



Historic England

Examination of North Essex Authorities Section 1 Local Plan

Matter 8: Sustainability Appraisal Historic England, Hearing Statement December 2019

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. 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.

The tests of soundness require that Local Development Plans should be positively prepared, justified, effective and consistent with national policy. Historic England's representations on 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.

Historic England Hearing Statement

Introduction

- 1.1 This statement addresses the Inspector's questions with regards Matter 8: Sustainability Appraisal of the North Essex Authorities Section 1 Local Plan.
- 1.2 This hearing statement should be read alongside Historic England's comments submitted at previous consultation stages of the Local Plan including in 2014 SA Scoping, 2015 Issues and Options, 2016 Reg 18, 2017 Reg 19, Hearing statements in 2018, Additional SA Methodology consultation on 29th January 2019, and additional SA, proposed amendments to the Plan and evidence base on 30th September 2019.

Matters and Issues for North Essex Authorities Section 1 Local Plan

Issues

Matter 8

Sustainability Appraisal

Issues

Does the Additional Sustainability Appraisal [ASA] adequately address the shortcomings in the submitted SA that were identified in my post-hearing letter to the NEAs of 8 June 2018 [IED011]?

- 2.1 Paragraph 122 of the Inspectors letter states that, *'Before embarking on further SA work the NEAs will need to re-examine the evidence base for any GC proposals they wish to assess, especially with regard to viability, the provision of transport infrastructure and employment opportunities, in order to ensure that they have a sound basis on which to score them against the SA objectives.'*
- 2.2 Whilst it is fair to say that the historic environment was not specifically highlighted by the Inspector in the aforementioned quote, the use of the word *'especially'* would imply that there are matters beyond those of viability, transport infrastructure and employment opportunities where further evidence may be required.
- 2.3 Historic England has repeatedly highlighted the need for further evidence in relation to the historic environment and the garden communities, including most recently in our response in January 2019 and again in September 2019 in which we reminded the local authorities of the need for Heritage Impact Assessment to support the allocations.
- 2.4 We were therefore very surprised to learn from the authorities that no further work has been undertaken in this respect. Without sufficient evidence it is difficult to undertake a thorough sustainability appraisal, a fact acknowledged by the authors of the SA themselves, particularly in respect of the historic environment.

Does the ASA justify the selection of the preferred spatial strategy option for the Section 1 Plan?

- 2.5 It follows then that in our view there is inadequate evidence to support and justify the decisions made in relation to site selection and spatial strategy. The NPPF (para 158) is clear that Plans should be based on a proportionate,

robust and up-to-date evidence base. Historic England's Advice Notes on Local Plans GPA1 and Site allocations (HEAN3) provide clear advice on appropriate evidence and site assessment methodology. It is apparent that this work has not been undertaken to inform this Plan, despite repeated recommendations to do so by Historic England.

2) Is the Stage 1 appraisal of alternative strategic sites based on sound and adequate evidence?

2.6 It is Historic England's view that the heritage impacts of the proposed garden communities have not been adequately assessed by the Council, which in turn has meant that the SA has been unable to properly determine the likely effects on the historic environment. In particular, it is our view that the appraisal of alternative strategic sites in Stage 1 of the SA is not based on sound and adequate evidence for the following reasons:

a) Lack of appropriate, proportionate Heritage Impact Assessment as part of the evidence base

2.7 Over a number of years in our responses to the NEA Local Plan(s) consultations Historic England has emphasised the need for a proportionate evidence base for the Historic Environment. Paragraph 158 of the NPPF highlights the need for relevant and up-to-date evidence that is proportionate and focused tightly on justifying the policies concerned. Paragraph 152 of the NPPF goes on to consider the need for significant adverse impacts to be avoided in the first instance and only where significant adverse impacts are unavoidable should suitable mitigation measures be proposed. Given the sensitivity, in terms of the historic environment, of many of the proposed areas of search, together with the scale of development proposed, we would expect Heritage Impact Assessments to have been undertaken to inform both suitability of sites for allocation and the detailed policy criteria needed to ensure the protection of the historic environment.

