

Braintree
District Council



Tendring
District Council



Publication Draft Braintree, Colchester and Tendring Local Plans: Section One Shared Strategic Plan

Statement of Common Ground with Historic England

JANUARY 2020

Braintree District Council, Colchester Borough Council and Tendring District Council Section 1 Shared Strategic Plan

Statement of Common Ground

Between Historic England and Braintree District Council, Colchester Borough Council and Tendring District Council

- 1. This Statement of Common and Uncommon Ground has been prepared following discussion between the authorities to identify the areas of agreement between Historic England (HE) and Braintree District Council, Colchester Borough Council and Tendring District Council as the Local Planning Authorities (LPAs) on matters relating to the LPAs Section 1 Shared Strategic Plan and the representations submitted by Historic England concerning that document.**

This Statement sets out the LPAs agreed response with Historic England to Section 1 of the Shared Strategic Plan and lists the areas that Historic England supports.

This Statement addresses issues of common and uncommon ground.

2. General Matters

In accordance with the Town and Country Planning (Local Development) (England) Regulations, Historic England has been formally consulted at every stage of consultation of development of the Local Plan and the Sustainability Appraisal (SA).

Historic England submitted representations to the Section 1 Shared Strategic Plan during the Publication Draft Local Plan consultation period (Colchester Borough Council representation numbers S1.079a/ 6888-6893, Braintree District Council representation numbers S1.168/ 524-530 and Tendring representation numbers S1.377/LPP30-40). Historic England also submitted representations during the consultation on Further Evidence Base and Sustainability Appraisal work (representation number SA/191).

This statement deals only with the strategic Section 1 of the Local Plans submitted by Braintree District Council, Colchester Borough Council and Tendring District Council.

Areas of Common Ground

Historic England and the North Essex Authorities agree on the changes identified in Section A of the table below which address some areas of Historic England's concern. These include strengthened requirements in policy SP6 for development to respond positively to local character and context as well as additional wording added to policies SP8, SP9 and SP10 elaborating on the measures required for the Garden Communities to protect and/or enhance a range of heritage assets and their settings within and surrounding the sites.

Section A of the table below details those specific policies and proposed amendments supported by all signatories to this SoCG.

Areas of Uncommon Ground

Historic England has fundamental concerns regarding the lack of proper consideration of the historic environment during the broad site selection process for Garden Communities which they do not consider to be in accordance with the methodology in their guidance (Historic Environment and Site Selection in Local Plans: HE Advice Note 3, 2015). Overall Historic England consider that there is insufficient evidence regarding the historic environment to support the proposals in the Plan, particularly with respect to the large strategic garden communities. Therefore, Historic England maintains an in principle objection to the identification of these extensive sites. Historic England maintains their 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.

The NEA consider that sufficient and proportionate work has been undertaken to consider the impact of the garden community areas of search upon the historic environment for the purposes of the strategic Section 1 Local Plan. An HIA is not required to prepare a Local Plan, particularly one that will be followed by a DPD and is not necessary as an input into a compliant Sustainability Appraisal. The disposition and quantity of future land-uses within the identified areas of search will be determined through the preparation of DPDs. The Plan is clear that the DPD will provide the framework for the subsequent development of more detailed masterplans and other design and planning guidance, and the DPD is expected to be in place prior to any planning application coming forward. The NEA recognise that work must be informed by a Heritage Impact Assessment, and consider that the DPD is the appropriate stage for such work to be undertaken.

Section B of the table below lists policies that are covered by this objection in principle but where, in the event that the Plan is found sound, Historic England would consider the proposed wording acceptable as a framework for future Garden Community work affecting the historic environment.

BRAINTREE DISTRICT COUNCIL, COLCHESTER BOROUGH COUNCIL AND TENDRING DISTRICT COUNCIL /HISTORIC ENGLAND AGREED AMENDMENTS TO LOCAL PLAN SECTION ONE

A. Proposed Amendments agreed by all parties. Amendments which are additional to those which formed part of the Technical Consultation are shown in red.

B.

