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1 Qualifications and Experience

- 1.1 This is the proof of evidence of Jenny Timothy. I am a practising Heritage Specialist with over 15 years' experience. My academic qualifications are a BA Hons in History of Architecture and Material Culture, and an MSc CHE in Conservation of the Historic Built Environment.
- 1.2 I am currently employed by Mott MacDonald Limited as a Principal Heritage Consultant, and have been in this role for two and a half years. Prior to my current role I worked as a Conservation Officer in a number of local authorities in the south east and east midlands, latterly as Senior Conservation Officer for Leicester City Council for five years. I am also a Guest Lecturer at Leicester University, teaching heritage led regeneration and heritage decision making.
- 1.3 I have experience of undertaking cultural heritage assessments directly related to flood alleviation work. I undertook the cultural heritage assessment for the Boston Barrier EIA Environmental Statement (**A/17/1**) and prepared the Maud Foster Sluice Listed Building Consent Application (**LBC/2**). I have also undertaken a heritage assessment for the construction of a headwall within the historic Exeter Quay area, which included understanding and assessing physical and setting impacts on Grade I, Grade II* and Grade II listed structures, along with a non-designated 17th century bridge. I have undertaken a heritage desk based assessment to help inform the design of a flood alleviation scheme in Hebden Bridge, West Yorkshire. This involved identifying the significance of heritage assets which had the potential to be affected by works, and recommending methods of avoiding or reducing negative impacts on heritage assets, including the scheduled packhorse bridge and Grade II listed Black Pit Aqueduct.
- 1.4 Through my experience as a local authority conservation officer I have advised on the requirements for, and assessed, listed building applications. These have included applications for work on civil engineering structures such as the Grade II listed road bridge on Abbey Park Road in Leicester and repair works to Grade II listed bridges on the Grand Union Canal in Northamptonshire.

2 Scope of Evidence

- 2.1 This section sets out on what I have based my evidence. My proof is intended to provide my opinions on how the construction and operation of the Barrier will affect cultural heritage assets.
- 2.2 My evidence will outline the policy, both national and local, relevant to assessing the impacts on cultural heritage. I will then address the methodology used for the assessment. The relevant baseline will then be outlined before addressing the likely environmental impacts of constructing and operating the Barrier in relation to cultural heritage.
- 2.3 My evidence will also address the listed building consent application (**LBC/2**) to construct a concrete flood defence wall, which would physically abut the parapet of the Grade II listed Maud Foster Sluice, with the creation of a water tight joint which would not require intrusive work into the structure.
- 2.4 My evidence will go on to address the effect on cultural heritage of alternative barrier locations.

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- 2.5 I will then address comments made in representations from Historic England, focussing on the setting of St Nicholas Church and Skirbeck Conservation Area. I will also address the comments made by Howard M Smith in his Statement of Case related to cultural heritage, and specifically regarding the completion of the Barrier with an integral lock and its impact on cultural heritage.
- 2.6 My evidence will then respond to matter 6, 'the likely environmental impacts of constructing and operating the scheme', as raised in the Statement of Matters for the order, only to the extent where these relate to impacts on cultural heritage.
- 2.7 I will then address matters 1 to 3 in the Statement of Matters for the Listed Building Consent, namely;
- 2.7.1 The extent to which the proposed works affecting the Listed Building (the **works**) are in accordance with the development plan for this area including any 'saved policies'. The weight that should be attached to the development plan, and any emerging plans
- 2.7.2 The extent to which the works would accord with the National Planning Policy Framework and in particular the desirability of sustaining of enhancing the character or appearance of the heritage assets and Conservation Areas.
- 2.7.3 If consent for the work is granted, the need for conditions to ensure they are carried out in a satisfactory manner.
- 2.8 Issues regarding water level management in relation to cultural heritage have been addressed in Ms Lunt's proof of evidence (**EA/8/1**) and therefore are not repeated here.
- 2.9 The proposal has been described by Mr Anderson in his evidence (**EA/1/1**) and therefore is also not repeated here.

3 Relevant Legislation and Policy

3.1 Introduction

- 3.1.1 A detailed outline of relevant planning policy regarding cultural heritage is laid out in chapter 3 of (**A17/2A**) - Volume 2a: Technical Report: Cultural Heritage in the Environmental Statement. Set out below is a summary of relevant planning policy related to cultural heritage.

