

## Matter 8: Sustainability Appraisal - Hearing Statement, Matthew O'Connell

### 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]?

No.

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

No.

### Questions for all participants, including the NEAs

12) Does the ASA give adequate and appropriate consideration to:

(a) effects of overflying aircraft to and from Stansted airport?

No. Please refer to my main Consultation submission.

(b) impacts on operations at Andrewsfield airfield?

No. Please refer to my main Consultation submission.

(c) impacts on heritage assets?

I refer to my consultation submission MOC/HIS and note that it is very much aligned with the submission from the statutory body, Historic England.

In the context of such a clear and definitive response from Historic England, I believe it may be useful to draw the Inspector's attention to a number of informational sources over an extended period of time which emphasise the total and repeated failure of the NEAs to consider historic environment correctly in the context of selecting a sound, sustainable spatial strategy, in spite of the content of all such informational sources, including direct statutory body consultation responses.

### **NPPF (2012)**

Numerous sections including particularly paragraphs 158, 169 and 170

### **Historic England Advice Note 3 - "The Historic Environment and Site Allocations in Local Plans" (published 2015)**

In particular the following sections (included in full as references challenging to make clearly):

*"Any proposals that would result in harm to heritage assets need to be fully justified and evidenced to ensure they are appropriate, including mitigation or compensation measures."*

*"The site allocation process is best informed by an up-to-date and robust historic environment evidence base."*

*“It is important to understand the significance of any heritage assets that would be affected by a potential site allocation. This involves more than identifying known heritage assets within a given distance, but rather a more holistic process which seeks to understand their significance and value. Whilst a useful starting point, a focus on distance or visibility alone as a gauge of impact is not appropriate.”*

*“STEP 5 Determine whether the proposed site allocation is appropriate in light of the NPPF’s tests of soundness.... Justified in terms of any impacts on heritage assets, when considered against reasonable alternative sites and based on proportionate evidence.... Decisions should be clearly stated and evidenced within the Local Plan, particularly where site allocations are put forward where some degree of harm cannot be avoided, and be consistent with legislative requirements.”*

### **Historic England Consultation Submissions**

In particular the following sections (again included in full as references challenging to make clearly):

#### 30 Sep 2019 (Technical Consultation)

*“We note the addition of a sentence to clarify requirements to conserve and enhance the historic environment. Whilst this is a welcome addition to the Plan and an improvement on earlier policy wording providing a helpful back stop /fall-back position in the absence of evidence to date, we consider that it is rather too little, too late. Strategic allocations including garden communities need to be informed by proportionate evidence in relation to the historic environment, considering the suitability of the site per se. By leaving such assessment until the DPD stage, the principle for development has already been established through the Local Plan itself. Again we highlight that this work should already have been completed.”*

*“Historic England welcomes the reference to heritage impacts and site selection methodology and HIAs, the fact remains that this work should have been undertaken as part of the evidence base for this plan rather than being left to future development plan documents.”*

#### Section 1 ASA Methodology Scoping

*“It is important to understand the significance of any heritage assets that would be affected by a potential site allocation. This involves more than identifying known heritage assets within a given distance, but rather a more holistic process which seeks to understand their significance and value. Whilst a useful starting point, a focus on distance or visibility alone as a gauge of impact is not appropriate”*

*“Finally we would add that whilst the sustainability appraisal process is a vital part of the assessment of alternative sites and crucial to the evidence base for the local Plan, more detailed assessment of particular aspects may be necessary. For example, Historic England would expect to see the completion of a Heritage Impact Assessment as part of the evidence base for any proposed allocation (but particularly large strategic allocations) likely to have an impact on the significance of heritage assets (including development within the setting of the heritage assets)”*

### 19 Jan 2018 (Draft Local Plan Section 2 Consultation)

*“Our advice is that harm should be avoided in the first instance and this should be demonstrated via the use of effective evidence to justify the site selection process. Our following comments on the Issues and Options consultation should read within the context of our previous representations and EiP Section 1 Plan Hearing Statement.”*

Note: Same statement in relation to all 3 GC sites.

### Local Plan Section 1 Examination Hearing Statement

*“Historic England has fundamental concerns regarding the lack of proper consideration of the historic environment during the broad site selection process. We are negotiating revised policy wording to strengthen the protection of the historic environment, with the local authorities in a Statement of Common Ground should the Inspector accept the principle of development in these broad locations. Crucially however, Historic England maintains our objection on the basis that the local authorities have failed to present for consideration sufficient evidence (in accordance with NPPF paragraph 129, 158 and 169) that considers the impact of these extensive site allocations upon the historic environment to determine the level of effect (harm) on the significance of heritage assets.”*

*“It is the view of Historic England that the development of these Garden Communities is unsupported by sufficient evidence in respect of the potential impact on the historic environment and not justified. Paragraphs 158, 169, 170, and 182 of the NPPF make it clear that evidence should be up-to-date and proportionate. Given the scale of these proposed developments, it would seem reasonable to request further evidence in respect of the impacts upon the historic environment. It is also possible to conclude that it is likely that these new communities would result in harm to a number of designated heritage assets. Without further information and detail regarding the site boundaries and location of development, it cannot be said how substantial this harm would be. In terms of the Local Plan, paragraph 152 of the NPPF makes clear that significant adverse impacts on the environment should be avoided in the first instance. Only where this is not possible should mitigation be considered.”*

*“The Local Plan needs to demonstrate that the proposed garden communities are appropriate in light of the NPPF’s tests of soundness set out on paragraph 182, namely that the proposal is positively prepared, justified, effective and consistent with national policy. In terms of the latter, this includes the need to conserve heritage assets in a manner appropriate to their significance and to provide clear and convincing justification for any harm or loss weighed against the public benefits of development.”*

### 2017 Draft Local Plan Section 1 Consultation

*“Our concerns raised in the July 2016 consultation remain. As far as we can see, there has not been a demonstrable consideration of the impact of any such policy on the historic environment .... “*

*“Heritage Impact Assessment needs to be undertaken in accordance with our advice note 3 Site Allocations in Local Plans in order to assess impact of the proposed allocation upon the historic environment, to inform the appropriate extent of the development and establish any mitigation measures necessary.”*

*“Whilst a useful starting point, a focus on distance or visibility alone as a gauge is not appropriate.”*

It will be clear that it is - at best - puzzling how in light of the above, the NEAs could have thought that their approach to historic environment constituted a sound component of the Local Plan. There was an opportunity during the preparation of the revised evidence base and the ASA to address the severe shortcomings, but the NEAs appear to have made a conscious determination not to do so.

Beyond the other issues with the Local Plan, we believe - a view shown to be shared by Historic England (again) in their latest consultation submission - that the failures in relation to historic environment are sufficient to render the Plan unsound.