asset including its setting.

Options for reducing the harm arising from development may include the relocation of a development or its elements, changes to its design, the creation of effective long-term visual or acoustic screening, or management measures secured by planning conditions or legal agreements. For some developments affecting setting, the design of a development may not be capable of sufficient adjustment to avoid or significantly reduce the harm, for example where impacts are caused by fundamental issues such as the proximity, location, scale, prominence or noisiness of a development. In other cases, good design may reduce or remove the harm, or provide enhancement, and design quality may be the main consideration in determining the balance of harm and benefit.

Where attributes of a development affecting setting may cause some harm to significance and cannot be adjusted, screening may have a part to play in reducing harm. As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design. This should take account of local landscape character and seasonal and diurnal effects, such as changes to foliage and lighting. The permanence or longevity of screening in relation to the effect on the setting also requires consideration. Ephemeral features, such as hoardings, may

be removed or changed during the duration of the development, as may woodland or hedgerows, unless they enjoy statutory protection. Management measures secured by legal agreements may be helpful in securing the long-term effect of screening.

Step 5: Making and documenting the decision and monitoring outcomes

Broad guidance on weighing the degree of harm to the significance of a heritage asset against the benefits of changes, including development affecting setting, is provided in Policies HE 8, HE 9 and HE 10 of *PPS 5* and in paragraphs 83 to 95 of its *Practice Guide*. These policies provide the basis for decision-making by local planning authorities. Policy HE 9.2 confirms that where development affecting the setting of a designated asset results in substantial harm to significance, it can be justified only if it delivers substantial public benefits that outweigh that harm. For the harm to be necessary there will be no other reasonable means (such as an alternative design or location) to deliver similar public benefits. Policy HE 8.1 additionally confirms that the effect of a development application on the setting of an undesignated heritage asset is also a material consideration in its determination.

All heritage assets are not of equal importance and the contribution made by their setting to their significance also varies. Nor do all settings have the same capacity to accommodate change without harm to the significance of the heritage asset. This capacity may vary between designated assets of the same grade or of the same type or according to the nature of the change. It can also depend on the location of the asset: an elevated or overlooked location; a riverbank, coastal or island location; or a location within an extensive tract of flat land may increase the sensitivity of the setting (ie the capacity of the setting to accommodate change without harm to the heritage asset's significance). This requires the implications of development affecting the setting of heritage assets to be considered on a case-by-case basis.

FIGURES 17 TO 20

Setting is often equated to visual considerations but also embraces other forms of experience and associative relationship.

FIGURE 17

Celebrated artistic representation of a particular setting can enhance the contribution it makes to the significance of a heritage asset. The landscape around Bolton Abbey, in the Yorkshire Dales, was portrayed in a watercolour by JMW Turner and a description of the scene also appears in William Wordsworth's poem 'The White Doe of Rylstone'. © Robert White, Yorkshire Dales National Park

**FIGURE 18**

The complex historic landscape at Duncombe Park, in North Yorkshire, includes Rievaulx Abbey, Helmsley Castle and its medieval deer park, together with the great house, its garden, and associated terraces. Although various elements of this landscape are not inter-visible, their close association means they all may be considered to comprise the setting of the house. © English Heritage

**FIGURE 19**

The farmed landscape of the Downe and Cudham valleys in Kent, flanking Down House and its grounds (centre foreground), was Charles Darwin's workplace and field-study area for some forty years and was fundamental to his scientific achievements. Recent research has better revealed the strength of this association, extending into the surrounding landscape what may be considered the setting of the house. © English Heritage

**FIGURE 20**

The well-preserved Neolithic henge monument at Knowlton (centre foreground) contains a ruined medieval church and is surrounded by contemporary and later prehistoric archaeological features, many now difficult to discern at ground level. These features demonstrate long-term recognition and use of the henge and its immediate environs as a ceremonial and funerary centre. This continuing use of the site for a common purpose and the reference of later to earlier features means the archaeological remains surrounding the henge may be considered to be part of its setting. © English Heritage



It is good practice to document each stage of decision-making process in a non-technical way, accessible to non-specialists. This should set out clearly how the setting of each heritage asset affected contributes to its significance and what the anticipated effect of the development, including any mitigation proposals, will be. Despite the wide range of possible variables set out on pages 19 and 21, normally this analysis should focus on a limited number of key attributes of the asset, its setting and the proposed development, in order to avoid undue complexity.