3.2 Legislation

- 3.2.1 The following legislation is relevant to the proposed Scheme in relation to Cultural Heritage:
- **Ancient Monument and Archaeological Areas Act (1979) (B/21)**. This act relates to the investigation, preservation and recording of matters of archaeological and historic interest;

- **Planning (Listed Building and Conservation Areas) Act (1990) (B/3)**. This act relates to the designation and protection of buildings and areas of special historic and architectural interest. It also sets out the process for Listed Building Consent applications;
- **Environment Act (1995) (B/10)** paragraph 7(1)(c) requires the Environment Agency to have regard to the desirability of protecting and conserving heritage assets, as well as take into account any effect on the beauty or amenity of features, buildings, sites or objects when carrying out any of its functions; and
- **Marine and Coastal Access Act 2009 (B/4)** sets out an evidence based planning system for activities within the marine environment and their impact on the environment, including the historic environment

3.3 National Policy

3.3.1 National planning policy is set out in the National Planning Policy Framework 2012 (NPPF) **(C/1/1)**. Chapter 12 sets out the Government's policies on conserving and enhancing the historic environment.

3.3.2 Paragraph 131 sets out what should be taken into account when determining planning applications, including;

‘the desirability of sustaining and enhancing significance of heritage assets...’

3.3.3 Paragraphs 132 and 134 of the NPPF discuss the levels of harm when considering the impact on the significance of a designated heritage asset. Significance is defined in the Glossary to the NPPF as:

‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.’

3.3.4 Paragraph 132 talks about ‘substantial harm’ to an assets significance. How to assess whether there is substantial harm is explained in Paragraph: 017 Reference ID: 18a-017-20140306 of the National Planning Practice Guidance **(NPPG) (C/1/10)**, as follows;

‘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.’

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3.3.5 Paragraph 134 in the NPPF talks about where there is 'less than substantial harm', the assessment of less than substantial harm is discussed in Paragraph: 017 Reference ID: 18a-017-20140306 of the NPPG as follows;

'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.'

3.3.6 Paragraph: 020 Reference ID: 18a-020-20140306 of the NPPG outlines what may constitute heritage benefits;

- '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'

3.3.7 Paragraph 134 of the NPPF goes on to state that for a development which leads to less than substantial harm to the significance of heritage assets, the harm caused should be weighed against the public benefits of the proposal.

3.3.8 Given the status of local planning policy as set out below, national planning policy will be the main consideration for cultural heritage.

3.3.9 The extent to which works proposed are in accordance with national planning policy is discussed in 9.2.

3.4 Local Planning Policy

3.4.1 The Boston Borough Local Plan was adopted in 1999 (**C/3/1**). Approval to save some of the policies from this plan beyond its cut off date of 27th September 2007 was given by the Secretary of State (**C/3/2**). The only relevant saved policy with regard to cultural heritage is policy C8 which safeguards views of the tower of St Botolph's Church in Boston, known as the Stump. The saved policies from this document still carry weight within the decision making process and will continue to do so until the new local plan is adopted.

3.4.2 Policy E4 in the Boston Borough Interim Plan (Non Statutory Development Plan) 2006 (**LBC/9**) seeks to protect local distinctiveness, noting that permission will only be granted where community benefit outweighs the harm done by the proposal. This plan has not been through the full statutory plan process, although it has been publicly consulted on and adopted by the Council. The plan was in line with national planning policy at the time of adoption. The introduction to the plan notes that with the passage of time the Plan is likely to be less consistent with emerging national policy and so in these circumstances development control decisions are more likely to be in line with national planning policy. However in the case of Policy E4 this is

consistent with national planning policy and as such still carries a limited level of weight.

3.4.3 The Draft South East Lincolnshire Plan 2011-2036 (**C/2/2**), policy 26 notes;

‘To respect the historical legacy, varied character and appearance of South East Lincolnshire’s historic environment, development proposals will conserve or enhance the character and appearance of designated and non-designated heritage assets, such as important archaeology, historic buildings, monuments ...landscapes, river frontages, structures and their settings through high quality sensitive design.’

3.4.4 This plan will be going through a final public consultation of the draft plan between April 10th and May 22nd 2017, with the aim to submit to the Secretary of State in summer 2017 for examination in public.

3.4.5 The extent to which the proposed works are in accordance with local planning policy is discussed in 9.1.

4 EIA Assessment Methodology

4.1 The assessment methodology for the Environmental Statement was based on the matrix approach found in the Design Manual for Road and Bridges (DRMB), Volume 11, Section 3, Part 2, Annex 5 – 7 (**Appendix 1**). This has now become an accepted methodology to ascertain the level of impact and whether this will result in a significant effect as required by Environmental Impact Assessment (**EIA**) legislation (**B/17 and B/18**). A full explanation of the methodology used can be found in chapter 2 in Volume 2a: Technical Report: Cultural Heritage of the Environmental Statement (**A/17/2A**).

4.2 This methodology accounted for four potential impacts, major, moderate, minor and negligible. These could be positive or negative. A full definition of each impact can be found in Table 2.2 in Volume 2a: Technical Report: Cultural Heritage of the Environmental Statement. Negative impacts are used to define the level of harm, as defined in the NPPF.