2.8 We advised that Heritage Impact Assessments (HIA) be undertaken for the large strategic sites as part of a proportionate evidence base for the Local Plan in line with our advice notes. This is particularly the case for the proposed garden communities. Ideally this work should be completed at an early stage to inform decisions regarding the appropriateness or otherwise of the locations for development, the extent of development and therefore potential capacity of the sites, the impact upon the historic environment considering each asset and its setting and its significance, impacts of development upon the asset and any potential mitigation measures necessary to accompany the proposals.

- 2.9 We acknowledge that at this stage, the HIA might be at a fairly high level, with further, more detailed, assessment following on at DPD stage. However, at least some additional evidence is required at this early stage to inform decisions regarding sites and policy wording.
- 2.10 It is clear that, following the hearings in 2018, the Inspector raised a number of issues in relation to the evidence base for the Local Plan, particularly in relation to the garden communities. He stated, ‘the NEAs will need to re-examine the evidence base for any GC proposals they wish to assess, especially with regard to viability, the provision of transport infrastructure and employment opportunities, in order to ensure that they have a sound basis on which to score them against the SA objectives.’ Whilst it is fair to say that the historic environment was not specifically highlighted by the Inspector in the aforementioned quote, the use of the word ‘especially’ would imply that there are matters beyond those of viability, transport infrastructure and employment opportunities where further evidence may be required.
- 2.11 Historic England has repeatedly highlighted the need for further evidence in relation to the historic environment and the garden communities, including in our response in January 2019 in which we reminded the local authorities of the need for Heritage Impact Assessment to support the allocations and again in September 2019.
- 2.12 We were therefore very surprised to learn from the authorities that no further work has been undertaken in this respect.
- 2.13 Indeed, it is telling that the SA itself comments that there is insufficient information in relation to the historic environment to make any meaningful assessment (paragraph 2.98) which states that, *‘in relation to the historic environment, no specialist study of alternative strategic sites was available to inform judgements on the significance and sensitivity to large scale development of historic environment assets, including how their setting contributes to their significance.’*
- 2.14 The SA Appendix 5 also states at paragraph 3.592 that ‘In the absence of evidence about the significance of, and potential impact of developing the site on the surrounding heritage assets, assumptions relating to the proximity of the site to heritage assets have been made to provide some indication of the potential for effects on heritage assets.’
- 2.15 This lack of evidence in relation to sites has led to an over-simplification and lack of differentiation between the various sites in terms of potential impacts on the historic environment. Table 3.3 p136 summarises the risk of

environment harm. In respect of heritage assets, all sites are identified as having 'high risk of harm to heritage assets'. All sites apparently score the same in this respect. This lack of differentiation between the different sites in terms of cultural heritage can, in part, be attributed to a lack of proportionate evidence to inform the assessment.

b) Insufficient consideration of some designated and all non-designated heritage assets

- 2.16 It is Historic England's view that the heritage impacts of the proposed garden communities have not been adequately assessed, and we cannot therefore be confident that the sites are capable of sustainably accommodating the proposed number of dwellings without adversely impacting upon the historic environment.
- 2.17 The Colchester Tendring Borders Community contains a number of listed buildings including Allen's Farmhouse, Ivy Cottage, Lamberts, and three buildings at Hill farmhouse including a cartlodge, cow byre and hayloft and stable/cartlodge, all of which are listed at grade II. There are also a number of designated heritage assets nearby including the Church of St Anne and St Lawrence; listed at GI, Wivenhoe House, Elmstead Hall and Spring Valley Mill all listed at Grade II* as well as numerous grade II listed buildings. Wivenhoe Registered Park and Garden, listed at grade II, lies immediately to the south west of the site.
- 2.18 The Colchester Braintree Borders Garden Community contains a large number of listed buildings. These include the Church of St James and Church of St Andrew and Church of St Mary, all grade I listed, Badcocks Farmhouse, Barn at Marks Tey Hall, Barn at Little Tey House, Easthorpe Hall, St Marys Grange and Houchin's Farmhouse listed at grade II* as well as over 45 grade II listed buildings. The site also includes a scheduled monument (brick kilns). There are also a number of designated heritage assets nearby including Feering and Coggleshall, Copford Green Conservation Areas and their associated listed buildings, Feeringbury Manor and Aldham Hall (both grade II*) and numerous grade II listed buildings.
- 2.19 The West of Braintree Garden Community straddles the border with Uttlesford Local Plan. That part of the site covered by the NEA Section 1 Plan contains part of the Saling Grove Registered Park and Garden (grade II), Great Saling Conservation Area, the Grade II* listed barn at Piccotts Farm as well as approximately 25 grade II listed buildings. There are also a number of designated heritage assets nearby including Rayne Conservation Area, the grade II* Church of St James and Saling Hall, numerous grade II listed buildings as well as the grade II Saling Hall Registered Park and Garden.