The true effect of a development on setting may be difficult to establish from plans, drawings and visualisations, although the latter are becoming increasingly sophisticated. Once a development affecting setting that was intended to enhance, or was considered unlikely to detract from, the significance of a heritage asset has been implemented, it may be helpful to review the success of the scheme in these terms and to identify any 'lessons learned'. This will be particularly useful where similar developments are anticipated in the future.

4.3 VIEWS ASSESSMENT

Setting embraces other forms of experience and associative relationships, but its extent and importance is often expressed by reference to visual considerations, including views. For many development proposals, visual effects may be the primary or sole issue requiring assessment. Where complex issues involving views come into play in the assessment of setting – whether for the purposes of providing a baseline for plan-making (see Section 3), or for development management – a formal views analysis may be merited. One approach to assessing heritage significance within views is provided by English Heritage in *Seeing the History in the View: A Method for Assessing Heritage Significance within Views* (English Heritage, 2011b). Equally, while the context, purpose

and outcome of landscape and visual impact assessment (LVIA) is quite distinct from that for assessments of setting, its general approaches and methodologies (see Landscape Institute *et al* 2002) may often provide useful tools for analysing setting.

4.4 ENABLING DEVELOPMENT

Enabling development is development that would be unacceptable in planning terms but for the fact that it would bring heritage benefits sufficient to justify it being carried out and which could not otherwise be achieved. Enabling development proposals often involve changes affecting the setting of heritage assets and it is essential that decisions are based on a full understanding of the impact on the heritage asset and its setting. The factors to consider in assessing enabling development proposals are set out in PPS 5 Policy HE 11 and apply to heritage assets and their settings. Detailed guidance on how the applicant might make an enabling development application and on how a local planning authority can ensure the policy requirements are fully tested is provided by *Enabling Development and the Conservation of Significant Places* (English Heritage 2008b), which also includes a number of Public Inquiry decisions involving enabling development proposals that affect setting.

4.5 CUMULATIVE CHANGE

The cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development. The gradual loss of trees, verges or traditional surfacing materials in a historic area may have a significant effect on the setting of heritage assets, as could the provision of excessive street furniture or the loss of memorials surrounding a place of worship. The need to evaluate the cumulative effects of sequential development is recognised in national guidance, including *Planning Policy Statement 22: Renewable Energy* (CLG 2004), and in Schedule 4 of the EIA Regulations. The impacts

of cumulative change can, however, be particularly challenging to evaluate (see, for example, van Grieken *et al* 2006).

Cumulative impacts affecting the setting of a heritage asset can derive from the combination of different environmental impacts (such as visual intrusion, noise, dust and vibration) arising from a single development or from the overall effect of a series of discrete developments (CLG 2006). In the latter case, the cumulative visual impact may be the result of different developments within a single view, the effect of developments seen when looking in different directions from a single viewpoint, or the sequential viewing of several developments when moving through the settings of one or more heritage assets. Some cumulative impacts may also have a greater combined effect than the sum of their individual effects, sometimes termed a 'synergistic effect' (ODPM *et al* 2005, 78).

Where the impacts of proposals for successive developments (or a proposal that may generate an additional cumulative impact) affecting the setting of a heritage asset are considered to be potentially detrimental to its significance, assessment of their overall, as well as individual, impact is appropriate.