CBC/ BDC/TDC Rep number	Local Plan Section or Policy	Summary of Historic England Representation	LPAs Proposed Modifications
<p>S1.273/639, S1.082/6935,S1.377/LPPD30</p>	<p>Introduction</p>	<p>No reference to distinctive character of Essex, no reference to protecting heritage assets. Historic England request that the Strategic Objectives be amended to include a requirement for new development to have regard to the historic environment, to reflect paragraph 7 of the NPPF (the three dimensions to sustainable development).</p>	<p>It is agreed to add a sentence as suggested to the Introduction:</p> <p><i><u>"North Essex is a vibrant and attractive place to live and work. It has a rich archaeological, natural and built heritage that continues to influence local character, which is distinguished by its extensive legacy of human habitation from Palaeolithic times onward."</u></i></p> <p>Key Issues does already include reference at 1.29 to 'conservation and enhancement of the natural and historic environment including landscape' so the parties agree no further amendments is necessary.</p> <p>The parties support the strengthened wording in para 1.26 which was included in the Proposed Amendments which formed part of the Technical Consultation</p>

			<p><i>"ensure that continued growth does not erode the special environment, heritage and urban assets and qualities of the area continues to conserve and where possible enhance the historic environment"</i></p>
S1.377/LPPD34 (2017)	Vision	<p>There is no specific consideration for the historic environment within these principles. It is essential that the local plan should contain a framework to guide how the boundaries and extent of the garden communities are determined in the subsequent development plan documents. Historic Impact Assessments should be undertaken for each of the proposed broad locations.</p>	<p>The parties support the following amendments to the Vision which were included in the Proposed Amendments which formed part of the Technical Consultation:</p> <p>Additions to what is now the third paragraph of the Vision:</p> <p><i>" ... and the countryside and heritage assets <u>the historic environment</u> will be protected preserved and enhanced. Key to delivering sustainable development is that new development will address the requirement to protect and enhance be informed by an understanding of <u>the historic environment and settlement character</u>"</i></p> <p>Further amendments to what is now the fourth paragraph are agreed as follows:</p> <p><i>"At the heart of our strategic vision for North Essex are new garden communities to be <u>sensitively integrated within the existing historic built and natural environment, the delivery of which is based on Garden City</u></i></p>
SA 191 (2019)		<p>Section on Garden Communities should reference to historic environment given that Garden Community Principles do not explicitly</p>	

		mention it	<p><i>principles covered by policy SP7:</i></p> <p>Further amendments to the Strategic Objectives, final paragraph 'Ensuring High Quality Outcomes' are agreed as follows:</p> <p><i><u>"New development needs to be informed by an understanding of the historic environment resource gained through the preparation of Heritage Impact Assessments and to conserve and enhance the significance of the heritage assets (including any contribution made to that significance by their settings)."</u></i></p>
S1.273/640, S1.082/6937, S1.377/LPPD31 (2017)	SP2	Amend second paragraph to ensure reference to settlements maintaining their distinctive and historic character. Policy should avoid coalescence between settlements. Supporting text should set out what policy means for North Essex in respect of high quality built and urban design.	<p>Further amendments to the first sentence of paragraph 2 of the Policy are agreed as follows:</p> <p><i><u>"Future growth will be planned to ensure settlements maintain their distinctive character and role; to avoid coalescence between them; and to conserve their setting."</u></i></p> <p>SP7 policies on Garden Community design principles also address this point.</p>
S1.273/641, S1.082/6938, S1.377/LPPD32 (2017)	SP3	The A120 is a historic route through Essex and as such there is great archaeological potential, alongside the potential impacts on heritage assets, which may vary, depending on the options developed.	<p>Point noted, but dealt with elsewhere – amendment to SP8.20, SP9.21 and SP10.20 to read 21. Protection and/or enhancement of designated and undesignated heritage; including the provision of appropriate mitigation where any adverse impacts are unavoidable.</p>