4.3 These impacts were then cross referenced with the value (or, in NPPF terms, significance) of the heritage asset to ascertain whether an effect was significant. Definitions of value (or significance) can be found in Table 2.1 and the matrix used to establish significance of effect can be found in table 2.3 of Volume 2a: Technical Report: Cultural Heritage of the Environmental Statement (**A/17/2A**).

5 Impacts on Cultural Heritage

5.1 Resources Used

5.1.1 To undertake the cultural heritage assessment, I used the following resources:

- Historic England List descriptions
- Four site visits, one with heritage stakeholders

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- Local studies resources – both online and archive, including published and unpublished material
- A search of the Lincolnshire Historic Environment Record
- Boston Combined Strategy (**C/3/4**)
- Boston Barrier Order Updated Scoping Report, 2014 (**Appendix 2**)
- Boston Combined Strategy Strategic Environmental Assessment (which is included as an appendix to the proof of evidence of Emma Lunt (**EA/8/2**))

A full list of references can be found in chapter 7 of Volume 2a: Technical Report: Cultural Heritage of the Environmental Statement (**A/17/2A**).

5.1.2 During site visits I walked over the Port of Boston on two occasions and the FCC site on one occasion. All other site visits were from public areas only. I was unable to access both the interior of St Nicholas Church and Skirbeck Gardens, the modern housing in the grounds of Skirbeck Hall. I have not viewed the area from the channel. Where effects on views or setting of assets from the channel are noted this is based on assumptions made from site walkovers made on foot. I have not walked the full extent of the channel from the Wash to Maud Foster Sluice, views along here were assessed from the FCC site on the right bank and from photographs taken by colleagues.

5.1.3 I would also note that there is no conservation area appraisal available for Skirbeck Conservation Area, and the plan provided by the Local Planning Authority, titled Boston (Skirbeck) Conservation Area Plan (**Appendix 3**) prepared by Ivan C Stimson, is out of date and does not show two modern housing developments.

5.2 Maud Foster Sluice Listed Building Consent

5.2.1 The Maud Foster Sluice, a Grade II listed structure (list description can be found in **Appendix 4**), was constructed in 1807 and designed by leading 19th century civil engineer John Rennie as part of a larger scheme to drain the East West and Wildmore Fens. The sluice is constructed from gritstone ashlar walls and piers, with ironbound timber sluice gates. The sluice is still operational and has been regularly maintained over its lifetime with new parts and changes to the sluice mechanism, including a modern pulley system. During my site visits it was noted that modern safety features, such as railings along the top and the sides of the sluice and a control building and compound, had been added.

5.2.2 The sluice sits over the Maud Foster Drain, which forms the eastern boundary to the Port of Boston. As such, when viewed from the Haven (see **Appendix 5, Figure 5**), the sluice forms a visual boundary between the industrial character of the Port to the west and the modern residential character on the eastern side of the Maud Foster Drain.

5.2.3 The concrete flood wall being constructed through the Port of Boston has to have a water tight joint between it and the sluice structure to complete the flood defences related to the barrier structure. Initially plans were to continue the flood wall at its

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approximately 2m from ground level height to abut the parapet of the sluice, which stands at around 0.63m from ground level high. However, following consultation with heritage stakeholders, this design was amended so that the flood wall tapers down to the height of the sluice parapet. Full details of this can be found in the Listed Building Consent Application Plans, drawing no IMAN001472-EVT-LBC-004 (**LBC/3**). The watertight joint has been designed so that no intrusive work is required into the stone work of the sluice. Details of the joint can be found on the same drawing noted above.

- 5.2.4 The design of the flood wall to taper into the sluice parapet allows the sluice to remain largely a visually a standalone structure in views across the Haven. The use of concrete as the finish to the wall means that the wall will be associated with the industrial character of the Port of Boston, rather than the historic water management character of the sluice. There will be a slight negative impact on the setting of the sluice from the construction of the flood wall due to the addition of another modern structure to the sluice. Cumulatively these modern interventions mean that the historic fabric of the structure is becoming less dominant.
- 5.2.5 No objections have been raised in relation to the listed building consent application. In my opinion the work proposed in the listed building consent is acceptable in cultural heritage terms and should be consented.