In order to address the implication of serious cumulative effects on the settings of historic assets, English Heritage recommends that, where appropriate and proportionate, Local Planning Authorities may:

- (a) have regard to the implications of cumulative effects on the settings of historic assets when framing policies of their Local Development Documents and, where specific problems are identified, consider providing more detailed guidance on cumulative effects in Supplementary Planning Documents;
- (b) where Conservation Area appraisals indicate a problem in regard to cumulative effects on the settings of a conservation area or the heritage assets within it, have regard to the implications when framing

Conservation Area Management Plan policies and consider the use of Article 4 Directions to control permitted development impacts;

(c) having regard to the appropriate weight to be attached, include within any assessment of the effects of a development: the impacts of earlier development; the anticipated impacts of development for which consent has been granted but not yet implemented or completed; and the anticipated effects of registered applications which have yet to be determined;

(d) recognise that previous permissions for similar developments may not provide a sound reference point for the acceptability of impacts on setting (as the cumulative effect is different for each new development and may have reached a tipping-point beyond which further development results in substantial harm to significance) and consider making this clear in the informatives attached to planning consents where sequential applications are anticipated.

FIGURE 21

In certain instances it may be possible to establish that the setting of a heritage asset represents a rare survival and therefore makes an even greater consideration to its significance. The effectiveness of the chain of early 19th century Martello towers, built to defend the eastern and southern coast of England, depended on their intervisibility and lines of fire. Historical losses of many of the towers in the chain and the encroachment of development on the settings of other surviving examples makes the uninterrupted view between towers 64 (foreground) and 66 (on skyline) near Sovereign Harbour, Eastbourne, a rare survival. © English Heritage

FIGURE 22

In large cities views and settings will often evolve more rapidly than elsewhere. Good design of new development within the settings of historic assets is essential if their significance is to be retained or enhanced. Analysis and understanding of significance is the basis for coming to a decision. The Outstanding Universal Value for Liverpool Maritime Mercantile City is well understood, focused in part on technical innovation, and it was agreed nationally and internationally that it was not jeopardised by the new Museum of Liverpool on the Pierhead. © English Heritage



5. SETTING, PERMITTED DEVELOPMENT AND CHANGE MANAGED OUTSIDE THE PLANNING SYSTEM

The advice on setting provided in sections 1 to 5 above relates primarily to the implementation of *PPS 5* within the terrestrial spatial planning system or the handling of significant infrastructure applications in accordance with the National Policy Statement series. Similar considerations may also apply to the system of faculty jurisdiction applying to certain places of worship; to marine developments controlled through other licensing systems; to land use changes subject to their own EIA regimes, such as those relating to forestry, the planting of energy crops or agricultural intensification (see CLG 2006 Annex II); to highways, parking and other transport works; and to certain permitted development rights such as those pertaining to utilities. Each of these types of land use change or permitted development within the setting of a heritage asset may have effects (including cumulative effects) on the asset's significance or its appreciation.

English Heritage considers that the principles expressed in this guidance in relation to the spatial planning system are applicable to these other licensing regimes and to certain permitted development rights and we offer them to inform best practice in those circumstances. English Heritage recommends that, wherever practicable, consideration of the setting of heritage assets is incorporated within relevant sectoral guidance and statements of best practice prepared by decision-making authorities and by utility providers.

FIGURES 23 TO 26

PPS 5 confirms that local planning authorities should identify opportunities for changes in the setting of heritage assets to enhance or better reveal their significance. Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, consideration still needs to be given to proposals for further change.

