



**Examination of Breckland District Council Local Plan**

**Matters, Issues and Questions**

**Historic England, Hearing Statement**

**March 2018**

## **Historic England Hearing Statement**

### **Introduction**

- 1.1 In carrying out its role in protecting and managing the historic environment Historic England gives advice to local planning authorities on certain categories of applications affecting the historic environment. Historic England is the principal Government adviser on the historic environment, advising it on planning and listed building consent applications, appeals and other matters generally affecting the historic environment.
- 1.2 Historic England is consulted on Local Development Plans under the provisions of the duty to co-operate and provides advice to ensure that legislation and national policy in the National Planning Policy Framework are thereby reflected in local planning policy and practice.
- 1.3 The tests of soundness require that Local Development Plans should be positively prepared, justified, effective and consistent with national policy. Historic England's representations in relation to the Publication Draft Local Plan are made in the context of the requirements of the National Planning Policy Framework ("the Framework") in relation to the historic environment as a component of sustainable development.
- 1.4 This statement addresses the Inspector's questions with regards Breckland District Council's Local Plan.
- 1.5 This hearing statement should be read alongside Historic England's comments submitted at previous consultation stages of the Local Plan: dated 2<sup>nd</sup> October 2017, 21<sup>st</sup> June 2017, 31<sup>st</sup> October 2016.

### **Inspector's Questions**

- 1.6 Historic England has raised a number of minor issues with the plan and have recommended a number of changes to improve its soundness, these are outlined in our previous representations.
- 1.7 We set out below our responses to the Inspector's questions in light of our historic environment role. Historic England has agreed a Statement of Common Ground with respect to policy GEN 04 (Attleborough SUE).

## **Matters, Issues and Questions for the Breckland District Local Plan (2011-2036)**

### **Matter 2 – The Vision and Strategic Objectives**

#### **Q 2.1: Is the Vision justified and consistent with national policy?**

- 2.1 In order to comply with paragraph 156 of the NPPF, the Vision could be strengthened to more clearly address the spatial implications and aspirations of environmental change in terms of the historic environment. As outlined within our representation dated 2<sup>nd</sup> October 2018, this could be achieved by specifically referring to the need to conserve and enhance the historic environment. For instance, the second to last paragraph of the Vision could be amended to read “*Breckland will continue to cherish the natural, built, and historic assets environment which make the District unique, and will protect them ...*”.

#### **Q 2.2: Are the strategic objectives justified and consistent with national policy?**

- 2.2 Objective 12 relates to the historic environment, it is generally a sound strategic objective but could be improved including a reference to the need to address heritage at risk.

### **Matter 14 – Strategic urban extensions, housing site allocations and settlement boundaries**

#### **Attleborough SUE (Policy GEN 04)**

#### **Q 14.6: Is Policy GEN 04 consistent with national policy, in terms of the historic environment?**

- 2.3 The policy in the draft pre-submission version of the plan is not consistent with national policy in terms of the historic environment as outlined in our representation dated 2<sup>nd</sup> October 2017. We have since agreed a Statement of Common Ground with the Council to address these inconsistencies. We feel that these modifications will be sufficient to bring the policy in alignment with national policy.

**Q 14.7: Can the Attleborough SUE be delivered without unacceptable harm to heritage assets?**

- 2.4 It is Historic England's view that the SUE can be delivered without unacceptable harm to the historic environment provided the correct safeguarding measures are in place, namely policy criteria which requires further investigative work to the west of Bunn's Bank, in order to inform the layout and master planning of the SUE. Historic England raised a number of concerns in our representation dated 2<sup>nd</sup> October 2017. Since then we have agreed a number of modifications to this policy in a Statement of Common Ground. We feel that these modifications will be sufficient to help ensure the delivery of the site without unacceptable harm to the historic environment.

**Q 14.17: To be effective, should the criteria of all the Dereham housing allocations include the need to undertake an archaeological assessment and refer to the need to have regard to the findings of the Historic Characterisation Study, as set out in the allocation's supporting text?**

- 2.5 Paragraph 169 of the NPPF requires a local authority to have up-to-date evidence about the historic environment in their area, in this case that consists of the Historic Characterisation Study. This evidence should be used to predict the likelihood of currently unidentified heritage assets that may be of archaeological or historic interest. The Historic Characterisation Study recommends that development proposals within Dereham must demonstrate that a full analysis of the immediate area is has been undertaken in order to inform a design response. Paragraph 128 of the NPPF states that where development sites have potential archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. In order to reflect the requirements of the NPPF and to be effective the policy should refer to the need to undertake a desk based archaeological assessment and field evaluation if necessary and reflect the recommendations of the Historic Characterisation Study. This could be achieved by including an additional criterion so it is clear to both prospective applicants and decision makers as to what is expected upon application.

**Q 14.20: To be effective should Dereham housing allocation 4 include the need to have regard to heritage assets, namely the Grade II listed water tower and the Dereham Conservation Area?**

- 2.6 In the interest of providing a clear direction for prospective applicants and decision makers, it is Historic England's view that the presence of these heritage assets should be identified within the policy and a criterion requiring development to have regard for these designated heritage assets and their

setting should be included. Both of these heritage assets are vulnerable to the scale and height of any potential development which could detract from their setting and therefore their special interest.