5.3 Boston Barrier TWAO Cultural Heritage Impacts

- 5.3.1 A plan showing the location of heritage assets with the potential to be affected by the Boston Barrier Project can be found in Appendix A of Volume 2a: Technical Report: Cultural Heritage of the Environmental Statement (**A/17/2A**). A table describing these heritage assets, with cross references to the plan can be found in Appendix B of the same report.
- 5.3.2 Evidence of pre-historic and early historic settlement is limited within the area of the Boston Barrier Project. However, this is more likely due to the masking of ground levels in the early medieval period than absence of settlement. Peat layers have been identified in borehole data and dated to the middle Neolithic period. Peat deposits were also found and removed during the excavation works for the dock in the late 19th century. Cutting and dredging of the Haven in the location of the Barrier has potentially removed any deposits, and no peat deposits have been visible in borehole data in these locations supporting this assumption. Excavation for the construction of the Barrier has the potential to expose and remove any prehistoric or paleoenvironmental deposits should they have survived. However, the use of a cofferdam and low tide dredging presents the opportunity to offset this loss through the recording any significant discoveries should it be safe to do so.
- 5.3.3 Boston as a port appears to have developed during the medieval period, however this was focussed around the town. Although it became one of the most important ports in the country during the later medieval period constant silting up of the channel and the town port saw Boston's fortunes dependent on major physical works to the navigation. Due to poor management these happened sporadically with work in the 15th, 18th and 19th century. Construction of high status buildings in the town correspond with the periods of wealth. Boston Conservation Area appears to have

been designated to incorporate development associated with the town port, focussing on the town centre with its most southerly extent at the swing bridge (see **Appendices 6 and 7**). As such the Barrier site will not be seen from the conservation area and associated flood protection works are only likely to be visible in glimpses, and will be seen in the industrial context of the modern Port of Boston (see below). The conservation area and designated and non-designated assets in it will benefit from improved tidal flood protection offered by the Boston Barrier Project. These include the Grade I listed St Botolph's Church, Fydell House and the Guildhall.

- 5.3.4 Towards the end of the 19th century, the use of the town port was becoming untenable and the Port of Boston was developed on what was previously the town fields. The development of the Port of Boston was accompanied by the major work to the channel from the Wash to the Port, with a new cut from the outfall of the Witham to the wet dock at the port undertaken in the 1880s. The dock itself was built between 1882 and 1884 and has continued in use until the present day. The dock and the wet dock lock both date from the construction of the Port. The Port has constantly adapted with very few buildings surviving from its construction. Most of the buildings on the Port are modern warehouse structures of no heritage value, with historically interesting buildings associated with the 19th century operation of the Port retained around the Port entrance on St John's Road. Given the distance of these buildings from the core worksite, and their current setting within a busy Port, the Project will have no impact on their significance.
- 5.3.5 The dominant character of the area where the Boston Barrier and associated flood protection structures are being constructed is industrial, with the Port of Boston dominating the left bank and commercial and industrial units set back behind the existing flood embankment on the right bank.
- 5.3.6 The area has been heavily dredged since the development of the Port, with major dredging undertaken around the Black Sluice during its refurbishment. This, combined with the cutting of channels in the 19th century, is likely to have removed or disturbed any archaeological remains. However, along the right bank characteristic tidal mud banks have developed, and there is the potential for archaeological remains within these banks, especially as the anaerobic conditions allow for good preservation of organic material, with a hulk and timbers probably relating to a quay visible at low tide around the Barrier site. These remains have been dated from the 19th or 20th century. Hulks recorded along here in the Historic Environment Record also date from around this period. Given the potential of the tidal mud bank to contain well-preserved remains and the presence of the hulk, a scheme of pre-construction archaeological investigation will be developed to ensure that, where safe to do so, archaeological investigation and recording, agreed with Boston Borough Council and Lincolnshire County Council Archaeological Service, is undertaken.
- 5.3.7 Within the Project red line boundary there is one designated heritage asset, the Grade II listed Maud Foster Sluice. The impact of the Project on this is detailed above in section 5.2.
- 5.3.8 Just downstream of the Port is the Grade II* St Nicholas Church, known locally as Skirbeck Church, which forms the focal point of Skirbeck Conservation Area. This

church is prominent in views travelling along the Haven from the Wash, and travelling from Black Sluice to the entrance to the wet dock lock.

