



# Land north of Ennor Castle St Mary's, Isles of Scilly; Heritage Impact Assessment





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Within CAU, the Project Manager was Andy Jones. Charlie Johns contributed comments on the draft report and Pete Dudley helped with formatting.

The views and recommendations expressed in this report are those of Cornwall Archaeological Unit and are presented in good faith on the basis of professional judgement and on information currently available.

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## **Abbreviations**

AONB	Area of Outstanding Natural Beauty
CAU	Cornwall Archaeological Unit
CIfA	Chartered Institute for Archaeologists
HE	Historic England
HER	Cornwall and the Isles of Scilly Historic Environment Record
HIA	Heritage Impact Assessment
HLC	Historic Landscape Character
LB	Listed Building
LPA	Local Planning Authority
MCO	Monument number in Cornwall HER
NGR	National Grid Reference
OD	Ordnance Datum – height above mean sea level at Newlyn
OS	Ordnance Survey
RIC	Royal Institution of Cornwall
SM	Scheduled Monument

# **1 Summary**

This report was commissioned by the Local Planning Authority (LPA), to inform a proposal to allocate land to the north of Ennor Castle at Old Town, St Mary's, Isles of Scilly, for residential development. The allocation is proposed in a review of the Isles of Scilly Local Plan. The site is close to the medieval Ennor Castle, and a Heritage Impact Assessment (HIA) of the proposal was recommended by Historic England.

The main focus of the HIA is the proposed development area, a field NNE of Ennor Castle. The HIA also considers relevant heritage assets at Old Town, up to c0.5km from the site, and takes into account potential impacts upon these, and on heritage assets over a wider study area, the western part of the island of St Mary's.

The primary aims of this study are to assess the following:

- the heritage resource including potential for buried archaeology at the site;
- relevant designated and other heritage assets around the site;
- the significance of the above (in relation to the proposal);
- the potential impacts of the proposal upon this significance; and
- mitigation measures the LPA may require for any development of the proposal.

The predominant Historic Landscape Character (HLC) type here is medieval farmland substantially altered in modern times by adaptation of the field pattern with straight-sided boundary banks, stone walls and shelter hedges. Ennor Castle overlooks Lower Moors to the north, still predominantly a wetland area, and Old Town to the south, a settlement of medieval origin expanded in recent times, with Old Town Bay beyond.

Designated heritage assets in the vicinity include Ennor Castle (Scheduled Monument), a medieval shell-keep on Castle Rocks, c50m to the SSE of the HIA site. The castle is ruined, but upstanding and buried remains survive. First recorded in 1244, it fell into disuse in the 16<sup>th</sup> century when Star Castle was built on the Garrison to the west. Old Quay (Scheduled Monument) in the bay below comprises two granite piers, showing several phases of construction, and associated with routeways running inland. Old Town Church, Listed at Grade II\*, 12<sup>th</sup> century in origin, with post-medieval and 19<sup>th</sup> century rebuildings, has some early features including mullioned windows. The HIA site is significant for the historic environment, primarily as part of the settings of these assets, forming a legible medieval landscape rare on the Isles of Scilly where the rich heritage resource is predominantly prehistoric or post-medieval in character.

Development of the field for residential use would involve ground-disturbing works, and extension of the built-up area of Old Town. On this northern side of Ennor Castle there is little modern development. Between the HIA site and Ennor Castle are a small low cluster of solar panels at ground level, the converted barn, small and relatively little changed – and, further from the Castle, the outlying houses of Old Town on this side, fairly dispersed. From the summit of the outcrop the HIA site is clearly seen (the nearest corner of the field is screened by some hedgerow trees) with the rural interior of the island, featuring the tree-covered Lower Moors, stretching away to the north.

New residential development here would have a moderate adverse visual effect (less than substantial harm) on the historic landscape setting of the Scheduled Monument, Ennor Castle, extending the modern settlement towards Lower Moors, and intervening between the Castle and the road leading inland from it to the north. The assessment indicates significant potential for disturbance, which could amount to substantial harm, to buried early features and deposits at the site (indicators including HLC, proximity of Ennor Castle, and known shrinkage of Old Town).

The HIA notes options for avoiding, reducing or mitigating the potential adverse impact, which may be required by the LPA. These include selecting a new site for this housing allocation; using understanding of the heritage resource to inform any detailed designs for the development; and carrying out a programme of further archaeological work.



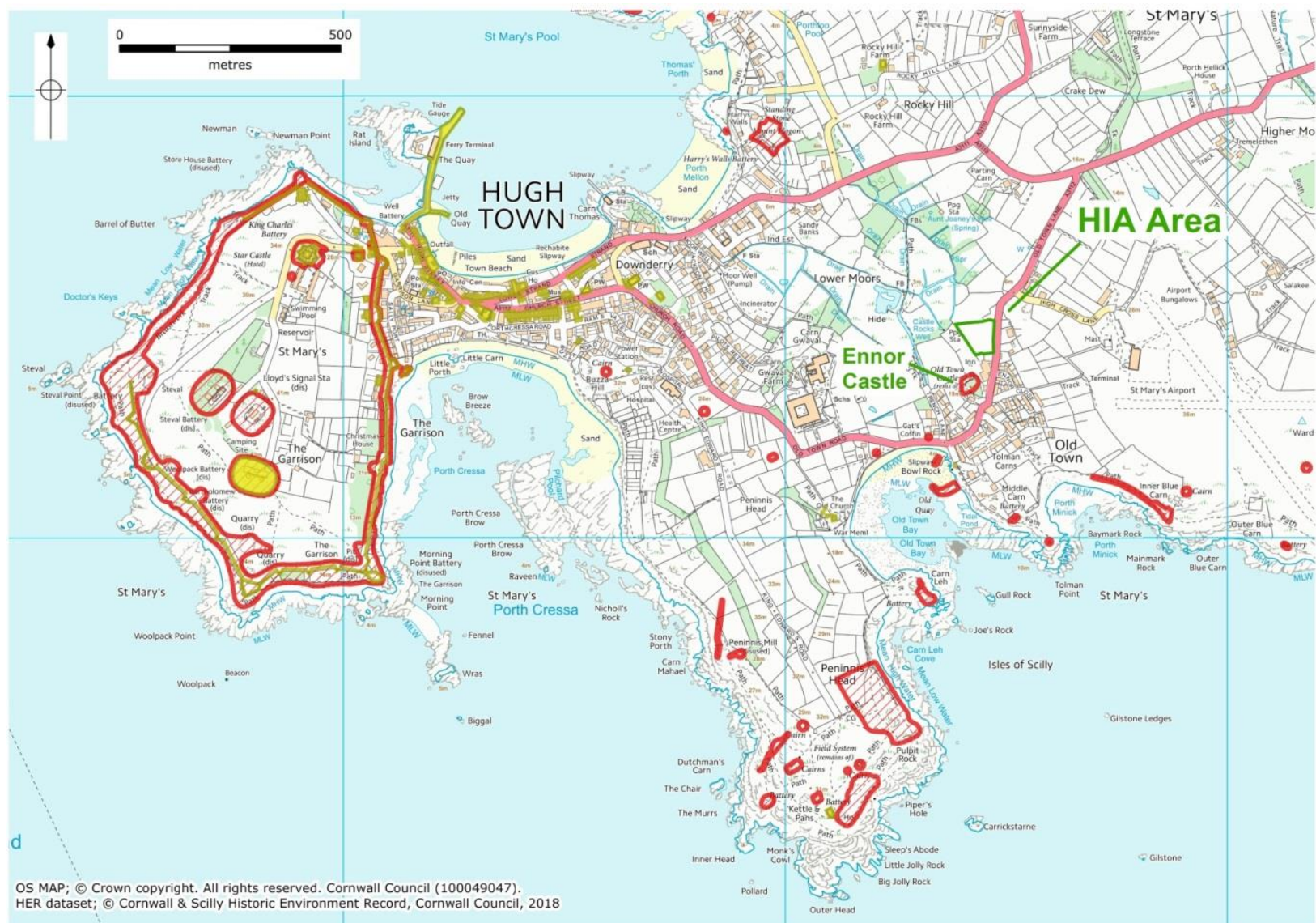
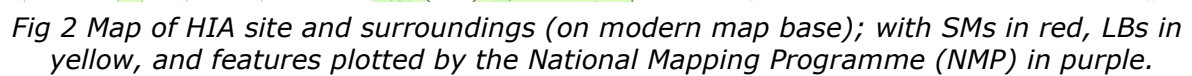


Fig 1 Map locating the HIA site at Old Town, St Mary's; with Scheduled Monuments (SMs) in red, and Listed Buildings (LBs) in yellow.