- 2.20 In addition, there will be many non-designated heritage assets within and around each of these proposed garden communities. Any development of these sites has the potential to affect these various heritage assets and their settings.
- 2.21 The Appraisal should be based on all designated and non-designated heritage assets as we advised in our response letter in January 2019 concerning SA methodology. However, the SA only considers designated heritage assets, not non-designated heritage assets, contrary to our advice.
- 2.22 Paragraph 3.117 of the SA is helpful in that it identifies that some sites are potentially more sensitive with respect to the historic environment than others. This reference in the report relates to Grade I and II* listed buildings, Scheduled Monuments and Conservation Areas, and other archaeological interest. In respect of grade II listed buildings however, the Main Report paragraph 3.118 of the SA simply states that *'all sites have grade II listed buildings within or nearby'* – there is no indication of how many. Again this fails to differentiate between the sites. One site could have 15 grade II listed buildings whilst another has just one. That said, we acknowledge that the number of Grade II listed buildings are at least noted within Appendix 5 – Detailed Results of the Stage 1 SA of Alternative Strategic Sites. We would also highlight the fact that grading is not necessarily an indication of sensitivity to development.
- 2.23 Finally some of the information is inaccurate – for example in relation to West of Braintree NEAGC1, the SA states that Saling Grove Registered Park and Garden (RPG) (grade II) lies immediately to the north of the garden community whereas in fact, part of the RPG lies within the garden community. This error may have occurred because the list entry and extent of designation was updated in 2018 to include a strip of land to the south of the Park known as The Lawn. Never-the-less it is important that the baseline historic environment data is accurate and up-to-date.

c) Reliance on a distance based approach, contrary to Historic England's advice

- 2.24 In January 2019 Historic England had again specifically advised against a purely distance based approach to SA assessment for the historic environment and stated that consideration of impact on significance and setting issues should be considered at an early stage. And yet we note that the assessment is largely based on a distance based approach - (Table 2.3 page 29), contrary to our advice.

9) Is the Stage 2 appraisal of spatial strategy options based on sound and adequate evidence?

- 2.25 Many of the points raised under question 2 apply equally here since the stage 2 assessment is founded upon the results of the stage 1 assessment. Therefore the inherent weaknesses in the stage 1 assessment are carried through to the Stage 2 assessment.
- 2.26 Specifically in relation to the historic environment, the report is fairly unhelpful, ranking the majority of the options both to the west and east of Colchester the same in terms of the potential impact on the historic environment. It states at Paragraph 4.16 bullet point 8 that, *'All of the remaining spatial strategy alternatives could potentially have a significant negative effect on heritage assets (SA objective 9). In many instances, the heritage assets include Grade I and Grade II* listed buildings either within the site or in close proximity. All of the spatial strategy alternatives also have the potential for significant effects on the townscape of nearby settlements due to their scale, but whether these effects would be positive or negative is uncertain.'* Paragraph 4.21 bullet point 8 also states, *'All of the remaining spatial strategy alternatives could potentially have a significant negative effect on heritage assets (SA objective 9). All of the spatial strategy alternatives with the exception of East 4 also have the potential for significant effects on the townscape of nearby settlements due to their scale, but whether these effects would be positive or negative is uncertain.'*
- 2.27 Of course the assessment is uncertain, at least in part because of lack of evidence again.