FIGURE 23

At Fort Amherst, in the Chatham Lines (middle distance to the left), modern development has obscured much of the fort's original unobstructed field of fire but some views remain relatively unobstructed, allowing its function to be understood. Further development in these views may be to the detriment of its significance. © Medway Council

**FIGURE 24**

The brief for a new Job Centre Plus in Burnley, Lancashire, called for an understanding of the settings of several listed buildings, including industrial structures, as well as the need to respect the town centre conservation area. The new building complements the simple form and scale of its historic neighbours. © Geoff Noble

**FIGURE 25**

Redevelopment involving the removal of post-war buildings adjacent to the Grade II* listed Southampton Civic Centre and Guildhall has involved the creation of a new public square and opened up impressive new axial views of the building, enhancing public appreciation of its significance. © English Heritage

**FIGURE 26**

Queen Square, Bristol, was the first of its type to be built outside London. In 1936 the architectural integrity of the square was compromised by the construction across it of a dual carriageway and long-term decline followed. A restoration programme involving the reinstatement of an early 19th-century plan and the rebuilding of several properties in a style which carefully echoed the materials, scale and design of the original ensemble, has now enhanced the setting of the square and its surrounding listed buildings. © English Heritage



6. SETTING AND ENVIRONMENTAL IMPACT ASSESSMENT

Article 3 of the European Union Environmental Impact Assessment Directive (85/337/EEC as amended by 97/11/EC and 2003/35/EC) requires the appropriate identification, description and assessment of the direct and indirect effects of projects on (amongst other things) landscape, material assets and cultural heritage. Article 4 of the Directive stipulates that where consideration of cases is being undertaken to determine whether Annex II (Schedule 2) projects should be subject to an environmental assessment, selection criteria (Annex III) should have due regard to the environmental sensitivity of 'landscapes of historical, cultural or archaeological significance'.

In England, the *Town and Country Planning (Environmental Impact Assessment) Regulations 2011* (SI 2011/1824) and *Circular 02/99: Environmental Impact Assessment* require a planning authority to consider whether a proposal is likely to have a significant effect on the environment, including the architectural and archaeological heritage. EIA regimes relating to other types of land-use change also require a similar approach (see section 5).

Appendix E of draft good practice guidance issued by the Department for Communities and Local Government (CLG 2006) includes the following subjects to be considered in scoping and preparing an Environmental Statement:

- Effects of the development on the architectural and historic heritage, archaeological features, and other human artefacts, eg through pollutants, visual intrusion, vibration.
- Visual effects of the development on the surrounding area, visitor and resident populations and landscape.

Development affecting the setting of a heritage asset is a direct environmental effect in terms of EIA definitions and may constitute

a significant effect. Where this is the case, the local planning authority can require the applicant to carry out an Environmental Impact Assessment and submit an Environmental Statement that identifies, describes and assesses the effects of the project. While not applicable to the majority of developments, setting is often an issue addressed through EIA in the context of major schemes and, in these instances, a more complex approach to assessment may be required.

The implications of relevant projects on the setting of important heritage assets is a matter for careful consideration in the screening and scoping stages of the EIA process, with the scoping stage of an EIA offering an opportunity for the local planning authority and statutory consultees to provide advice on what may be proportionate and reasonable in terms of assessment. The involvement of professional historic environment and landscape advice from the outset of the EIA process will assist most applicants and, while different professional skills may be involved in their preparation, it would usually be helpful to cross-reference impacts on setting in both the 'cultural heritage' and 'visual impacts' sections.

ENDNOTES

1 The term 'landscape' within this guidance may include sites on the English Heritage Register of Parks and Gardens of Special Historic Interest or Register of Historic Battlefields, and other rural landscapes or townscapes with heritage interest. While it may include the entirety of those World Heritage Sites designated for their heritage significance (recognised in the Statement of Outstanding Universal Value), it does not apply to those designated for their natural interest. Nor does it apply to the entirety of the major landscape designations (National Parks, Areas of Outstanding Natural Beauty and Heritage Coasts), although it may apply to extensive landscapes with heritage interest which lie within these larger designated landscapes.

2 This section provides advice on the principles set out in *PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide* paragraphs 114 and 115.

3 For example, see the use of the terms in the Xi'an Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas (Appendix 1) or in relation to World Heritage Site Buffer Zones (see Appendix 4).