- 5.3.9 The church is thought to pre-date St Botolph's. It is located on high ground, probably a rodden (an area of high ground created because of hardened silt deposits in a river channel) suggesting that a church here was established during the Saxon period. The Domesday Book identifies two churches in Skirbeck, one of which is likely to be St Nicholas. Therefore, this location is likely to have been used for worship since the Saxon period, giving the church a religious and communal significance.
- 5.3.10 The church itself is architecturally interesting. The list description notes historic fabric with late 13th century six bay nave arcade and 14th century tower arch (see **Appendix 8**). There are window surrounds and other details dating from the 15th, 17th and 18th centuries. In 1869-75 additions to the church were undertaken by the renowned 19th century architect Sir George Gilbert Scott and a new chancel was added in 1933-5 by LT Moore. The three stage tower was restored in 1899, and it is this tower, facing the Haven, which is a landmark in the local area. It has probably been used by shipping as a day marker since the days of the town port.
- 5.3.11 The church is set within a treed, green churchyard, which characterises key views from Fishtoft Road (see **Appendix 5, Figure 1**). There are glimpsed views of the church in summer and clearer views in the winter when the trees have dropped their leaves. These views have historically marked the edge of the settlement. Other key views are from the left bank with the church viewed over the pond (see **Appendix 5, Figure 2**), and from the right bank with trees as a backdrop and the semi natural embankment of the left bank in the foreground (see **Appendix 5, Figure 3**). In the views towards St Nicholas Church when travelling downstream from Black Sluice (see, **Appendix 5, Figure 4**), the church and green surroundings provide relief from the heavy industrial setting of the port, giving an indication of previous appearance of this area before the industry arrived. The setting of the church in these views is characterised by a transitional zone created by the semi-natural embankment along the right bank.
- 5.3.12 Views from the church and conservation area across the Haven towards the Barrier are characterised by green semi natural embankments and river corridor in the foreground. This is set against the industrial character of the Port of Boston, Western Power Distribution depot and commercial units along Marsh Lane and Lealand Way, which form the backdrop to the views (see **Appendix 5, Figure 6**).
- 5.3.13 The architectural significance of the church will not be affected by the Boston Barrier Project, nor will its historic or evidential significance in terms of its Saxon origins. Views from Fishtoft Road will remain unaffected, as will views from the left bank across the pond. When viewed from the river corridor, the church will still appear with its backdrop of trees and with the semi-natural embankment in the foreground. The tower will still be a landmark when viewed from the river corridor, and will still act as a day marker.
- 5.3.14 There will be an effect on views when travelling downstream from the Black Sluice to the wet dock lock. Here the already industrial character will become slightly more prominent through the construction of the Barrier in the channel and the use of sheet

piling. The transitional zone, which forms part of the churches setting in these views, will be largely retained once past the barrier structure due to the embedded sheet pile design. Although this will have a negative impact on the setting of the church, this will be minimal when taken in the context of the already industrial character of the Port, and the limited contribution this view makes to the overall significance of the church.

- 5.3.15 Views from the church across the Haven will change. The Barrier itself will not be visible but the flood wall in the Port will be, and the embedded sheet pile design of the right bank will be glimpsed. However, this change will not be to the extent where the heritage value of the listed building will be altered. The view will remain characterised by the semi-natural river corridor in the foreground with an industrial back drop.
- 5.3.16 St Nicholas Church forms the focal point to Skirbeck Conservation Area. Skirbeck can also trace its origins to the Saxon period, appearing in the Domesday Book, and due to the discovery of Grubenhauser (a pit house partially dug into the ground and covered by a roof) at St Nicholas School. The conservation area appears built around the relationship between the church and its former Rectory, Skirbeck Hall (Old Rectory). This relationship has been heavily degraded initially due to the use of Skirbeck Hall as a college and subsequently due to the modern housing development in its grounds. Modern development has also interrupted historic views divorcing the church from Maud Foster Sluice. Key historic views of the conservation area survive better along Fishtoft Road (see **Appendix 5, Figure 1**), with the Churchyard marking the edge of the settlement.
- 5.3.17 The Boston Barrier works will not affect views within the conservation area, and St Nicholas Church will remain the focal point. As with the church, the conservation areas historic and evidential significance related to its Saxon origins will not be affected by the construction of the Barrier Project. The relationship between the church and the rectory will remain unchanged.
- 5.3.18 Similar to the church, there will be an effect to views moving downstream from the Black Sluice Pumping Station. Again this will be minimal due to the already industrial character of the area, and the limited contribution this view makes to the overall significance of the conservation area. Views from the conservation area will be changed, as with the church. However, not to the extent where there will be an impact on the heritage value of the conservation area as the character of the view, with its semi natural foreground and river corridor, set against an industrial back drop, will remain unchanged.

6 Alternative Barrier Locations

6.1 Introduction

- 6.1.1 To prevent repetition in this evidence my assessment of alternative locations for a barrier has split the river into three sections; the mouth of the Wash to Maud Foster Sluice, Maud Foster Sluice to the proposed Barrier site and the proposed Barrier site to Fisherman's Quay on London Road.