HER dataset; © Cornwall & Scilly Historic Environment Record, Cornwall Council, 2018





## **2 Introduction**

### **2.1 Project background**

This report has been commissioned by the Local Planning Authority (LPA), the Council of the Isles of Scilly, to inform a proposal to allocate, for residential development, land to the north of Ennor Castle at Old Town on the south coast of St Mary's, Isles of Scilly (see location map, Fig 1). The allocation is proposed in a review of the Isles of Scilly Local Plan (Council of the Isles of Scilly 2018). The site is close to the medieval Ennor Castle (Fig 2), and a comment from Historic England (HE), dated 8 May 2018 (Appendix I), recommends a Heritage Impact Assessment (HIA).

### **2.2 Methodology**

#### **2.2.1 Policy and guidance**

This report takes account of various relevant aspects of national and local planning policies and guidance including:

- Government guidance on conserving and enhancing the historic environment;
- The National Planning Policy Framework (NPPF) (2018) – specifically policies for 'conserving and enhancing the historic environment' (paragraphs 184-202);
- The Hedgerow Regulations (1997); and
- The Isles of Scilly Draft Local plan 2015 to 2030 (Public Consultation Draft – 2018).

#### **2.2.2 Scope**

This assessment is focussed on heritage assets in the vicinity and archaeological potential identified within the proposal area itself (the 'site'). The area is a field NNE of Ennor Castle, shown outlined in green on Figure 2.

The HIA also includes relevant heritage assets at Old Town, up to approximately 0.5km from the site (Fig 2), and considers potential impacts upon these and on heritage assets over a wider study area, the western part of the island of St Mary's.

The scope of the assessment was set out in Historic England's comments on the Local Plan Review (Appendix I). 'Specifically, it needs to assess whether there is any harm to heritage assets (designated and undesignated) through the site allocations, whether that harm can be avoided or mitigated through the Plan (for example a site allocation policy/design principles/change of use/change size of allocation) or whether the harm is justified, taking into account the public benefit'.

#### **2.2.3 Aims**

The primary aims of this study are to assess the following:

- the heritage resource including potential for buried archaeology at the site;
- relevant designated and other heritage assets around the site;
- the significance of the above (in relation to the proposal); and
- the potential impacts of the proposal upon this significance.

The study also assesses potential for mitigation measures.

#### **2.2.4 Desk-based assessment**

This study was undertaken in accordance with the Chartered Institute for Archaeologists' (CIfA) guidance on undertaking desk-based assessment (CIfA 2017).

#### **Significance**

In determining the significance of heritage assets CAU have followed guidance issued by English Heritage (now Historic England) in 2008. The following criteria have been used to measure significance:

- Evidential – ‘the potential of a place to yield evidence about past human activity’;
- Historical – ‘derives from the ways in which past people, events and aspects of life can be connected through a place to the present’;
- Aesthetic – ‘derives from the ways in which people draw sensory and intellectual stimulation from a place’;
- Communal- ‘derives from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory’.

### **Settings**

In evaluating aspects of the settings of heritage assets CAU have followed Historic England’s guidance on the subject (2017).

### **Sources**

Historical databases and archives consulted during the desk-based assessment, in order to obtain information about the history of the site and study area, include:

- Cornwall and Scilly Historic Environment Record (HER).
- The National Heritage List for England (a searchable database of designated heritage assets, excluding conservation areas).
- GIS data accessible to CAU.
- Early maps (see Section 7.1)
- Published histories (see Section 7.2).

#### **2.2.5 Walkover survey**

A site visit was undertaken on 4 July 2018. The ground at the HIA site was in good condition for the purposes of the walkover, under grass pasture. The north side and summit of Castle Rocks was also accessible, and this has been cleared of much scrub and tree cover in recent years, though it is still partly obscured (the remainder of the outcrop, in a different holding, is largely tree-covered).

#### **2.2.6 Heritage Impact Assessment**

Following the walkover, the results of the desktop study and field study were combined and further analysed to generate the HIA.

## **3 Heritage resource**

This section presents a summary of the historical development of the study area, provides detail of designated and non-designated heritage assets that have been identified, and identifies potential heritage assets that may lie within the site.

### **3.1 Location**

The HIA site covers an area of approximately 1.25 acres or 0.5 hectares lying some 200m inland from the low rocky coastline, on slightly undulating ground at around 7m OD (Fig 2). It is around 50m from Castle Rocks, the sudden and prominent if small rounded rock outcrop, some 70m across and 10m high upon which Ennor Castle was built. The bedrock is an igneous granite intrusion of the Carboniferous to Permian eras, and soils are the Hexworthy series of typical brown earths.

### **3.2 Historic Landscape Character**

Historic Landscape Character (HLC) is the predominant character of landscape, embodying historic processes which shaped it. Units of the same HLC type display shared patterns of landscape features such as field boundaries, routeways and settlements, attributable to formation or adaptation during a particular period of time. They have potential for a predictable range of similar surface and/or buried archaeological sites and historic structures.

The predominant HLC type in the area around Ennor Castle is 'Anciently enclosed land' - medieval farmland, substantially altered in modern times by adaptation of the field pattern including sub-division with straight-sided boundary banks, dry stone walls and shelter hedges (Land Use Consultants and Cornwall Archaeological Unit 1996). Ennor Castle overlooks Lower Moors to the north, still predominantly a wetland area, and Old Town to the south, a settlement of medieval origin expanded in recent times, with Old Town Bay beyond. Historic OS maps show this landscape well (Figs 3 and 4).

### 3.3 Designations

The Isles of Scilly as a whole are covered by several designations; Conservation Area, Heritage Coast, and Area of Outstanding Natural Beauty (AONB). The west part of St Mary's island is rich in Scheduled Monuments (SMs) and Listed Buildings (LBs) (Fig 1).

Notable among these in the present context are the post-medieval forts of the Garrison and of Harry's Walls, and Hugh Town quay and houses, all c1km from the site (Fig 1).

There are no SMs or LBs at the HIA site itself. Those in the vicinity include the following (see Fig 2, and Appendix III for Listing of Ennor Castle).

#### 3.3.1 Scheduled monuments (SM)

**Ennor Castle**, List entry Number 1014994; a medieval shell-keep on Castle Rocks, c50m to the SSE of the HIA site. As noted in the HE Scheduling documentation (see Appendix II for full description), the castle is ruined but upstanding and buried remains survive. These include earthworks and stone footings or revetments on the summit and sides of the rock; rubble stone walling of a sub-rectangular keep, best preserved on the north west and west where it rises up to 2m high above ground; and possible enclosure walling extending south east from the outcrop. The castle was first recorded in 1244. It fell into disuse in the 16<sup>th</sup> century, when the Star Castle artillery fort was built on the Garrison to the west (Figs 5-10, 15, 16).

**Old Town Quay**, List entry Number 1015656; this SM comprises two designated areas, protecting two abandoned stone piers. A quay at Old Town is documented in 1554 but is likely to be earlier in origin, a landing at Old Town being recorded in the 12<sup>th</sup> century (see note on church complex, below). The quays are of unmortared water-worn granites and show several phases of construction. They are associated with routeways running inland (not included in the SM) (Figs 5, 18).

**Pillboxes**, Old Town Bay, List entry Numbers 1016513, 1016514; three separate SMs protect small concrete hexagonal 'pillbox' artillery fortifications of World War II defending Old Town Bay, and two of these stand on the north side of the bay towards Ennor Castle.