4 A range of additional meanings is available for the term 'context', for example in relation to archaeological context and to the context of new developments (see English Heritage 2006), as well as customary usages. Setting may include associative relationships that is sometimes referred to as 'contextual'.

5 Paragraph 1.5 of *Planning Policy Guidance 2: Green Belts* (DETR 2001), for example, makes it clear that historic towns are regarded as having a setting.

6 The Courts have held that it is legitimate in appropriate circumstances to include within a conservation area the setting of buildings that form the heart of that area (*R v Canterbury City Council ex parte David Halford*, February 1992; CO/2794/1991).

7 This section provides advice on the principles set out in *PPS 5 Planning for the Historic Environment: Historic Environment Planning Practice Guide* paragraphs 116 and 117.

8 It should be noted that the opportunity a setting affords to appreciate the significance of a heritage asset is not necessarily the same as the wider public enjoyment of that setting, some aspects of which may have no bearing on that significance.

9 *Planning Policy Statement 5: Planning for the Historic Environment*, paragraph 7.

10 The local authority has a duty under section 67 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to publicise a planning application that it considers will affect the setting of a listed building.

11 A 'Zone of Visual Influence' defines the areas from which a development may potentially be totally or partially visible by reference to surrounding topography. The analysis does not take into account any landscape artefacts such as trees, woodland, or buildings, and for this reason is increasingly referred to as a 'Zone of Theoretical Visibility'.

APPENDICES

APPENDIX 1: SETTING IN INTERNATIONAL INSTRUMENTS

The importance of conserving and/or protecting the setting (or surroundings) of heritage assets is recognised in a number of international conventions and other international instruments. Conventions are international treaties. Once the UK has ratified such a convention, it has legal obligations to implement its requirements. Charters do not carry legal weight but are statements of best practice that may well be useful advice.

Relevant conventions ratified by the UK are the 1972 UNESCO World Heritage Convention and three Conventions developed by the Council of Europe – the Convention for the Protection of the Archaeological Heritage of Europe (The Valetta Convention), the Convention for the Protection of the Architectural Heritage of Europe (The Grenada Convention) and the European Landscape Convention.

The 1972 World Heritage Convention requires state parties who have ratified the Convention to protect World Heritage Sites inscribed on the World Heritage List because of their Outstanding Universal Value and to transmit them on to future generations. The World Heritage Committee's Operational Guidelines (UNESCO 2008) contain guidance on ensuring the protection of World Heritage Sites and their surroundings (see Appendix 4 below).

Article 5 of the Convention for the Protection of the Archaeological Heritage of Europe (The Valetta Convention, Council of Europe 1992), ratified in the UK, requires state parties 'to ensure that environmental impact assessments and the resulting decisions involve full consideration of archaeological sites and their settings'.

Article 7 of the Convention for the Protection of the Architectural Heritage of Europe (The Grenada Convention, Council of Europe 1985), ratified in the UK, requires that 'In the surroundings of monuments, within groups of buildings and within sites, each Party undertakes to promote measures for the general enhancement of the environment'.

The European Landscape Convention deals with the value and management of landscape as a whole. English Heritage has published its Action Plan for implementation of the Convention.

Of particular relevance amongst the large number of international charters is the Xi'an Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas (ICOMOS 2005), which is the only international instrument dedicated to setting, and is noteworthy in recognising that setting extends beyond the physical and visual aspects of heritage assets to embrace a wide range of other considerations.

APPENDIX 2: SETTING IN THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 9, refer to setting. Section 16(2) states: 'In considering whether to grant listed building consent for any works the local planning authority or 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 historical interest which it possesses.' In addition, Section 66(1) states: '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'.

The duties established by Sections 16(2) and 66(1) are reinforced by Section 67, which provides a mechanism by which local planning authorities are required to publicise a planning application that it considers will affect the setting of a listed building.