**12) Does the ASA give adequate and appropriate consideration to:
(c) impacts on heritage assets?**

- 2.28 In our view whilst the ASA has tried to be thorough in terms of its consideration of the historic environment, it has not given adequate consideration to non-designated heritage assets as we had specifically advised previously.
- 2.29 Also it would appear that some of the baseline data is inaccurate/incomplete for example the references to Saling Grove Registered Park and Garden in Great Saling (in relation to the West of Braintree NEAGC1) do not appear to take account of the full extent of the RPG following the amendments to the listing in 2018 to include The Lawn to the south of the house.
- 2.30 Finally, LUC themselves note that one of the difficulties encountered in preparing the SA was the lack of evidence in relation to the historic

environment (paragraph 2.98) where they cite the lack of availability of a specialist study of alternative strategic sites to inform judgements on the significance and sensitivity to large scale developments of historic environment assets, including how their setting contributes to their significance.’ As being one of the key data limitations and difficulties during the SA process.

2.31 This is disappointing since Historic England had on several occasions advised the local authorities of the need to prepare sufficient evidence for these strategic sites, including the preparation of an HIA. We are therefore surprised that no further work has been undertaken in this respect.

14) Does the ASA provide all the information required by Schedule 2 of the *Environmental Assessment of Plans and Programmes Regulations 2004 (as amended)*, including identifying:

(b) measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment?

2.32 There does not appear to be sufficient discussion in relation to potential mitigation for the historic environment within the report. Again, had HIAs been prepared this matter would have been explored as part of the process and the findings incorporated both into the Local Plan policy and also the Sustainability Assessment.

Summary

2.33 In summary in identifying these broad areas for three large garden communities Historic England considers that the local authorities have failed to:

- prepare a proportionate evidence base for the historic environment based on adequate, up-to-date and relevant evidence about environmental characteristics and of the area including the potential impact of proposals upon heritage assets (NPPF para 158). Historic England repeatedly advised that Heritage Impact Assessments should be undertaken to inform the Plan preparation and SA process – however, these HIAs have not been prepared.
- attach great weight to the conservation of heritage assets (NPPF para. 132 and
- have due regard to the desirability of preserving the setting of affected listed buildings and conserving and enhancing conservation areas in accordance with the Planning (Listed Buildings and Conservation Areas) Act, 1990.

2.34 Following the Inspectors findings after the first hearing sessions that the Plan was unsound due to insufficient evidence, we are surprised that the authorities did not take the opportunity to address the lack of historic environment evidence whilst the EiP was paused. Indeed we again reminded them of the need to complete this work in January and September 2019. The lack of evidence has meant that the sustainability appraisal has not been able to properly assess the impacts of the allocation of these locations on the historic environment. Therefore we cannot be confident that the Plan, as submitted, safeguards the historic environment in line with the requirements of the NPPF. Historic England therefore consider that in NPPF terms, the Plan is not sound because the strategic sites are:

- **unjustified** in terms of impacts upon the historic environment. There is insufficient evidence for the historic environment upon which to base key decisions regarding strategy and to test the overall suitability of proposed areas of search
- **ineffective** in terms of avoiding harm and delivering enhancements to the historic environment, and
- **inconsistent** with national policy in terms of conservation and enhancement of the historic environment.

2.35 Notwithstanding this, and setting aside Historic England's fundamental concerns regarding the lack of evidence supporting garden communities and the insufficient evidence for the historic environment, Historic England recognise that the NEA garden communities have been identified as one of the Government-backed garden communities. We do note that the government has made it clear that the announcement of government assistance does not in any way pre-judge the planning process.

2.36 Moreover we recognise that a decision will need to be made which weighs the harm to the significance of designated heritage assets against the public benefits. To that end Historic England has sought to work with the local authorities recognising their desire to identify these areas of land. We have therefore worked with the local authorities to try to agree revised policy wording to provide greater protection for the heritage assets and their settings.

2.37 Whilst we still question the suitability of the land for development in respect of the impact upon the historic environment, should the Inspector decide that development of the sites are acceptable and sound (when weighing harm to the significance of designated heritage assets against the public benefits), then Historic England is negotiating revised wording for the policy and

supporting text. The wording agreed with the local authorities will be set out in our Statement of Common Ground once it is finalised.