



WYCOMBE DISTRICT LOCAL PLAN EXAMINATION IN PUBLIC

Matter 5: – Natural, Built and Historic Environment

Issue 1: 1. Have the following policies been positively prepared and are they justified, effective and consistent with national policy?

f) Policy DM31 (Development affecting the historic environment)

1. Introduction

- 1.1 Historic England is the public body that looks after England's historic environment and champions historic places, helping people understand, value and care for them.
- 1.2 Paragraph 2 of the National Planning Policy Framework states that the Framework "*must be taken into account in the preparation of local plans*". Paragraph 151 requires Local Plans to be "*consistent with the principles and policies set out in this Framework*". One of the four "tests" of soundness is that the plan should be consistent with national policy (paragraph 182).
- 1.3 The National Planning Policy Framework contains a number of requirements as regards local plans and the historic environment. Paragraph 151 of the Framework explains that Local Plans must be prepared with the objective of contributing to the achievement of sustainable development and paragraph 9 explains that: "*Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment...*".
- 1.4 Paragraph 126 states "*Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment.....*"
- 1.5 Paragraph 156 states "*Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver the conservation and enhancement of the historic environment*".
- 1.6 Paragraph 157 states "*Crucially, Local Plans should "contain a clear strategy for enhancing the natural, built and historic environment" and "identify land where development would be inappropriate, for instance because of its environmental or historic significance"*.
- 1.7 Historic England believes that it is clear from these requirements that the Government is expecting local planning authorities, through their Local Plans, to actively deliver the conservation and enhancement of the historic environment. The Government's use of the words and phrases "*seeking positive improvements*", "*positive strategy*", "*deliver the conservation and enhancement*" and "*a clear strategy for enhancing*" all demonstrate that it is not sufficient for local planning authorities to be passive or merely reactive in the conservation and enhancement of their historic environment.
- 1.8 Indeed, the National Planning Practice Guidance states "*Such a [positive] strategy should recognise that conservation is not a passive exercise*".

2. Historic England's Representations

2.1 Historic England submitted a total of 48 individual representations at the Regulation 19 stage of the Local Plan. Of those, 12 were objections.

2.2 The majority of our objections (eight) related to the statements in paragraphs 126 and 157 of the National Planning Policy Framework that "*Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment*" and "*contain a clear strategy for enhancing the.....historic environment*".

2.3 On this matter, we concluded (in our response to Policy DM31):

"There are a number of welcome references to the historic environment and heritage assets throughout the Plan, but also a number of occasions where a reference to the historic environment or a specific heritage asset could reasonably be expected to be present and yet there is none. We have identified these occasions in our other comments on the local plan, in particular the paragraphs and text boxes setting out the principles and key considerations for the main settlements in the District.

Accordingly, we consider that the local plan falls short of setting out an adequate positive strategy for the conservation and enjoyment of the historic environment, and a clear strategy for enhancing the historic environment, and so fails to comply with the requirements of the National Planning Policy Framework in this regard. We therefore consider that the local plan is not sound in this respect."

2.4 The occasions we identified in our other comments on the Local Plan where we considered that a reference to the historic environment or a specific heritage asset could reasonably be expected to be present but there is none relate to:

- Paragraph 2.1
- Paragraph 3.1
- Paragraph 5.1.4
- Paragraph 5.2.2
- Policy PR7
- Principles for Bourne End and Wooburn
- Policy DM26
- Policy DM31

2.5 In specific respect of Policy DM31, we welcomed the policy in principle, but noted that it was factually incorrect and inadequate in places. We explained these inaccuracies in some detail (see Appendix 1 to this Statement).

3. Changes Historic England considers necessary to make the Plan sound

3.1 In our comments on Policy DM31 we explained the change we considered necessary to make the Plan sound:

“The local plan should set out a more comprehensive positive strategy for the conservation and enjoyment of the historic environment and a clear strategy for enhancing the historic environment.”

3.2 In our specific comments on the paragraphs and policies in the bullet point list above we set out the general change to Policy DM31 and the specific changes to the other policies and paragraphs we consider necessary to make the Plan sound (see Appendix 2 to this Statement).

3.3 If these changes were to be made, Historic England would be satisfied that the Local Plan contained an adequate positive strategy for the conservation and enjoyment of the historic environment and a clear strategy for enhancing the historic environment, and was therefore sound in these respects.

3.4 Historic England has offered to discuss these comments with the Council, and to sign a Statement of Common Ground if the Council is prepared to recommend modifications to the Inspector to reflect our comments and the specific changes we seek. We understand that the Council is considering this offer.

Appendix 1: Historic England comments on Policy DM31

Historic England welcomes and supports Policy DM31 in principle as part of the positive strategy for conserving and enjoying, and clear strategy for enhancing, the historic environment as required by paragraphs 126 and 157 of the National Planning Policy Framework. However, it is both factually incorrect and inadequate in places.