<p>S1.273/642, S1.082/6940, S1.377/LPPD33 (2017)</p>	<p>SP6</p>	<p>Historic England welcomes reference to protecting and enhancing the historic assets. June 2016 draft local plan comments suggested that first bullet point clarified to read: "...enhance the quality of existing places" rather than "communities." Caution needed in implementing the policy on adding street furniture to guard against the unmanaged and indiscriminate use of street furniture such as signs, benches, bins etc in the historic environment.</p>	<p>The parties support the following amendment to the first bullet point of SP6 which was included in the Proposed Amendments which formed part of the Technical Consultation:</p> <p><i>"...to preserve and enhance the quality of existing communities places..."</i></p>
<p>SA 191 (2019)</p>	<p>SP8</p>	<p>Mention specific historic environment assets within policy.</p>	<p>Further amendments to policy SP8 to introduce a new paragraph 20 are agreed as follows:</p> <p><u>"20. Conserve, and where appropriate enhance, the significance of heritage assets (including any contribution made by their settings) both within and surrounding the site. Designated heritage assets within the garden community area include Grade II listed Allen's Farmhouse, Ivy Cottage, Lamberts, and three buildings at Hill farmhouse. Designated heritage assets nearby include a grade I listed church, grade II* listed Wivenhoe House, Elmstead Hall and Spring Valley Mill and numerous grade II listed buildings as well as the grade II Wivenhoe Registered Park and Garden. Harm to the significance of a designated heritage asset should be avoided in the first instance."</u></p>

SA 191 (2019)	SP9	Mention specific historic environment assets within policy.	<p>Further amendments to policy SP9 to introduce a new paragraph 20 are agreed as follows:</p> <p><u>"20. Conserve, and where appropriate enhance, the significance of heritage assets (including any contribution made by their settings) both within the site and surrounding the site. Designated heritage assets within the area include the Grade I Copford, Easthorpe and Marks Tey churches, grade II* listed Badcocks Farmhouse, Barn at Marks Tey Hall, Barn at Little Tey House, Easthorpe Hall, St Marys Grange and Houchin's Farmhouse as well as over 45 grade II listed buildings. The site also includes a scheduled monument (brick kiln). Designated heritage assets nearby include Fearing and Coggeshall and Copford Green Conservation Areas, and numerous listed buildings including Fearingbury Manor and Alham Hall, both listed at grade II*. Harm to the significance of a designated heritage asset should be avoided in the first instance."</u></p>
	SP10	Mention specific historic environment assets within policy.	<p>Further amendments to policy SP10 to are agreed as follows:</p> <p><u>"F.19 Landscape buffers between the site and Great Sailing (including Sailing Grove), Stebbing, Stebbing Green and Rayne."</u></p>

			<p><u>F.20 Conserve, and where appropriate enhance, the significance of heritage assets (including any contribution made by their settings) both within the site and surrounding the site. Designated heritage assets within the area include 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. Designated heritage assets nearby include 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. Harm to the significance of a designated heritage asset should be avoided in the first instance.</u></p>
<p>SA 191 (2019)</p>	<p>Table 1</p>	<p>We would suggest that a monitoring indicator is added in Table 1 which will address this strategic objective and which will monitor how successful it is. These can include preparation of a local list, completion of conservation area action plans and management plans, reduction in the number of assets that are classified as heritage at risk.</p>	<p>Add to Table 1: Target: Deliver communities that are sensitively integrated into the existing historic built and natural environment. Indicators: "Planning permissions granted appropriately respond to the findings and recommendations of relevant Heritage Impact Assessments."</p>

Section B – Proposed Amendments affecting those policies where Historic England has lodged an objection in principle, but where all parties, in the event that the Plan is found sound, agree wording which would provide an acceptable framework for future Garden Community work affecting the historic environment.

CBC/ BDC/TDC Rep number	Local Plan Section or Policy	Summary of Historic England Representation	LPAs Proposed Modifications	Historic England Response
S1.377/LPPD36 (2017) and SA 191 (2019)	Cross Boundary Communities	<p>Paras 8.2 to 8.6 " These paragraphs do not refer to the potential for detrimental impacts on heritage assets despite the statement in para 5.8 of the Sustainability Appraisal Main Report (page 49) that identifies that the garden communities option could this option could lead to negative effects on the settings of these assets, or the assets themselves, resulting in negative effects on SA Objective 10: Historic environment. Given the presence of heritage assets within or in the vicinity of the identified</p>	<p>The NEAs consider that the preparation of the Section 1 Local Plan has been informed by an appropriate evidence base regarding heritage assets. The NEA consider that the Plan is justified and based on a proportionate evidence base given that it is a strategic plan.</p> <p>In order to give Historic England comfort that a HIA will be undertaken as part of the DPD preparation stage, the NEA's are willing to agree that a new paragraph 8.8 on heritage impacts is included (with consequential re-numbering of subsequent paragraphs).</p> <p>The suggested wording is: 8.7 To ensure that the</p>	<p>Ideally HIAs would have already been undertaken in order to support the site selection process – the fact that this has not been undertaken in the early stages of the Plan preparation contributes to our objection to the principle of the site allocations. Sites should be selected on the basis of sufficient, proportionate evidence. Harm should be avoided in the first instance before mitigation is considered. It is important to establish the suitability of the site prior to allocation because once an area is within a Local Plan, the principle of</p>