#### 3.3.2 Listed buildings (LB)

Old Town Church, Listed at Grade II\*, List entry Number 1141210; the Old Church of St Mary across the bay to the west of Ennor Castle, 12<sup>th</sup> century in origin, with rebuildings of 1666, 1743, and c1830, and a restoration of 1890. The granite rubble, slate-roofed church has some early features including mullioned windows. (Several memorials in the churchyard are also Listed).

#### 3.3.3 Archaeological Constraint Areas

Archaeological Constraint Areas are non-statutory designations which were introduced to Scilly in 1995. The Archaeological Constraint Maps, on which they were based, were prepared by CAU, with funding from English Heritage (now Historic England) and the Council of the Isles of Scilly.

Their purpose was to indicate the location of recorded archaeological and historic sites and structures in order that an initial assessment could be made of the impact of any proposed development on these remains and, if necessary, archaeological consultation carried out prior to the planning decision. They were intended to serve as a graphic aid to planning officers and others dealing with the management of the historic environment (Cornwall Archaeological Unit 1995).

The HIA is adjacent to an Archaeological Constraint Area, which extends from its south boundary including Ennor Castle and the south end of the field north of the Castle.

### **3.4 Chronological summary of Heritage Resource and Potential**

#### **3.4.1 Prehistoric (c10,000 BC–AD 43) and Roman (AD 43–410)**

No remains of the prehistoric or Roman periods are known at or adjoining the HIA site. However, several traces of activity of this era are recorded on and near Old Town Bay. These include a Bronze Age cist found by workmen in 1964 in the ground above the Scheduled quays, now a modern housing estate (MCO 30986), less than 200m south of the HIA site; and two saddle querns of prehistoric type near the shore on the other, west side of the bay (MCO 30995, 30996).

The HIA site lies beside an early route to a safe landing, and close to the extraordinary, abrupt Castle Rocks (Fig 10) which may have attracted prehistoric activity in a similar way to Roche Rock in central Cornwall near which clusters of buried Early Neolithic pits have been found (Cole and Jones 2002-2003). It is possible therefore that early settlement-related remains of diverse kinds survive below ground at the site.

#### **3.4.2 Medieval (AD 410–1540) to present**

The main settlement on St Mary's, known in the medieval period as *Ennor*, was at Old Town, where secular rule was based. Protected by Ennor Castle, the village was at the end of a bay that deep-water ships could not penetrate. The harbour, with its medieval quay was then known as *Porthenor*, 'the porth or landing-place for Ennor', and possibly the settlement of *Maríuhöfn* plundered by Vikings in c1151 (Thomas 1985, 210).

At the HIA site itself, the hedge banks may be of medieval origin, bounding the field against the slight ridge north of Castle Rocks (potentially a castle enclosure; see below), the Lower Moors (formerly more extensive), and the ancient Old Town Lane on the east (part re-aligned north of here, as indicated by bends in the road; see Fig 22).

Within the HIA field, the only earthwork visible on the visit was the track running across the south side between the the road to the east and the field immediately north of Ennor Castle on the west (Figs 13, 14). The trackway might perhaps be thought to be part of an altered earlier route serving the inland side of the Castle, formerly leading eastward to the High Cross area, above Old Town. On the basis of present knowledge, though, this track seems to be later. It rises up, so post-dates, the boundary on the south west of the HIA field, and is slightly embanked rather than a worn 'hollow way'.

It is possible, that the HIA site, lying as it does on Old Town Lane quite close to Ennor Castle, was the site of roadside dwellings in medieval times. Old Town shrank with the shift in the military and administrative centre to the Garrison and Hugh Town, before growing again in modern times. A survey of 1650 for the landowners, the Duchy of Cornwall, records many tenements still at Old Town, including one 'with a garden in Castle Close' (Pounds 1984, 140-141). A century later Old Town consisted only of 'several convenient Dwellings, suitable to the Dwellers, who live by Fishing, Farming, selling Liquors, and the Exercise of a few mechanic Trades' (Heath 1750, 29). The full extent of the medieval settlement is not known at present.

Ennor Castle, a medieval shell-keep on a natural rock outcrop, is outlined in Section 3.3, and described in the Scheduling, Appendix II (Figs 6-10, 15, 16). It was described in the mid-16<sup>th</sup> century as 'a meatley strong pile; but the roves of the building in it be sore defaced and woren' (Bowley 1968, 44). Much building stone is said to have been removed in the 17<sup>th</sup> century, principally to build Star Castle on the Garrison (Whitfield 1852, 35), and a water tank was built here in the 20<sup>th</sup> century (Fig 9). Despite this, complex buried structural remains and deposits are expected to survive.

The field north of the outcrop, adjoining the HIA site on the west, is significantly higher than those to either side, fairly level with undulations at least partly due to outcropping rock, and has marked but low scarps around its sides topped with typical hedge banks (Figs 15, 26). It is possible that this low ridge was used for activity relating to the castle, though no signs of an enclosure or internal complexity are visible on the surface.

The marshy flat Lower Moors inland of the Castle, now a nature reserve (Figs 10, 23), were described in the mid-18<sup>th</sup> century (shortly after great storm flooding) as rough ground exploited in a non-intensive way to water and graze stock, and prone to flooding from the sea; 'Morass Ground....which [supplies] the Cattle with Water in dry Seasons....subject to be overflowed by the high Spring-Tides; especially when these Tides are lifted and drive over the Moor-Banks by strong Southerly Winds....render[ing] them long unserviceable to the Cattle....' (Heath 1750, 21).

## **4 Statement of Significance**

The assessed site is significant, for the historic environment, primarily as part of a legible landscape of medieval origin at Old Town. This is rare on the Isles of Scilly where the rich heritage resource is predominantly prehistoric or post-medieval in character, adding to its community value. The main elements of this medieval landscape, Ennor Castle, the Old Quays, and Old St Mary's Church – Designated sites of National Importance – form a coherent group around Old Town Bay, together with Old Town itself, articulating routes serving the landing in the bay, and the marshes inland; as can be appreciated in viewing it from Castle Rocks (Fig 16).

The presence of Ennor Castle reflects the local pre-eminence, and vulnerability, of the settlement and associated landing, sheltered but open to the sea on the outer side of the archipelago. The remarkable Castle Rocks outcrop on which it stood is likely to have been frequented in prehistoric era also as a striking landmark and may have served as a seamark. The rubble stone walling of the Castle is probably the only unaltered upstanding example of medieval masonry surviving on Scilly.

The HIA field forms part of the setting of the Designated assets, above. The ground here is intervisible with much of Castle Rocks (Figs 11, 26), and would be so with upstanding earthworks and structural remains there, were these not obscured by trees and scrub, controlled in recent years on part but not all of the outcrop.

The site lies on an approach to the shrunken medieval settlement of Old Town; close to Ennor Castle on its landmark outcrop; alongside the field adjoining this on the north possibly used for settlement-related activity during the period when the castle was occupied; and near the ancient landing in the bay. This means it has high, if not specific, potential for buried medieval and earlier remains. Its boundaries are probably early in origin and contain beach boulders, contributing to local distinctiveness (Fig 12).

## **5 Assessment of potential impacts**

### **5.1 Summary of proposal**

Development of the field for residential use would involve ground-disturbing works, and extension of the built-up area of Old Town (there are currently no detailed plans).

### **5.2 Summary of potential impact**

The HIA, at the present state of knowledge of the site, indicates that the proposed development would have a potential moderate adverse impact overall on the heritage resource, in particular, on the setting of the designated asset, Ennor Castle. This would comprise an adverse visual impact (less than substantial harm); and direct adverse impact (potentially amounting to substantial harm).

#### **5.2.1 Visual and other non-physical impacts**

- Development of the HIA site would not be seen from the west/south approach to Ennor Castle with the historic core of Old Town and its church and landing (Figs 5, 7, 15-17, 24).
- To the north of the Castle, the rural interior of St Mary's, featuring the tree-covered Lower Moors, stretches away to the other coast of the island (Fig 10).