Locally listed buildings are not “designated” heritage assets, as the Glossary to the National Planning Policy Framework makes clear. Also, non-scheduled archaeological remains of equivalent significance are not (by definition), designated heritage assets, although paragraph 139 of the National Planning Policy Framework does require such remains to be considered subject to the same policies as scheduled monuments. Only Registered Historic Parks and Gardens are designated heritage assets.

Section 1 of the policy should really be seeking to protect the significance of listed buildings, registered historic parks and gardens and scheduled monuments (or non-scheduled remains of equivalent significance) and the special, interest, character and appearance of conservation areas.

Section 2 of the policy should require a thorough understanding of the significance of designated or non-designated heritage assets, or their setting, as well as their context, and development proposals should demonstrate how that understanding has informed the proposals so that harm to heritage assets from the development has been avoided. Where harm is unavoidable it should be minimised or mitigated and only permitted where public benefits outweigh the harm.

Section 4 of the policy is too weak: paragraphs 133 and 134 of the National Planning Policy Framework make it clear that harm to designated heritage assets is only acceptable where public benefits outweigh the harm or all the four circumstances in paragraph 133 apply. The reference to it being demonstrated that development will proceed after the loss has occurred normally applies to the loss of a building in a conservation area to avoid unsightly gap sites.

Policy DM31 has the potential to complement Policy CP11 by providing greater detail to developers and decision-makers on how to react to a development proposal (as required by paragraph 154 of the National Planning Policy Framework). However, as currently drafted it actually adds very little to Policy CP11 and is really therefore another strategic policy.

In itself, this is not a problem as paragraph 156 of the National Planning Policy Framework refers to “strategic policies” to deliver the conservation and enhancement of the historic environment, but we would like to see a detailed development management policy or policies guiding how the presumption in favour of sustainable development should be applied locally, setting out the requirements of development proposals and providing a clear indication of how a decision maker should react to a development proposal as required by paragraph 154 of the Framework.

This policy should include criteria for assessing the potential impact of development proposals on the significance of all relevant heritage assets: designated assets such as listed buildings, Scheduled Monuments, conservation areas and Registered Historic Parks and Gardens, and non-designated assets, such as those of local significance (as identified on local lists), archaeological deposits (as identified on the Buckinghamshire Historic

Environment Record and historic landscapes (as may be identified in the Buckinghamshire Historic Landscape Characterisation). It should set out those characteristics of each type of heritage asset that the Council will expect development proposals to conserve and enhance.

Historic England has produced a revised Good Practice Advice Note: 1: “The Historic Environment in Local Plans”, available on the Historic England website:

(<http://historicengland.org.uk/images-books/publications/gpa1-historic-environment-local-plans/>). The advice explains that development management policies for the historic environment may be needed in order for decision-takers to determine how they should react to an application affecting a heritage asset. It explains that such circumstances could include:

- **Those areas where further clarity would be useful** – for instance, how local planning authorities determine applications affecting archaeological remains of less than national importance.*
- **Those areas where Development Management policies may be necessary to address the local circumstances of the Plan area** - for example, to clarify the approach to development within an Area of Archaeological Importance; or to protect or enhance important views and vistas.*

We consider that these circumstances are applicable to the Wycombe Local Plan; however, Policy DM31 does not give any guidance on how the effects of a proposed development on the special interest and settings of designated and non-designated heritage assets will be assessed. Nor does it explain what will not be permitted.

Appendix 2: Specific changes Historic England considers necessary to make the Plan sound

2.1

The addition of a reference to the conservation and enhancement of the historic environment in paragraph 2.1 of the Local Plan.

3.1

The Vision to also incorporate more explicit social and environmental considerations.

5.1.4

The addition of “The conservation and enhancement of a rich and important historic environment and the heritage assets therein” as another key issue for the town.

5.2.2.

The addition of “The conservation and enhancement of a rich and important historic environment and the heritage assets therein” as another key issue for the town.

Policy PR7

The need to:

- *respect the Alscot Conservation Area and its setting;*
- *preserve important views in and out of the Conservation Area;*
- *undertake a geophysical survey and trial trench evaluation across the main expansion area where not already conducted, and possible further archaeological excavation works informed by the results of these evaluations;*
- *undertake a comprehensive and detailed archaeological assessment prior to any development; and*
- *incorporate and protect historic landscape features and hedgerows within the development*

should be set out in Policy PR7 as requirements.

Principles for Bourne End and Wooburn

The Principles for Bourne End and Wooburn should include the conservation and enhancement of the important historic environment of Bourne End and Wooburn.

Policy DM26

The addition of a new criterion to Policy DM26 of a criterion requiring proposals for the development of new Traveller sites to avoid harm to the significance of heritage assets.

Policy DM31

Policy DM31 needs to be revised to accurately reflect the National Planning Policy Framework and, in our view, rewritten to be, or complemented by, a policy or policies setting out detailed development management criteria. Historic England would be pleased to work with the Council on these policies (as it has recently with West Oxfordshire District Council for the West Oxfordshire Local Plan Examination).

The local plan should set out a more comprehensive positive strategy for the conservation and enjoyment of the historic environment and a clear strategy for enhancing the historic environment.