areas for garden communities it is considered that reference should be made in these paragraphs of the Plan to the need to have appropriate regard to the existence of heritage assets in the areas and the need for proposals to have no unacceptable impact on them. It is considered that the location and design of garden communities should be informed in the first place by the potential to assimilate the proposals into the landscape without unacceptable detrimental impacts on designated historic and natural assets. See our comments regarding HIA for Garden Communities.

significance of designated and non-designated heritage assets and their settings, both within and adjoining the garden communities areas of search, are conserved and where possible enhanced, the detailed form and extent of new development within each garden community search area is to be informed by the site selection methodology set out within Historic England's Advice Note 3 (2015) (The Historic Environment and Site Allocations in Local Plans). Heritage Impact Assessments will be undertaken to inform the preparation of DPDs to ensure that the detailed form of development proposals is informed by an understanding of the contribution made by setting to the significance of the affected assets. Harm should be avoided in the first instance

development has been established. Unfortunately this evidence base is not in place.

The Inspector found the Plan unsound following the first stage of the EIP in 2018, on the basis of insufficient evidence. Historic England would have expected the Council to use this opportunity to address the lack of historic environment evidence and indeed Historic England wrote to the Councils reminding them of this requirement. However, the NEAs chose not to undertake this work at that stage and therefore Historic England must continue to maintain that there is insufficient heritage evidence to support the Plan. It is not justified and based on a proportionate evidence base and on that basis conclude that the Plan is

				<p>unsound</p> <p>Notwithstanding our position however, if the Inspector is minded to find the allocations sound then we would, at this stage, agree that the policy should require an HIA to be prepared to inform the on-going DPD process.</p>
<p>S1.273/643 and 645, S1.082/6942, S1.377/LPPD37 (2017) and SA 191 (2019)</p>	<p>SP7</p>	<p>HE remain concerned that there has not been a demonstrable consideration of the impact of Garden Communities on the historic environment. Plan should contain a framework to guide how boundaries and extent of garden communities are determined. Historic Impact Assessments should be undertaken. Appropriate criteria for protection of heritage assets and settings needs to be included.</p>	<p>Amend text as follows to strengthen wording on historic environment:</p> <p><i>"(iii) Promotion and execution of the highest quality of planning design and management of the built and public realm so that the Garden Communities are characterised as distinctive places that capitalise on local assets, <u>respect their context</u>, and establish environments that promote health, happiness and well-being. This will involve the NEAs developing a cascade of design guidance <u>based on a robust assessment of historic and natural environmental constraints and opportunities</u></i></p>	

			<p><u>for enhancement. Guidance will includeing concept frameworks, detailed masterplans and design codes and other guidance in place to inform and guide development proposals and planning applications.</u></p> <p>...</p> <p>x. Create distinctive environments which are based on comprehensive assessments of relate to the surrounding environment and that celebrate natural and historic environments and systems..."</p>	
<p>S1.273/646, S1.082/6945, S1.377/LPPD38 (2017) and SA 191 (2019)</p>	<p>SP8</p>	<p>Development plan documents should be required, through inclusion of an additional criterion in Policy SP8, to undertake a Heritage Impact Assessment. See SP7 comments</p>	<p>HE concerns are noted in the Areas of Uncommon Ground. The NEAs consider that historic environment issues will be addressed through the preparation of Development Plan documents which are being developed for each Garden Community and will have regard to the strategic objective of conserving and enhancing the significance of heritage assets and their settings</p>	<p>As outlined above, Historic England have in principle objections to the allocations of these sites and advise that HIAs should be completed early in site allocation process rather than at DPD stage. However, if the Inspector does find the site allocations sound then Historic England agree the suggested wording that an HIA should be undertaken to inform the</p>