- On the northern skyline, a lesser rock outcrop, Carn Thomas, and another fortification, Harry's Walls, are discerned from Ennor Castle; these are considered too distant for significant visual impacts (Figs 10, 20).
- However, closer in, around the north side of Castle Rock there is little modern development. Between the HIA site and Ennor Castle are a small low cluster of solar panels at ground level, the converted barn, small and relatively little changed; and further from the Castle, outlying houses of Old Town including a converted roadside chapel opposite the HIA site (Figs 11, 19, 21-23, 25, 26).
- From the summit of the outcrop, the HIA site is clearly seen (the nearest corner of the field is screened by some hedgerow trees) (Fig 26).
- Development of the site, therefore, could potentially have a moderate adverse visual effect (less than substantial harm) on the historic landscape setting of the Scheduled Monument, Ennor Castle. It would extend modern settlement towards Lower Moors, and intervene (potentially introducing new patterns of housing layout and density, with new traffic and other movement, noise, and light effects) between the Castle and the road leading inland from it to the north.

### **5.2.2 Physical (direct) impacts**

The assessment indicates significant potential for disturbance, truncation or loss of buried medieval or earlier features and deposits at the site, in the setting of a SM. This assessment is based on the proximity of the site to Castle Rocks, Ennor Castle, the associated settlement of Old Town known to have been more extensive in medieval times, and the ancient landing beyond; rather than on specific field evidence of earthworks or structures, or on recorded discoveries or indications of buried remains. Investigation of the archaeological potential (see Section 6), and detailed plans, would be necessary to inform a full assessment of potential physical impact and any resulting substantial harm to the heritage resource including the setting of Ennor Castle.

## **6 Concluding remarks**

(Provided for guidance; any actual requirements will be set by the LPA.)

### **6.1 Relocation of proposed residential development**

Withdrawal or re-siting of the proposed allocation for development, as noted by Historic England (Section 2.1), is an option, in view of the potential moderate adverse visual impact (less than substantial harm), and indications of possible direct impact (potentially amounting to substantial harm) to buried archaeology. Alternatively, the following measures may be considered appropriate.

### **6.2 Reduce and mitigate for potential visual impact**

Design and access measures could protect or enhance the setting of Ennor Castle;

- **Limit and screen proposed site.** Development could be limited to the eastern, 'road' side of the HIA site. It could be bounded on the western, 'castle' side, by a boundary on the former line of one running north-south parallel with the road, removed in the 20th century.

This lost boundary is marked on the OS map of c1907 (Fig 4, south of the well and windpump). It marked a field of the type prevalent (together with smaller plots) in the area at that time, commonly used for growing bulbs or other crops benefitting from sheltering hedges. It could be re-built as a hedge bank, with earth core and local facing stone and topped with traditional Scillonian hedging trees, of the kind existing around the site. This would define a roadside strip for containing the proposed development, some 20m wide.



Within this roadside strip, density and positioning of housing could be designed to avoid uniform ribbon development lining the approach to Old Town.

Such restriction and screening of the development would reduce the potential adverse effect of intervisibility between the development site and Ennor Castle. From the summit of the SM, the development would not then greatly increase the existing visual impact on the Castle of existing houses. New housing would be further screened from the Castle by the suggested new boundary, and in the medium to longer term, by the growth of hedgerow trees there.

This measure would also effectively maintain the existing visual connection between the farmland at the HIA site and the Lower Moors beyond, helping preserve the present strong sense of the historic setting of the Castle and of Old Town between these marshes and the coast (Fig 23).

- **Maintain or enhance HLC**, through careful design of density, style, fabric and variety for new houses and garden boundaries, informed by those existing in the historic core of Old Town; and through retention of existing boundary banks and trees.
- **Retain the existing trackway on the south** as a route to any access provided to the rear (west side) of the development, if possible.
- **Consider the feasibility of providing access to Ennor Castle**, potentially highly beneficial for the community and local economy, should the opportunity arise.

### 6.3 Scoping and mitigation of potential archaeological impact.

Further archaeological work could address the high potential for buried archaeology (indicated at present by factors including the HLC type, and proximity to Ennor Castle, to its north approach, and to the shrunken medieval settlement of Old Town). This would allow the scale of overall potential impact to be understood as fully as possible, and weighed against the public benefits, as required by Historic England (Appendix I). Should the proposal progress, this may require;

- **Further HIA** for any detailed proposals, to assess potential impact in detail.
- **Geophysical survey** could identify key elements of buried features, although it is unlikely to identify smaller features such as pits and postholes.
- **Archaeological evaluation** may be required to characterise the results of the geophysical survey, and help inform further assessment. This would include assessment of the potential for palaeoenvironmental sampling.
- **Archaeological excavation** may be required for key features with buried remains considered potentially early, complex, or otherwise highly significant, with palaeoenvironmental sampling as appropriate. This should be undertaken before any other groundworks on the affected part of the site.
- **Watching brief**, or archaeological monitoring of groundworks as they proceed, may be specified to allow the archaeologist to carry out excavation, recording (at an appropriate level which may include description, photography, or drawing in plan or section), the recovery of any artefacts or samples, and the identification of any further investigation needed.
- **Boundary recording** by section drawing, photography, and soil sampling as appropriate, may be recommended for the historic boundary banks and any associated ditches where disturbance is unavoidable. (Hedgerow Regulations may apply to any proposed boundary removal; see Appendix II.)
- **Post-excavation assessment, analysis and publication** may be required by the LPA following any excavation, should the results merit it.

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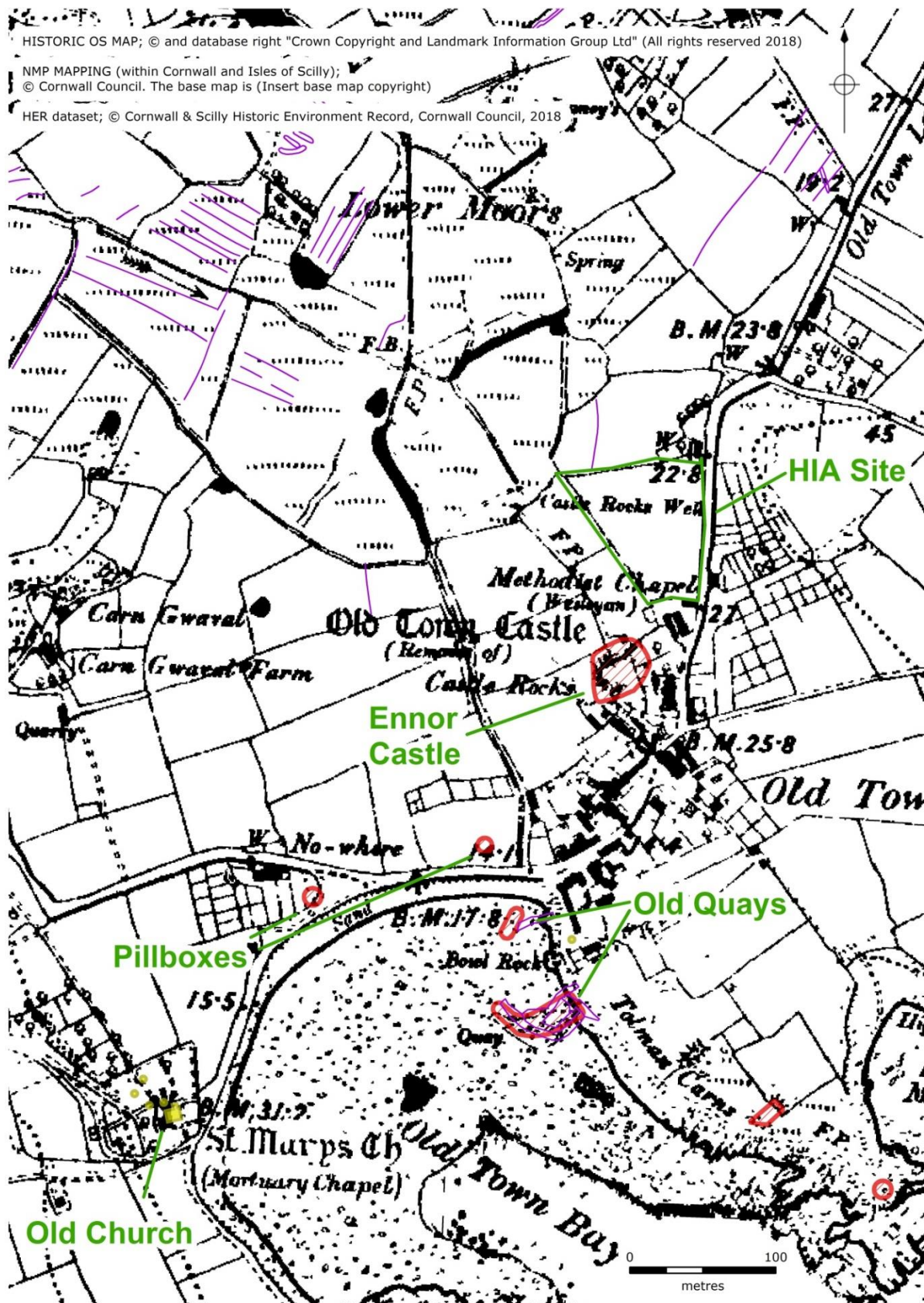