**Q. 14.25: To be effective, should criterion 4 of Swaffham allocation 4 refer to the need to also have regard to non-designated heritage assets and require a Heritage Statement to inform any future proposals?**

2.7 Historic England advocates the use of the term *historic environment* as this covers all aspects of cultural heritage including less tangible elements which contribute positively to the special interest of a place, this includes non-designated heritage assets. The policy refers specifically to designated heritage assets and the conservation area. The conservation area is itself a designated heritage asset so does not need to be referred as a separate entity and referring to the conservation area in this undermines its designated status. Also in specifying only designated heritage assets, the policy could be interpreted by prospective applicants or decision makers to mean that non-designated heritage assets are of no value. Using the collective term of the historic environment covers all aspects. Making policy provisions for the consideration of non-designated heritage assets reflects the objectives of NPPF paragraph 135.

2.8 The policy references the need for a statement of significance. A statement of significance is required by paragraph 128 of the NPPF, therefore the requirement does not necessarily need to be repeated within the policy. Our previous comments suggested that if the policy was to outline what sorts of information would be expected to be submitted in support of an application above that already required by the NPPF, then a Heritage Statement would be more appropriate. A statement of significance is often an element within a Heritage Statement. A Heritage Statement is a more detailed document allows an applicant to not only state the significance but to assess the impact of a proposal and provide a justification for the works proposed. This is a useful decision making tool and can be as brief or as comprehensive as necessary depending on the scale of development, therefore their use is encouraged. A Heritage Statement would improve the effectiveness of the policy.

**Q 14.27: To be effective, should the criteria of Swaffham Allocation 5 refer to the need to have regards to the findings of the Historic Characterisation Study, as set out in the supporting text 3.172.**

2.9 For the same reasons outlined in the case of Dereham above and in line with our representation dated 2<sup>nd</sup> October 2017, it is our view that this should appear as a policy criterion.

**Q 14.28: Is criterion 3 of Swaffham allocation 6 consistent with national policy and would it ensure that any potential effects on heritage assets are fully considered?**

- 2.10 In our representation dated 2<sup>nd</sup> October 2018, Historic England outlined that part 3 of the policy refers to need to preserve or enhance special interest of designated and non-designated heritage assets but makes no reference to setting. We request the policy is amended accordingly. The policy is written as if a scheme has already been submitted and whilst that may be the case the policy should work as separate entity and should be written in isolation to any prospective scheme. The need to provide a statement of significance is welcomed but does duplicate the NPPF in this respect. The text erroneously refers to the Manor House as being Grade II listed when it is in fact Grade II\* listed, as such any future decision should be made in consultation with Historic England.

**Matter 15 – Historic Environment (Policies ENV 07 and ENV 08)**

**Q 15.1: Is the wording of Policy ENV 07 and its supporting text, consistent with relevant legislation and national policy, namely section 12 of the NPPF?**

- 2.11 The supporting text recognises that heritage assets are an irreplaceable resource and therefore aligns with paragraph 126 of the NPPF. However, the same paragraph of the NPPF also outlines that the local plan should set out a positive strategy for heritage assets most at risk. This policy does make that provision and is therefore not consistent with section 12 of the NPPF in this respect.
- 2.12 The local plan should be aspirational but realistic; therefore it should encourage development to make use of opportunities that will enhance the historic environment. In our previous representation Historic England requested that the word “and” in the phrase “*conserve and enhance*” is changed to read “*conserve or enhance*”. This is necessary to ensure that the policy aligns with the statutory obligations of the Planning (Listed Buildings and Conservation Areas) Act 1990 which outlines the heritage consent regime for designated heritage assets. As this is a development management policy addressing designated heritage assets and not a strategic or site specific policy, the wording should reflect the 1990 Act with regards to decision making. A single development could not conserve and enhance simultaneously i.e. if enhanced, it is necessarily not conserving the asset as it

was at the time of application – the situation will have been altered albeit positively.

**Q 15.2: To be effective, should Policy ENV 07 include a commitment to undertake a programme of work to develop conservation area appraisal, as suggested by Historic England?**

- 2.13 Historic England maintains this view and wishes to see a commitment within the policy to undertake a programme of work to develop conservation area appraisals.

**Q. 15.3: Is policy ENV 08 consistent with national policy, most notably paragraph 128 of the NPPF, in terms of archaeological interest?**

- 2.14 Paragraph 128 of the NPPF states that where a development site 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. This paragraph seeks to ensure adequate protection is bestowed on undiscovered or unknown (and therefore non-designated) heritage assets. Paragraph 135 f the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application.

## **Matter 18 – Infrastructure (Policy INF 01 and INF 02)**

**Q 18.1: Is policy INF 01 justified, effective and consistent with national policy? Is there a need to refer to the historic environment?**

2. 15 In our previous representation we requested that the policy is amended to require development to have regard to the need to protect or enhance the historic environment to ensure that applicants properly consider the siting, design and positioning of equipment in this context. Telecommunications equipment can have significant implications for the historic environment, street scene and wider landscape and can adversely affect the setting of a range of heritage assets, an important aspect of significance as outlined in paragraph 129 and 137 of the NPPF. Historic England maintains the position outlined within our representation dated 2<sup>nd</sup> October 2017. In order for this type of development to be sustainable in terms of how the NPPF defines sustainable development there should, in our view, be reference to the historic environment in this policy. This will help provide clarity to both applicants and decision makers.

## **Conclusions**

- 3.1 To conclude, Historic England recommends a number of minor changes which will improve the effectiveness and soundness of the plan. These are discussed in detail in our previous representation and are summarised in this Hearing Statement. We are prepared to negotiate policy wording in the case of the Inspector finding the plan sound in order to strengthen the protection afforded to the historic environment.