6.2 Mouth of the Wash to Maud Foster Sluice

- 6.2.1 As with the proposed site, although evidence of pre-historic and early historic settlement is limited this is more likely due to the masking of historic ground levels. The potential for high value archaeology is similar to the proposed Barrier site, however along the Haven between the Wash and Maud Foster Sluice the level of truncation is likely to be less than around the proposed Barrier site. This is because this area appears to have been mainly undeveloped farmland from at least the medieval period, and most probably the Saxon period when the first major sea wall was constructed. As such the potential for finds to be undisturbed is higher in this location and excavation for a barrier in this area has the potential to negatively affect what are likely to be better preserved remains.
- 6.2.2 There is evidence of post-medieval and modern activity in this area. There is the potential for post medieval and modern remains, especially around Hobhole, as ships would moor here and unload cargo into lighters when the town become too silted for ships. Post medieval timber piles possibly related to a quay have been found in this area. Modern remains are most likely to relate to World War II defence structures such as pillboxes. Moving towards Maud Foster Sluice around the bend in the river a number of scuppered and abandoned ships are recorded in the HER, however remains are no longer visible suggesting that they have either been buried, washed away or removed through dredging. Therefore locating a barrier in any of these areas would have a greater impact on known archaeological remains than the proposed site.
- 6.2.3 Moving upstream along the Haven from the Wash, from around the bend in the river at Hobhole views of the Grade I listed St Botolph's Church and its tower (the Stump) and Grade II* listed St Nicholas Church start to appear. It is the dominance of the Stump, and the visual relationship between the two church towers which are of particular historic importance travelling upstream. Approaching the Maud Foster Sluice the dominant tower becomes St Nicholas, as the Stump starts to disappear behind the Port. A structure within the Haven between Hobhole and Maud Foster Sluice has the potential to significantly affect these important historic views. From a distance, the impact on views of the Stump would be most at risk, travelling closer to the Sluice it is views of St Nicholas Church and Tower which would be affected. Depending on the proximity to St Nicholas Church, this could result in a significant effect on the setting of church.
- 6.2.4 The historic character of this area is agricultural land behind a sea wall with isolated farmsteads. The introduction of a large industrial structure, particularly downstream of the FCC site, will compromise this historic character. The limited development and flat topography of the land would exacerbate this effect with any structure being visible within the rural landscape for some distance.
- 6.2.5 Overall, for much of this stretch of the Haven, the effect on Cultural Heritage is considered to be worse than the proposed Barrier location.

6.3 Maud Foster Sluice to the Proposed Barrier Site

- 6.3.1 Truncation of archaeological remains in this area is likely to be high given the canalisation of the Haven, modern development and dredging associated with the Port. Whilst there is still the same potential for unknown archaeological remains, their state of preservation is likely to be less than that downstream, towards the Wash. Also due to these works in the river there are less known archaeological deposits in this stretch of the Haven.
- 6.3.2 Given the heavy industrial character of this part of the Haven the introduction of an additional industrial water management structure has more potential to be incorporated into the townscape reducing the impact on the historic character of Boston. Views are confined due to the course of the river, with a bend at Maud Foster Sluice and a bend at Black Sluice Pumping Station/Lock, and the heavily built up character of the Port and commercial development. This restricts long views, which are a particular part of the historic character downstream.
- 6.3.3 In this area the closer the barrier moves downstream, towards Maud Foster Sluice and St Nicholas Church, the more the setting of both assets are likely to be affected. Therefore the location proposed, as far from the designated assets as possible, is the best location in this extent of the river.

6.4 Proposed Barrier Site to Fisherman's Quay

- 6.4.1 The potential for unknown archaeological remains related to the medieval and post medieval period grows moving closer to the town centre, particularly in terms of quays, timber piles and hulks related to the long history of the town as a port. Around the northern end of the Fisherman's Quay there is a revetment, a pile cluster and a hulk site. Therefore in comparison to the proposed site the potential for the removal of archaeological remains is higher.
- 6.4.2 Locating the Barrier between the proposed Barrier site and Fisherman's Quay has the potential to block or restrict views along the Haven into the town. This is likely to significantly effect both historic views of the Stump and of the southern extent of Boston Conservation Area (see **Appendices 5 (Figure 7), 6 and 7**) including the Grade II listed swing bridge. Historic views of the Stump are particularly important in relation to the river as the tower would have been used as a navigation marker, as well as having communal value as a landmark for people who lived and worked on the river, this association continues to this day. As such the effect on the setting and significance on designated heritage assets of putting a barrier in this area is considered to result in worse impacts than the proposed Barrier location.

7 Response to Representations and Objections

7.1 Historic England Representation

- 7.1.1 The representation from Historic England (**REP/6**) noted that they consider the works along the right bank harmful to the setting of St Nicholas Church and Skirbeck Conservation Area. Since their initial representation they have confirmed that they have not raised an objection to the Project and do not consider the work constitutes

substantial harm as defined in the NPPF. They have also clarified that when discussing;

‘setting the sheet piles within the bank for large sections of the right bank, so that it is only partly visible, and the semi-natural landscaping of the retained bank would significantly reduce the impact’.

This is in the context of earlier iterations of the proposals where sheet piles were proposed to form the river wall for the extent of the right bank works, therefore the current scheme represents a significant reduction in impact and level of harm.

7.1.2 As discussed in paragraphs 5.3.8 to 5.3.17 of this proof of evidence I believe the level of harm to the significance of St Nicholas Church and the Conservation Area caused by the Project is minimal, given the current industrial setting and limited contribution of the view along the right bank to the church’s and conservation area’s overall significance.