Fig 3 First Edition of the Ordnance Survey 25 Inch Map, c1880; with SMs in red, LBs in yellow, and features plotted by the National Mapping Programme (NMP) in purple.



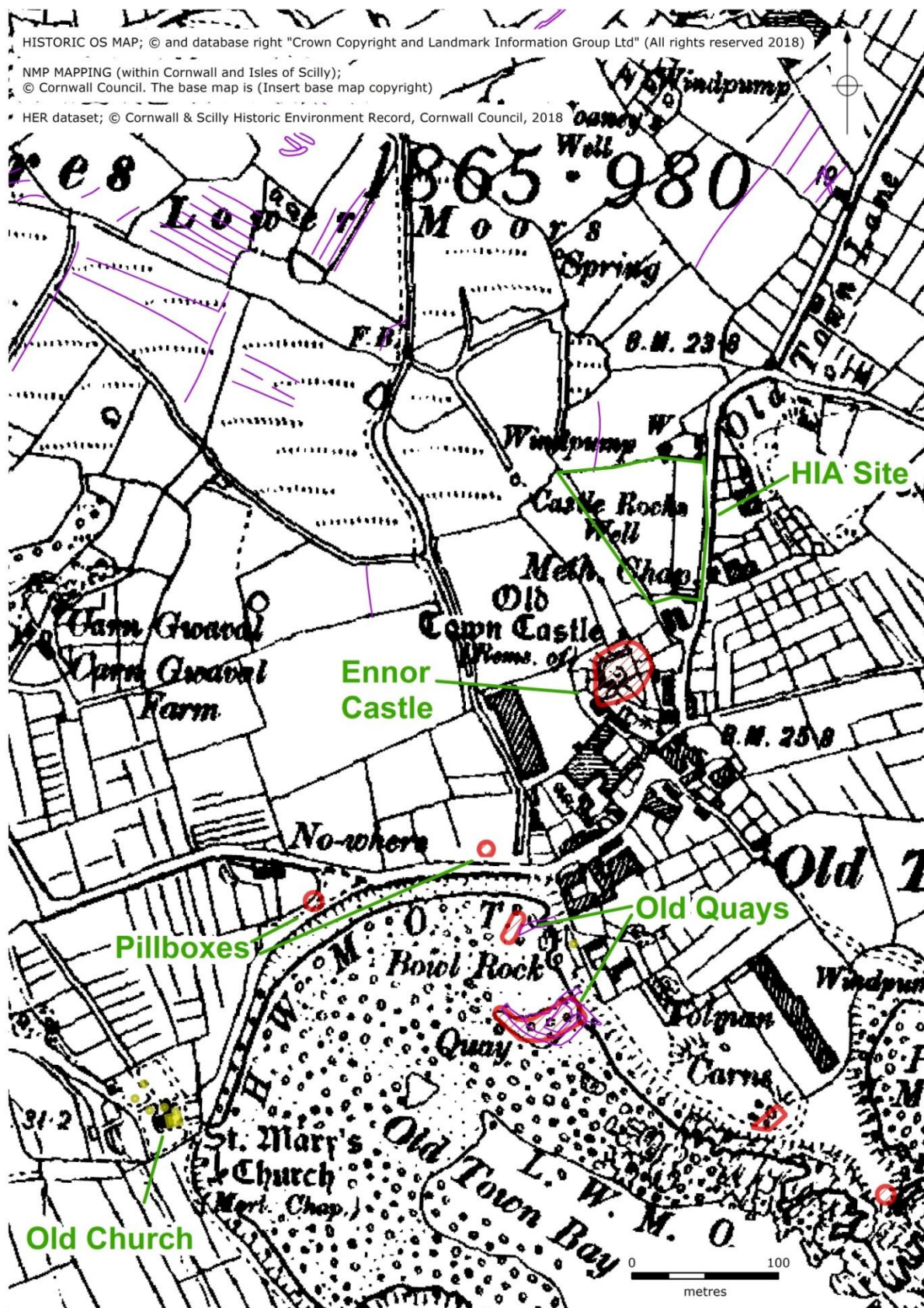


Fig 4 Second Edition of the Ordnance Survey 25 Inch Map, c1907; with SMs in red, LBs in yellow, and features plotted by the National Mapping Programme (NMP) in purple.





*Fig 5 View from church to north east across Old Town Bay to ruined quays, with Old Town beyond, and, on the skyline, castle (in trees on left) and islands' airport.*



*Fig 6 Base of castle outcrop, from its southern, Old Town side at Blue Carn Cottage.*





*Fig 7 Castle outcrop on north side towards Lower Moors, with 1m scale marking a path.*



*Fig 8 Castle Rocks summit with level topped platform, looking north west (1m scale).*





*Fig 9 Tank (1m scale), trees, and scrub just below outcrop summit, looking north east.*



*Fig 10 View from summit of Castle Rocks, across fields and Lower Moors, with Carn Thomas (left) and Harry's Walls skylined, flanking Samson island with its twin hills.*



## ***HIA Site and its Heritage Resource***



*Fig 11 View across HIA site field to Castle Rocks, tree shrouded on this north east side.*



*Fig 12 Stone face to roadside hedge on east of HIA site, looking north west (1m scale).*





*Fig 13 Gateway on south west of site, with scarp from field immediately north of castle.*



*Fig 14 Track through townward, south east side of site, to field north of Castle Rocks.*



## ***Significance***



*Fig 15 Castle with field immediately north on the skyline from the edge of Lower Moors.*



*Fig 16 Old Town and its bay with church on south west, from top of Castle Rocks.*





*Fig 17 Approach to Castle – and to HIA site beyond, around bend – from Old Town.*



*Fig 18 View from outer Scheduled quay in Old Town Bay to inner one, Old Town (with Scheduled pillbox hidden above sea wall), and Ennor Castle rising above (right).*





*Fig 19 Converted chapel east of road entrance gateway to HIA site, looking north.*



*Fig 20 Glimpse of the top of Castle Rocks on the skyline (right of front telegraph pole) from the base of the coastal outcrop across the 'neck' of the island, Carn Thomas.*



## ***Potential Impact***



*Fig 21 View across HIA site from roadside gateway on the south east, looking north.*



*Fig 22 View from road on north towards site, lying beyond the bend (marshes to right).*





*Fig 23 Site seen over hedge bank from marshy field to north, with Castle beyond.*



*Fig 24 Approach to Old Town from the west around the bay, with the Castle outcrop on the left (and the airport on the higher ground beyond). The HIA site is not visible.*





*Fig 25 Converted barn in field north of Castle Rocks (HIA site out of sight, to right).*



*Fig 26 View to north from Castle, with triangular HIA field beyond converted barn roof.*

## Appendix I: Historic England comment



Historic England

Ms Lisa Walton  
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TR21 0LW

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Your ref:  
Telephone 0117 975 0692  
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08 May 2018

Dear Lisa

**re: Isles of Scilly Local Plan Review 2015 - 2030**

Thank you for the opportunity to comment upon the review of the local plan.