Section 69 of the Act requires local authorities to define as conservation areas any 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance' and Section 72 gives local authorities a general duty to pay special attention 'to the desirability of preserving or enhancing the character or appearance of that area' in exercising their planning functions.

These duties are interpreted as requiring local authorities to consider the settings of buildings within the conservation area and the setting of the conservation area itself. For example, the Courts have held that it is legitimate in appropriate circumstances to include within a conservation area the setting of buildings that form the heart of that area (*R v Canterbury City Council ex parte David Halford*, February 1992; CO/2794/1991).

APPENDIX 3: SETTING IN PLANNING POLICY

Planning Policy Statement 5: Planning for the Historic Environment

Setting is referred to by *PPS 5* in policies on climate change (HE 1.2); information requirements to support applications (HE 6.1); determination of applications (HE 7); consideration of applications for undesignated heritage assets (HE 8.1); consideration of consent applications affecting designated heritage assets (HE 9 and 10); and enabling development (HE 11.1).

Key advice on setting in relation to weighing the public benefit and harm of development proposals is provided in:

- Policy HE 9, which confirms that the significance of a designated heritage asset can be harmed or lost through development affecting its setting and which sets out the basis on which local planning authorities should weigh the public benefit of a proposal against the harm, whether substantial or less than substantial, including through development affecting setting.
- Policy HE 10, which obliges local planning authorities to treat favourably applications that preserve elements of the setting that make a positive contribution to, or better reveal, the significance of heritage assets and to identify opportunities for changes in the setting that would enhance or better reveal significance. The policy also deals with setting in a more general way confirming the general approach to weighing harm and benefit set out in more detail in HE 9.

Guidance on the implementation of the *PPS 5* policies on setting is provided in paragraphs 113–124 of the *Historic Environment Planning Practice Guide*, with additional references in paragraphs 44, 54, 58, 63, 70, 79, 80, 83, 98, 110, 111, 142, 175, 177, 179, 180 and 191. Paragraphs 113–122 are repeated, for ease of reference, on pages 5 and 16 of this advice note.

National Planning Policy Statements

NPS EN -1, the overarching National Policy Statement for Energy, which provides the national policy against which proposals for major energy projects will be assessed, includes provisions relating to the setting of heritage assets. These are set out in paragraphs 5.8.9, 5.8.11, 5.8.13, 5.8.14 and 5.8.18 and broadly conform with the policies set out in *PPS 5*.

Additional policy is set out in paragraphs 2.7.17 and 2.7.42 of NPS EN-3, the National Policy Statement for Renewable Energy Infrastructure. 2.7.17 includes the following statement: 'The time-limited nature of wind farms, where a time limit is sought by an applicant as a condition of consent, is likely to be an important consideration for the IPC when

assessing impacts such as landscape and visual effects and potential effects on the settings of heritage assets’.

Planning Policy Statement 1: Delivering Sustainable Development

Although the setting of heritage assets is not explicitly referenced in *Planning Policy Statement 1: Delivering Sustainable Development*, the policies that stress the need to protect and enhance the historic environment and landscape and townscape character are of relevance, as are policies on design set out in paragraphs 33 to 39.

APPENDIX 4: SETTING AND WORLD HERITAGE SITES

The settings of World Heritage Sites are recognised as making a fundamental contribution to their Outstanding Universal Value and the agreed or draft Statement of Outstanding Universal Value is an essential reference document when considering development affecting the setting of a World Heritage Site.

The UNESCO *Operational Guidelines for the Implementation of the World Heritage Convention* (UNESCO 2008) recommends a buffer zone for the purposes of effective protection of the nominated property. Paragraph 104 of the *Guidelines* defines a buffer zone as: ‘an area surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection’. The buffer zone, which the *Guidelines* require to be mapped as part of the nomination process, will always be less extensive than the setting of a World Heritage Site.

Further guidance on World Heritage Sites and their settings is provided by *Circular 07/09 Protection of World Heritage Sites* (CLG 2009) and supporting English Heritage guidance (English Heritage 2009).