7.2 Howard M Smith Statement of Case

7.2.1 Howard M Smith (**OBJ/21**) alleges in his Statement of Case that the completion of the Barrier with an integral lock would be likely to make upstream ad hoc flood protection measures redundant, freeing up traditional landings for use by mariners. He also notes that traditional landings are a focal point for regeneration.

7.2.2 An integral lock does not form part of the scheme. However, the construction of the Barrier in its current form does not prevent an integral lock being installed after the construction of the Barrier structure. I would agree that there is potential to free up traditional landings, and create regeneration opportunities. The construction of the Barrier as proposed does not prevent this happening in the future. However, regeneration of traditional landings, would be an indirect impact dependent on third parties undertaking the work. The construction of a lock does not guarantee that this regeneration work would be undertaken, or undertaken in a way that would protect or enhance the cultural heritage of the waterway.

8 Response to Statement of Matters TWAO

8.1 Matter 6 ‘The Likely Environmental Impacts of Constructing and Operating the Scheme’

8.1.1 The likely environmental impacts regarding cultural heritage have been discussed in detail in my evidence in section 5 and in Volume 2a: Technical Report: Cultural Heritage of the Environmental Statement (**A/17/2A**).

8.1.2 Overall the construction of the Boston Barrier will result in increased flood protection from tidal flooding for 226 listed buildings, along with other non-designated heritage assets, and historic spaces in Boston.

8.1.3 During construction any archaeological remains within the location of the Barrier structure and areas to be dredged will be removed. However, to offset this impact a scheme of pre-construction archaeological Written Scheme of Investigation will be drawn up, agreed with Boston Borough Council and Lincolnshire County Council

Archaeology Service and implemented to ensure there is a public record of any significant findings. This will be secured by proposed condition 5 in Appendix 2 of the Request for Direction under section 90(2A) of the Town and Country Planning Act 1990 (**A/10**).

- 8.1.4 Given the already industrialised character of the area and distance of the scheme from much of Boston's cultural heritage, which is focussed around the town centre and upstream of the Barrier site, the setting of the majority of designated and undesignated assets will remain unchanged, both during construction and operation of the Barrier. Of those designated assets that will be affected, namely Maud Foster Sluice, St Nicholas Church and Skirbeck Conservation Area, the permanent negative impact of the scheme will be minimal due to the already industrialised character of the Barrier location and the limited contribution views from this area make to the overall significance of the assets.

9 Response to Statement of Matters Listed Building Consent

- 9.1 The extent to which the proposed works affecting the listed buildings (the **works**) are in accordance with the development plan for the area including any 'saved policies'. The weight that should be attached to the development plan, and any emerging plans:
- 9.1.1 The relevant policies and level of weight which should be attached to the development plan this is outlined in section 3.4 of this proof of evidence. Details of the work proposed can be found in the Listed Building Consent Application Cover Letter (**LBC/1**), Listed Building Consent Application Form, Listed Building Consent Application Plans and the Design, Access and Heritage Statement (**LBC/5**).
- 9.1.2 Generally the level of weight carried by the development plan is limited given the status of the development plan documents. The greater weight should be applied to national planning policy. The extent to which this proposal accords with national planning policy is considered in 9.2
- 9.1.3 There are no saved policies relevant to considerations of the listed building consent application.
- 9.1.4 Policy E4 in the Boston Borough Interim Plan (Non Statutory Development Plan) 2006 (**LBC/9**) is relevant to the proposed work. This seeks to protect local distinctiveness, noting that permission will only be granted where community benefit outweighs the harm done by the proposal. The distinctiveness of the area is derived from the modern industrial character of the working Port and river. The design of the flood wall respects the modern industrial character of this location; however it will have a slightly harmful effect on the historic character of the sluice with the addition of another modern structure, in addition to the fencing, access etc erected for safety reasons. However, as the tie in is required to complete the flood defence work the reduction in flood risk to both heritage assets and the wider community of Boston is considered to outweigh the limited harm caused by the proposed work. Therefore I consider that the proposal is in accordance with Policy E4 of the Interim Plan.