Historic England welcomes, in large part, the policies which we believe are consistent with national policy (Paragraph 2 & Paragraph 151) as set out in the National Planning Policy Framework in respect of the historic environment. Consequently for the most part the plan accords with Paragraph 126 of National Policy and sets out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. We welcome this.

There are however a few points we wish to make and one significant area of concern:

- There is a technical factual inaccuracy in the paragraph 179, in that Historic England does not grant scheduled monument consent, the Secretary of State does.
- The primary concern and objection which questions the soundness of the plan is the proposed allocation of site H3 Land to the north of Old Town, Ennor Farm St Mary's and the potential harm to the historic asset.

We note that there is reference to the Scheduled Monument of Ennor Castle in the policy and an attempt to mitigate harm. Historic England has concerns over whether the site should be allocated at all. The only appraisal appears to be as part of the IoSLP Sustainability Appraisal Final Report (paragraph 5.94); this process is by its nature very general and does not adequately give great



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weight to the historic environment or properly assess it. When reviewing the website we can find no specific heritage site assessment. Therefore we are not satisfied that the site is underpinned by an adequate, up-to-date and relevant historic environment evidence base to justify the allocation of housing and therefore does not satisfy paragraph 169 of the NPPF.

Without this evidence or its application we suggested that the Council consider whether it would be appropriate to identify land where development would be inappropriate for its historic significance (in accordance with paragraph 157 of the NPPF) when preparing the Local Plan.

In February 2017 we wrote to you regarding the site allocations registering our concern that the evidence base may need to be supplemented before any allocation (and certainly before an application) in order to determine the harm, if any. The Council's will need to be able to fully justify their site allocations to achieve a positive strategy for the historic environment has been included.

We recommended that an appropriate heritage impact assessment/background heritage report is produced to set out how the historic environment has been considered through the process. Specifically, it needs to assess whether there is any harm to heritage assets (designated and undesignated) through the site allocations, whether that harm can be avoided or mitigated through the Plan (for example a site allocation policy/ design principles/change of use/ change size of allocation) or whether the harm is justified, taking account of the public benefit.

We strongly advised that the Isles review the HEAN 3: Site Allocations note - <https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>

- Only once any harm has been properly understood and only then if appropriate should mitigation be considered. In this regard it would be premature to consider mitigation for Site H3
- For sites H1 (former secondary school) and H2 (former primary school) the need for the policy to outline mitigation is probably the right approach, however, the site allocation policy wording needs to be more explicit about that mitigation and provide better clues as to the design approach.

Historic England's Good Practice Advice in Planning Note 1, *The Historic Environment in Local Plans*, published in October 2015, <https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/> explains that *"The level of detail required in a site allocation policy will depend on aspects such as the nature of the development proposed and the size and complexity of the site (NPPF, paragraph 154 and 157). However, it ought to be detailed enough to provide information on what is expected, where it will happen on the site and when development will come forward including phasing. Mitigation and enhancement measures identified as part of the site selection process and evidence gathering are best set out within the policy to ensure that these are implemented."*



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## **Appendix II: Planning Policy and Guidance**

### **Government guidance on conserving and enhancing the historic environment**

<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

#### **Overview: historic environment**

*What is the policy for the historic environment?*

Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework's drive to achieve sustainable development (as defined in paragraphs 7-14). The appropriate conservation of heritage assets forms one of the 'Core Planning Principles' (paragraph 17 bullet 10) that underpin the planning system. This is expanded upon principally in paragraphs 184-202 but policies giving effect to this objective appear elsewhere in the National Planning Policy Framework.

*What is the main legislative framework for planning and the historic environment?*

In addition to normal planning framework set out in the Town and Country Planning Act 1990:

- the Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest
- the Ancient Monuments and Archaeological Areas Act 1979 provides specific protection for scheduled monuments
- the Protection of Wrecks Act 1973 provides specific protection for protected wreck sites

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.

*What is meant by the conservation and enhancement of the historic environment?*

The conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use to as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-taking to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified, the aim then is to capture and record the evidence of the asset's significance which is to be lost, interpret its contribution to the understanding of our past, and make that publicly available.

#### **Plan making: historic environment**

*What is a positive strategy for conservation and enjoyment of the historic environment?*

In line with the National Planning Policy Framework, local authorities should set out their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. Such a strategy should recognise that conservation is not a passive exercise. In developing their strategy, local planning authorities should identify specific opportunities within their area for the conservation and enhancement of heritage assets. This could include, where appropriate, the delivery of development within their settings that will make a positive contribution to, or better reveal the significance of, the heritage asset.

The delivery of the strategy may require the development of specific policies, for example, in relation to use of buildings and design of new development and infrastructure. Local planning authorities should consider the relationship and impact of other policies on the delivery of the strategy for conservation.

*What about the evidence base for Local Plan-making?*

Policy on this is set out in paragraph 187 of the National Planning Policy Framework.

*Should non-designated heritage assets be identified in the Local Plan?*

While there is no requirement to do so, local planning authorities are encouraged to consider making clear and up to date information on their identified non-designated heritage assets, both in terms of the criteria used to identify assets and information about the location of existing assets, accessible to the public.

In this context, the inclusion of information about non-designated assets in Local Plans can be helpful, as can the identification of areas of potential for the discovery of non-designated heritage assets with archaeological interest.

*How should heritage issues be addressed in neighbourhood plans?*

Where it is relevant, neighbourhood plans need to include enough information about local heritage to guide decisions and put broader strategic heritage policies from the Local Plan into action at a neighbourhood scale.

Where it is relevant, designated heritage assets within the plan area should be clearly identified at the start of the plan-making process so they can be appropriately taken into account. In addition, and where relevant, neighbourhood plans need to include enough information about local non-designated heritage assets including sites of archaeological interest to guide decisions.

The local planning authority heritage advisers should be able to advise on local heritage issues that should be considered when preparing a neighbourhood plan. The local Historic environment record and any local list will be important sources of information on non-designated heritage assets.

Further information on:

- Neighbourhood planning generally can be found in the neighbourhood planning section
- Heritage specific issues and neighbourhood planning is provided by Historic England.

### ***Decision-taking: historic environment***

*What is "significance"?*

"Significance" in terms of heritage policy is defined in the Glossary of the National Planning Policy Framework.

In legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of the identified heritage asset's significance. Some of the more recent designation records are more helpful as they contain a fuller, although not exhaustive, explanation of the significance of the asset.

*Why is 'significance' important in decision-taking?*

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding

the potential impact and acceptability of development proposals (see How to assess if there is substantial harm).

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*What is a historic environment record?*

Historic environment records are publicly-accessible and dynamic sources of information about the local historic environment. They provide core information for plan-making and designation decisions (such as information about designated and non-designated heritage assets, and information that helps predict the likelihood of current unrecorded assets being discovered during development) and will also assist in informing planning decisions by providing appropriate information about the historic environment to communities, owners and developers as set out in the National Planning Policy Framework. Details of how to access historic environment records can be found on Historic England's website.

*How do Design and Access Statement requirements relate to heritage assessments?*

A Design and Access Statement is required to accompany certain applications for planning permission and applications for listed building consent.

Design and Access Statements provide a flexible framework for an applicant to explain and justify their proposal with reference to its context. In cases where both a Design and Access Statement and an assessment of the impact of a proposal on a heritage asset are required, applicants can avoid unnecessary duplication and demonstrate how the proposed design has responded to the historic environment through including the necessary heritage assessment as part of the Design and Access Statement.

*What is the setting of a heritage asset and how should it be taken into account?*

The "setting of a heritage asset" is defined in the Glossary of the National Planning Policy Framework.

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.

Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.

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 from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset 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.