APPENDIX 5: SETTING AND THE HERITAGE VALUES APPROACH

Section 4 of this guidance stresses the importance of providing – in the information accompanying applications for planning consent, in Environmental Statements, or in the responses of local planning authorities – a clear and accessible narrative account of the contribution setting makes to the significance of a heritage asset and whether and how development affecting setting will reduce or enhance that significance. The heritage values approach described in *Conservation Principles: Policy and Guidance for the Sustainable Management of the Historic Environment* (English Heritage 2008a) provides a useful framework which may be used to structure the process of assessment and any narrative account of its results.

The setting of a heritage asset can contribute to, or detract from, any of the evidential, historical, aesthetic and communal heritage values identified in *Conservation Principles*, and each of these values may be harmed or enhanced by development affecting the setting.

RECENT PUBLIC INQUIRY DECISIONS RELATING TO SETTING

Appeal cases relating to the setting of heritage assets determined with reference to *Planning Policy Statement 5: Planning for the Historic Environment* and its supporting *Historic Environment Planning Practice Guide* can be viewed at:

<http://www.pcs.planningportal.gov.uk/pcsportal/casereport.asp>

Selected recent cases (arranged in date order) include the following:

Land belonging to Rushley Lodge Farm, off Wirestone Lane, Middle Moor/Matlock Moor, Derbyshire DE4. [Development affecting Registered Park and Garden, Listed Buildings and conservation areas]. Appeal refs: APP/R1038/A/09/2107667 and APP/P1045/A/09/2108037. Decision date: 22 April 2010

Development affecting the setting of the locally listed Cheltenham Lido, within a conservation area. Appeal Ref: APP/B1605/A/09/2115655. Decision date: 21 July 2010.

Development affecting the setting of undesignated but nationally significant Thor missile launch pads, Draughton, Northamptonshire. Appeal Ref: APP/Y2810/A/10/2125093. Decision date: 20 September 2010.

Thames Water Reservoir; Bath Road, Reading, RG1 6PG. [Development affecting the setting of listed and unlisted heritage assets]. Appeal Refs: APP/E0345/A/10/2128186 and APP/E0345/E/10/2128188. Decision date: 14 January 2011.

Development affecting the setting of Fort Horsted scheduled monument, Chatham. Appeal Ref: APP/A2280/A/10/2138752. Decision date: 10 February 2011.

269 Cowley Road, Oxford OX4 2AJ. [Development affecting the character or appearance of the Bartlemas Conservation Area and/or the setting of the Grade II* listed Bartlemas Farmhouse]. Appeal Ref: PP/G3110/A/10/2139703. Decision date: 28 April 2011.

Development affecting the setting of the registered Lydiard Park, Swindon. Appeal Ref: APP/U3935/A/10/2140734. Decision date: 17 May 2011.

Land at Hill Top Farm, Mill Lane, Belper, DE56 1LH. [Development affecting the setting of Derwent Valley Mills World Heritage Site, Derbyshire]. Appeal Ref: APP/M1005/A/10/2142571. Decision date: 3 June 2011.

Cheverton Farm, Land at Cheverton Down, Cheverton Shute, Shorwell, Newport, Isle of Wight PO30 3JE. [Development affecting the setting of listed buildings, scheduled monuments and other heritage assets]. Appeal Ref: APP/P2114/A/10/2125561. Decision date: 30 August 2011.

Additional cases which English Heritage considers to be of particular interest may be announced through the English Heritage Legal Director's Twitter feed: [English Heritage@EHLegalDirector](#).

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Photograph by Eric de Maré of the 19th century Grade II listed Church of St Edward the Confessor, Ferrybridge, Brotherton, North Yorkshire with the cooling towers of Ferrybridge 'B' and 'C' power stations in the background. Since the photograph was taken, during the 1960s, the nearest cooling towers have been dismantled. Copyright © English Heritage. NMR