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- 9.1.5 The Draft South East Lincolnshire Plan 2011-2036 policy 26 (**LBC/9**) states that high quality sensitive design should be used to conserve or enhance the character of heritage assets. The flood wall has been sensitively designed to taper down from the full height of the flood wall to the height of the parapet to reduce the effect on the listed sluice. The use of concrete allows for a contrast with the gritstone parapet, allowing the listed structure to be read a separate historic structure from the modern flood defence conserving its character. The flood wall more generally will be read in the context of the industrial Port appearing separate from Skirbeck Conservation Area, conserving its character and setting. Therefore the proposed works are considered to accord with policy 26 of the Draft South East Lincolnshire Plan.
- 9.2 The extent to which the works would accord with the national planning policy framework and in particular the desirability of sustaining or enhancing the character or appearance of the heritage assets and conservation areas.
- 9.2.1 Details of the relevant national policies can be found in section 3.3 of this proof of evidence.
- 9.2.2 Paragraph 131 of the NPPF details that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account when determining planning applications. During the design of the flood wall this requirement to sustain the significance of the heritage asset was a key part of the decision making. The tapered design, an amendment from the original design of continuing the height of the flood wall to abut the sluice parapet, was instigated to reduce the impact on the setting of the sluice and to allow its character as a historic water management structure to be sustained. The design of the joint between the flood wall and parapet also took into account the desirability of sustaining the constructional independence of the structure. As such the wall will abut the structure with a water tight joint. There will be no physical intervention into the listed structure. As noted in paragraph 9.1.5 the concrete wall more generally will be read in the context of the modern industrial character of the Port, as such the character of Skirbeck Conservation Area will be sustained by the work. Therefore this proposal is considered to comply with paragraph 131 of national planning policy.
- 9.2.3 As before it is acknowledged that there will be limited harm to the setting and therefore significance of the Maud Foster Sluice for the construction of the flood wall. This is considered to result in less than substantial harm. As such paragraph 134 of the NPPF is relevant. When weighing this harm with the overall public benefit of a completed flood defence, and reduced flood risk to heritage assets and the wider town of Boston, this proposal is considered to comply with paragraph 134 of national policy.
- 9.3 If consent for the work is granted, there will need to be conditions to ensure the works are carried out in a satisfactory manner.
- 9.3.1 The Listed Building Consent Conditions proposed can be found in Listed Building Consent Conditions (**LBC/4**). These conditions are;

PROOF OF EVIDENCE OF JENNY TIMOTHY (EA/9/1)

- (a) The works to a listed building hereby permitted shall begin before the expiration of five years from the date of this beginning with the date of this consent.
- (b) The works to the Maud Foster Grade II listed structure hereby permitted shall not begin until a written scheme of site management for that structure to minimise any damage and the risk of damage to the fabric of the structure, has been submitted to and approved by the local planning authority, in consultation with Historic England.

The written scheme shall include:

- (i) survey drawings and photographs of all external parts of the listed building to be affected by the works; and
 - (ii) a method statement for the works including any protective works that need to be put in place;
- (c) Where under any of these conditions the approval (which shall be taken to include any agreement or consent) of the Local Planning Authority is required to any matter, that approval shall be given in writing. Where under any of these conditions the Local Planning Authority may approve amendments to details submitted and approved, such approval must not be given except in relation to changes where it has been demonstrated to the Local Planning Authority that the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Design Heritage and Access Statement.

- 9.3.2 The first condition ensures that works are undertaken within a reasonable period of time, and also ensures compliance with 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 **(B/3)**.
- 9.3.3 The second condition ensures that the listed building is properly protected from damage to the structure during construction, and risk of damage is minimised. The production of survey drawings and photographs ensure that should any damage occur then this can be rectified in a way which is consistent with the listed buildings special architectural or historic interest. The production of a method statement for the work ensures that all parties are satisfied that the work proposed will result in the minimal effect on the structure whilst still allowing the flood wall to function effectively. Overall this condition allows for reasonable and proper control to be exercised over the detail of the work.
- 9.3.4 The third condition ensure that there is an accountable process for the detailed design and construction of the proposed work. This gives certainty to all parties that the works are being carried out in such a way that does affect the special architectural and historic character of the structure. It also ensures that proper planning considerations are adhered to throughout the design development and construction process.
- 9.3.5 I believe that the conditions appear reasonable and ensure that the works are carried out with due care and attention to the special interest of the listed structure.

10 Conclusions

My professional opinion is that there is an overall substantial benefit from the Boston Barrier Project to cultural heritage in Boston, through the improved tidal flood protection measures afforded to the historic environment. Any effects would be offset through the overall benefit of the scheme in relation to cultural heritage and archaeological investigation and recording. Alternative locations suggested for a barrier are likely to result in similar or worse effects on cultural heritage, therefore the proposed location is considered to be the one to have the least effect on cultural heritage. In my opinion the Project is acceptable in terms of cultural heritage effects. There are no significant cultural heritage grounds on which the Secretary of State might base a decision not to make the draft Order or grant Listed Building Consent.

11 Statement of Truth

11.1 I hereby declare as follows:

- Insofar as the facts stated in this Proof of Evidence are within my own knowledge I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.
- This Proof of Evidence includes all facts which I regard as being relevant to the opinions which I have expressed and that I have drawn the inquiry's attention to any matter which would affect the validity of those opinions.
- I understand that my duty to the Inquiry is to help it to help it with matters within my expertise and I have complied with that duty.