When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

*Should the deteriorated state of a heritage asset be taken into account in reaching a decision on an application?*

Disrepair and damage and their impact on viability can be a material consideration in deciding an application. However, where there is evidence of deliberate damage to or neglect of a heritage asset in the hope of making consent or permission easier to gain the local planning authority should disregard the deteriorated state of the asset (National Planning Policy Framework paragraph 130). Local planning authorities may need to consider exercising their repair and compulsory purchase powers to remedy deliberate neglect or damage.

*What is a viable use for a heritage asset and how is it taken into account in planning decisions?*

The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.

By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also the future conservation of the asset. It is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.

The optimum viable use may not necessarily be the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long-term conservation of the asset. However, if from a conservation point of view there is no real difference between viable uses, then the choice of use is a decision for the owner.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised. The policy in addressing substantial and less than substantial harm is set out in paragraphs 193 – 196 of the National Planning Policy Framework.

*How to assess if there is substantial harm?*

What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

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

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

Policy on substantial harm to designated heritage assets is set out in paragraphs 193 and 196 to the National Planning Policy Framework.

*What about harm in relation to conservation areas?*

An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building (paragraph 132 of the National Planning Policy Framework). If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 133 of the National Planning Policy Framework. However, the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole.

*How can proposals avoid or minimise harm to the significance of a heritage asset?*

A clear understanding of the significance of a heritage asset and its setting is necessary to develop proposals which avoid or minimise harm. Early appraisals, a conservation plan or targeted specialist investigation can help to identify constraints and opportunities arising from the asset at an early stage. Such studies can reveal alternative development options, for example more sensitive designs or different orientations, that will deliver public benefits in a more sustainable and appropriate way.

*What is meant by the term public benefits?*

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

### ***Designated heritage assets***

*How do heritage assets become designated?*

The Department for Digital, Culture, Media and Sport is responsible for the identification and designation of listed buildings, scheduled monuments and protected wreck sites.

Historic England identifies and designates registered parks, gardens and battlefields.

World Heritage Sites are inscribed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO).

In most cases, conservation areas are designated by local planning authorities.

Historic England administers all the national designation regimes. Further information on selection criteria and processes can be found on Department for Digital, Culture, Media and Sport's website.

*What is a listed building?*

A listed building is a building which has been designated because of its special architectural or historic interest and (unless the list entry indicates otherwise) includes not only the building itself but also:

- any object or structure fixed to the building
- any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948.

### ***Non-designated heritage assets***

*What are non-designated heritage assets and how important are they?*

Local planning authorities may identify non-designated heritage assets. These are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets. In some areas, local authorities identify some non-designated heritage assets as 'locally listed'.

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage interest for their significance to be a material consideration in the planning process.

*What are non-designated heritage assets of archaeological interest and how important are they?*

The National Planning Policy Framework identifies two categories of non-designated site of archaeological interest:

(1) Those that are demonstrably of equivalent significance to scheduled monuments and are therefore considered subject to the same policies as those for designated heritage assets (National Planning Policy Framework paragraph 197). They are of three types:

- those that have yet to be formally assessed for designation
- those that have been assessed as being nationally important and therefore, capable of designation, but which the Secretary of State has exercised his discretion not to designate usually because they are given the appropriate level of protection under national planning policy
- those that are incapable of being designated by virtue of being outside the scope of the Ancient Monuments and Archaeological Areas Act 1979 because of their physical nature

The reason why many nationally important monuments are not scheduled is set out in the document *Scheduled Monuments*, published by the Department for Digital, Culture, Media and Sport. Information on location and significance of such assets is found in the same way as for all heritage assets. Judging whether sites fall into this category may be assisted by reference to the criteria for scheduling monuments. Further information on scheduled monuments can be found on the Department for Digital, Culture, Media and Sport's website.

(2) Other non-designated heritage assets of archaeological interest. By comparison this is a much larger category of lesser heritage significance, although still subject to the conservation objective. On occasion the understanding of a site may change following assessment and evaluation prior to a planning decision and move it from this category to the first

Where an asset is thought to have archaeological interest, the potential knowledge which may be unlocked by investigation may be harmed even by minor disturbance, because the context in which archaeological evidence is found is crucial to furthering understanding.

Decision-taking regarding such assets requires a proportionate response by local planning authorities. Where an initial assessment indicates that the site on which development is proposed includes or has potential to include heritage assets with archaeological interest, applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. However, it is estimated

following an initial assessment of archaeological interest only a small proportion – around 3% – of all planning applications justify a requirement for detailed assessment.

*How are non-designated heritage assets identified?*

Local lists incorporated into Local Plans can be a positive way for the local planning authority to identify non-designated heritage assets against consistent criteria so as to improve the predictability of the potential for sustainable development.

It is helpful if Local Plans note areas of potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record will be a useful indicator of archaeological potential in the area. In judging if non-designated sites of archaeological interest are demonstrably of equivalent significance to scheduled monuments, and therefore considered subject to the same policies as those for designated heritage assets, local planning authorities should refer to Department for Digital, Culture, Media and Sport's criteria for scheduling monuments.

When considering development proposals, local planning authorities should establish if any potential non-designated heritage asset meets the definition in the National Planning Policy Framework at an early stage in the process. Ideally, in the case of buildings, their significance should be judged against published criteria, which may be generated as part of the process of producing a local list. For non-designated heritage assets with archaeological interest, local planning authorities should refer to 'What are non-designated heritage assets of archaeological interest and how important are they?'

*How should Neighbourhood Development Orders and Community Right to Build Orders take account of heritage conservation?*

The policies in the National Planning Policy Framework, and the associated guidance, which relate to decision-taking on planning applications which affect the historic environment, apply equally to the consideration of what planning permission should be granted through Neighbourhood Development Orders and Community Right to Build Orders.

Neighbourhood Development Orders and Community Right to Build Orders can only grant planning permission, not heritage consents (ie listed building consent or scheduled monument consent).

Historic England must be consulted on all Neighbourhood Development Orders and Community Right to Build Orders to allow it to assess the impacts on the heritage assets, and determine whether an archaeological statement (definition in regulation 22(2) of the Neighbourhood Planning (General) Regulations 2012) is required. This, and other consultation requirements relating to development affecting heritage assets, are set out in regulation 21 of, and Schedule 1 to, the Neighbourhood Planning (General) Regulations 2012.

Further information on making these Orders can be found:

- in the Neighbourhood planning section of guidance
- in the When is permission required? section of guidance
- on Historic England's website

*What permissions/consents are needed for works to scheduled monuments and protected wreck sites?*

Planning permission may be required for works to these kinds of designated heritage assets depending on whether they constitute 'development' and whether any permitted development rights apply.

Irrespective of any requirement to obtain planning permission, works to scheduled monuments may require scheduled monument consent and works relating to protected wreck sites may require licences. These consent/licence regimes are outside the planning system and are the responsibility of the Department for Digital, Culture, Media and Sport advised and administered by Historic England. Further information on these regimes, including any consultation arrangements, can be found on the Department for Digital, Culture, Media and Sport's website.



## National Planning Policy Framework (NPPF) 2018

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/728643/Revised\\_NPPF\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728643/Revised_NPPF_2018.pdf)

**1.** The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

**2.** Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements.

### ***Section 12 Conserving and enhancing the historic environment***

**185.** Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

**186.** When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

#### *Proposals affecting heritage assets*

**189.** 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.

**190.** 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.

**191.** Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

**192.** In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

**193.** 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.

**194.** 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 public benefits that outweigh that harm or loss, or 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.

**195.** 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.

**196.** 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 any harm or loss and the significance of the heritage asset.