			<p>The addition of a further criterion within A2 is supported as follows:</p> <p><i>"A2. The adoption of a sound Development Plan document (DPD) providing a masterplan for the Tendring Colchester Borders Garden Community will be contingent on the completion of a <u>Heritage Impact Assessment</u> carried out in accordance with HE guidance. The <u>Heritage Impact Assessment</u> will assess the <u>impact of proposed allocations upon the historic environment</u>. Inform the <u>appropriate extent and capacity of the development</u> and <u>establish any mitigation measures necessary</u>. Any additional detailed masterplan and design guidance work will be formally adopted to inform and guide development proposals and planning applications."</i></p>	<p>on-going preparation of the DPD along with any other statutory requirements such as a Sustainability Appraisal.</p>
<p>S1.273/847, S1.082/6946, S1.377/LPPD39 (2017) and SA 191 (2019)</p>	<p>SP9</p>	<p>No indication as to how the extent of the garden communities will be</p>	<p>HE concerns are noted in the Areas of Uncommon Ground. Development Plan documents</p>	<p>As outlined above, Historic England have in principle objections to the</p>

		<p>determined. Concern that the new settlements will be housing led rather than considering the landscape and heritage assets. DPDs for each settlement should be required, through inclusion of an additional criterion in Policy SP9, to undertake a Heritage Impact Assessment. Potential for significant archaeological interests in the vicinity of A12 and A120. In addition, there are a number of listed buildings in the area, including Grade I listed buildings at Feering and Little Tey.</p>	<p>are being developed for each Garden Community and will have regard to the strategic objective of conserving and enhancing the significance of heritage assets and their settings</p> <p>The addition of a further criterion within A2 is supported as follows:</p> <p><u>"A2. The adoption of a sound Development Plan document (DPD) providing a masterplan for the Colchester Braintree Borders Garden Community will be contingent on the completion of a Heritage Impact Assessment carried out in accordance with HE guidance. The Heritage Impact Assessment will assess the impact of proposed allocations upon the historic environment, inform the appropriate extent and capacity of the development and establish any mitigation measures necessary. Any additional detailed masterplan</u></p>	<p>allocations of these sites and advise that HIAs should be completed early in site allocation process rather than at DPD stage. However, if the Inspector does find the site allocations sound then Historic England agree the suggested wording that an HIA should be undertaken to inform each DPD along with any other statutory requirements such as a Sustainability Appraisal.</p>
--	--	---	--	--

			<p>and design guidance work will be formally adopted to inform and guide development proposals and planning applications."</p>	
<p>S1.273/648, S1.082/6947, S1.377/LPPD40 (2017) and SA 191 (2019)</p>	<p>SP10</p>	<p>Proposed garden community could have significant impact on setting of listed buildings and Registered Park and Garden at Sailing Grove. Part F (para 20) should be strengthened and amended to include reference to the heritage assets and the need to have regard to their setting when preparing more detailed planning frameworks for the site. No indication as to how the extent of the garden communities will be determined. Include an additional criterion in Policy SP10, to define appropriate safeguarding buffers around heritage assets.</p>	<p>HE concerns are noted in the Areas of Uncommon Ground. Development Plan documents are being developed for each Garden Community. As detailed above, to give Historic England comfort and reassurance that a HIA will be undertaken at the DPD stage, the NEAs are willing to agree to the promotion of the wording detailed below. That DPD work will be required to have regard to the strategic objective of conserving and enhancing the significance of heritage assets and their settings</p> <p>The addition of a further criterion within A2 is supported as follows:</p> <p>"A2. The adoption of a sound Development Plan document (DPD) providing a masterplan for the West of Braintree Garden Community will be contingent on the completion</p>	<p>As outlined above, Historic England have in principle objections to the allocations of these sites and advise that HIAs should be completed early in site allocation process rather than at DPD stage. However, if the Inspector does find the site allocations sound then Historic England agree the suggested wording that an HIA should be undertaken to support each DPD along with other statutory requirements such as a Sustainability Appraisal.</p>

of a Heritage Impact Assessment carried out in accordance with HE guidance. The Heritage Impact Assessment will assess the impact of proposed allocations upon the historic environment, inform the appropriate extent and capacity of the development and establish any mitigation measures necessary. Any additional detailed masterplan and design guidance work will be formally adopted to inform and guide development proposals and planning applications.

Signed:

Date:

**Karen Syrett
Colchester Borough Council**

**Emma Goodings
Braintree District Council**

**Cath Bicknell
Tendring District Council**

**Debbie Mack
Historic England**