**197.** Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

**198.** Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

**199.** Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 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.

**200.** Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

**201.** Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

**202.** Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

## **The Hedgerows Regulations 1997**

<http://www.legislation.gov.uk/ukxi/1997/1160/contents/made>

A hedgerow may be deemed important if it

- (a) has existed for 30 years or more; and
- (b) satisfies at least one of the criteria listed in Part II of Schedule 1, as follows:
  - 1. The hedgerow marks the boundary, or part of the boundary, of at least one historic parish or township; and for this purpose "historic" means existing before 1850.
  - 2. The hedgerow incorporates an archaeological feature which is—
    - (a) included in the schedule of monuments compiled by the Secretary of State under section 1 (schedule of monuments) of the Ancient Monuments and Archaeological Areas Act 1979; or
    - (b) recorded at the relevant date in a Sites and Monuments Record.
  - 3. The hedgerow—
    - (a) is situated wholly or partly within an archaeological site included or recorded as mentioned in paragraph 2 or on land adjacent to and associated with such a site; and
    - (b) is associated with any monument or feature on that site.
  - 4. The hedgerow—
    - (a) marks the boundary of a pre-1600 AD estate or manor recorded at the relevant date in a Sites and Monuments Record or in a document held at that date at a Record Office; or
    - (b) is visibly related to any building or other feature of such an estate or manor.
  - 5. The hedgerow—
    - (a) is recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts; or
    - (b) is part of, or visibly related to, any building or other feature associated with such a system, and that system—
      - (i) is substantially complete; or
      - (ii) is of a pattern which is recorded in a document prepared before the relevant date by a local planning authority, within the meaning of the 1990 Act, for the purposes of development control within the authority's area, as a key landscape characteristic.

## The Isles of Scilly Draft Local Plan 2015 to 2030 (Public Consultation Draft)

### POLICY OE3 Development affecting Heritage

Great weight will be given to the conservation of the heritage assets on the Isles of Scilly. Development and/or works affecting any heritage asset, including designated and non-designated assets, will be permitted provided that it would make a positive contribution to sustaining or enhancing the significance of the heritage asset, taking account of its character, appearance and setting; and specifically:

- a) conserve and enhance the special character or appearance of the Conservation Area and its setting, especially those positive elements identified in any appraisal;
- b) protect the architectural merit or historic interest of a listed building, including its features and setting;
- c) preserve nationally important remains and their setting, including scheduled monuments;
- d) preserve or enhance the character, appearance and setting of a registered park and garden.

Development that affects, or has the potential to affect, any heritage asset will be required to:

1. describe the significance of the asset and its setting, using appropriate expertise, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal; using appropriate references such as the Historic Environment Record and, if necessary, original surveys including, for assets of archaeological interest, an appropriate desk-based assessment and, where necessary, a field evaluation); and
2. set out the impact of the development on the heritage assets and suggested mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets as well as recording loss and advancing knowledge.

Any harm to the significance of a designated or non-designated heritage asset must be justified and weighed against the public benefits of the proposal and whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find a viable alternative use or mitigate the extent of the harm to the significance of the asset.

Development that would lead to substantial harm to assets of the highest significance will only be justified in exceptional circumstances.

## Appendix III: Scheduling Description, Ennor Castle

(Historic England, List Entry Summary)

Ennor Castle, Old Town, St Mary's, NGR SV 91418 10350 List entry number: 1014994

A shell keep castle is a masonry enclosure extending around the top of raised mound which is often, but not always, derived from an earlier fortification; the enclosure is usually rounded but other shapes are known. A shell keep is relatively small, normally between 15m and 25m across, and is seldom more than one storey high. Unless supplemented by excavated evidence, few traces of internal buildings are generally found as they were usually of wood, only rarely being replaced in stone. Shell keeps were built over a period of about 150 years from the end of the 11th century to the mid 13th century; most were built in the 12th century and provided strongly fortified residences for the king or leading families. Shell keep castles are widely dispersed throughout England, with a marked concentration in the Welsh Marches and with a distribution extending into Wales and to a lesser extent into Scotland. They are a rare class of monument, with 71 recorded examples nationally, of which only one is situated in the Isles of Scilly. They display a considerable diversity of form, with no two examples exactly alike. Along with other contemporary forms of castle, they are major medieval monuments which, belonging to the highest levels of society, frequently acted as administrative centres and formed the foci for developing settlements. Consequently they form valuable sources of information on medieval society, its settlement and trading patterns, and on medieval defensive methods.

Ennor Castle survives in recognisable form despite dismantling of much of the keep wall. Sufficient evidence survives to determine the overall ground plan while the interior has not been archaeologically excavated or redeveloped and will retain buried evidence for its internal features. With the broadly contemporary church and quay at Old Town, it forms one of the three major and surviving elements of the main secular settlement on Scilly during the medieval period. Its location relative to the settlement and its historically recorded tenure demonstrate the role and setting of shell keep castles. The sequence of occupation and decline of Ennor Castle also illustrates the interdependence of such castles with their wider settlement context. Its decline shows particularly clearly the impact of change at national level in the 16th century. Ennor Castle is the only medieval castle on the Isles of Scilly. It is also the earliest element in an almost continuous sequence of fortifications on the islands, which extends to the end of World War II and which is itself nationally very rare in terms of completeness and quality of survival.

Details.

The monument includes a small shell keep castle known as Ennor, or Old Town, Castle in the present village of Old Town on the south coast of St Mary's in the Isles of Scilly. The castle occupies a small but prominent knoll on the east side of the broad Lower Moors valley behind Old Town Bay. The knoll has a semicircular rocky scarp facing west, up to c.10m above the valley floor, from which the knoll slopes steeply to more gently sloping land to the east. The castle encompassed the knoll with a subrectangular keep wall, now partly dismantled. An outer earthwork bank is visible along the foot of the slope and traces of walling indicate an adjacent enclosure south east of the knoll. The walls of the sub-rectangular keep no longer survive in their entirety above ground level. The wall survives above ground on the north west and part of the west side, where it is c.1m thick, of coursed rubble. Its footings vary in height with irregularities in the knoll, and the wall's height thus also varies, averaging 1m above interior ground level but reaching 2m high in places. Elsewhere, the line of the wall is now marked by earthwork banks between 2m and 4.5m wide and 1m to 1.5m high along the south west and east sides, and by a wider spread of dense rubble on the south east side. The keep's walls defined a subrectangular internal area measuring 22m north east-south west by up to 17m north west-south east, rounded at the south west end and squared

at the north east. The interior of the castle has only a limited level area behind the south west end, beyond which the surface slopes fairly steeply. Internal buildings, typically of timber within small shell keep castles, have left no visible remains above ground level. An outer earthwork extends along the foot of the slope north east of the keep. It survives as a slight bank up to 0.25m high. Also beyond the keep, a short exposure of walling extends from the southern end of the knoll's outcrops, implying an adjacent enclosure south east of the keep. The wall is built of coursed rubble, 0.5m high and is visible over 2m before becoming covered by later deposits. The wall runs along slightly elevated land extending south east from the knoll; this area has been subject to relatively recent gardening and the survival of earlier features is unknown. Surviving historical sources add to our knowledge of Ennor Castle. The earliest reference to Ennor Castle is in a deed of AD 1244, by which time Ennor (or 'La Val' in Anglo-Norman documents) had been the main settlement on St Mary's for some time. By 1306 Ranulf de Blanchminster held the castle in return for the provision of 12 men-at-arms to maintain the peace and the payment of an annual tribute to the king of 6s 8d or 300 puffins at Michaelmas, a tribute whose actual payment was always recorded in money. A royal licence to crenellate (ie to defend) the castle was granted to Ranulf in 1315 but in 1337, the castle along with the rest of Scilly, was included in the lands of the newly created Duchy of Cornwall. In c.1540, the King's Antiquary, John Leland, described the castle as 'a meately strong pile'. It still formed an effective fortification, and in May 1554 a survey records that Ennor Castle was armed with cannon. The fortunes of the castle and its adjacent settlement were finally eclipsed when the fortification of Scilly was revised to serve national defensive considerations in the late 16th century, when the Star Castle was built. At the same time the focus of settlement and trade also moved to St Mary's Pool, leaving Ennor Castle redundant and Ennor's town and harbour in decline. A survey of 1652, refers to the settlement at St Mary's Pool (the present Hughtown) as 'Hue or New Towne', while Ennor was termed 'Old Town'. By local tradition, the castle was dismantled to build the Star Castle, but in view of the distance it is more likely that Ennor Castle was progressively dismantled to provide building stone for more local purposes in Old Town. The modern water storage and header tanks, their pipes and fittings and the pipe-support blocks are excluded from the scheduling but the ground beneath them is included.



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