



Examination of East Cambridgeshire Local Plan

Matter 1

Issue 1, Question 5

Issue 2, Question 18

Historic England, Hearing Statement

May 2018

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 1, Issue 1 Question 5 and Issue 2 Question 18.
- 1.2 This hearing statement should be read alongside Historic England's comments submitted at previous consultation stages of the Local Plan.

Matters and Issues for the East Cambridgeshire Local Plan

Matter 1: Legal Compliance, including Duty to Co-operate.

Issue 1: Whether the plan been prepared in line with the relevant legal requirements and procedural matters?

Sustainability Appraisal

5. Has the plan been subject to Sustainability Appraisal (SA), including a report on the published plan, which demonstrates, in a transparent manner, how the SA has influenced the evolution of the plan making process?

2.1 Historic England accept that the Plan has been subject to a Sustainability Appraisal (SA).

For example, how have the identified impacts on the historic environment, at Kennett and Swaffham Prior affected the allocation of sites (KEN.M1 and SWP.H1)?

2.2 Historic England has expressed concern regarding the allocation of sites KEN.M1 and SWP.H1 on the basis of the impact upon the historic environment. Our representations on the Proposed Submission Draft Plan in relation to the allocations are included at Appendices A and B.

2.3 In respect of the site at **Kennett**, the SA assesses the allocation as having the *'potential for a significant adverse impact'*. The commentary identifies that *'there are heritage assets on site that would need to mitigate against'*. (This presumably means that there are *impacts* on heritage assets on site that would need to be mitigated against rather than that the asset itself would require mitigation). However, the SA does not specify that it is a scheduled monument on site, nor does it reference the nearby listed building. We note that the policy includes a criterion (bullet point I) that seeks to address the scheduled monument. In addition, the proposals map includes a symbol identifying the scheduled monument and a small buffer zone around the monument. This is then reflected in the SA which states that the policy *'provides requirements to mitigate against potential effects on a range of designated sites. The policy therefore mitigates against identified possible impacts of the site'*.

2.4 However, Historic England would highlight paragraph 152 of the NPPF which states that *'Significant adverse impacts...should be avoided and wherever*

possible, alternative options which reduce or eliminate such impacts should be pursued. Where impacts are unavoidable, measures to mitigate the impact should be considered. In the first instance adverse impacts should be avoided. Only when there are no reasonable alternatives should mitigation be considered.

- 2.5 Having reviewed the Site Assessment Evidence Report for this site, Historic England consider that the allocation is based on insufficient evidence to properly assess the impact on the historic environment. We are also concerned that the Plan does not sufficiently mitigate the impact. As we have repeatedly stated, at the very least the buffer around the scheduled monument should be larger and this, in turn, may affect the capacity of the site. Finally, no mention is made of the nearby listed building in the policy. This policy omission should be rectified.
- 2.6 In respect of the site at **Swaffham Prior**, the SA assesses that the allocation *'appears to conflict with the objective and may result in adverse impacts'*. The commentary notes that the site *'could have limited impact on the conservation area and views of the church nearby'*. However, no mention is made of the RPG, the fact that there are actually two churches and several other listed buildings nearby. We note that the policy includes a criterion (bullet point b) that seeks to address the conservation area and listed buildings. This is then reflected in the SA which correctly states that the policy provides requirements to mitigate against issues arising.
- 2.7 However, Historic England question the principle of the allocation of the site per se. Having reviewed the evidence base for this allocation in the Site Assessment Evidence Report, Historic England do not consider that this provides sufficient evidence to merit the allocation of this land. Indeed, East Cambs own assessment of the site in respect of heritage states *'I would have serious concerns regarding the potential impact of any development on the wider setting of the listed buildings and conservation area'*.
- 2.8 Even if the site is allocated, we do not consider that the policy provides sufficient protection for the historic environment. As we set out in our representations, reference should also be made to the registered park and garden and the wording tightened. A buffer of open space should be provided in the northern portion of the site around the church to help protect its setting and maintain the views and links across to the open countryside. In order to meet the requirements of paragraph 128 and 129 of the Framework, a heritage impact assessment would be required to ensure sufficient protection of these heritage assets at masterplanning and application stage. These requirements should be included in the Plan owing to the fact that paragraph

154 of the Framework states that policies should provide a clear indication of how a decision maker should react to a development proposal.

- 2.9 We recognise however, that this is not the time to discuss the detailed merits or otherwise of the allocation itself with respect to the Historic Environment. It is our understanding that this will be explored more fully in Stage 2 of the EIP.
- 2.10 Whilst a sustainability appraisal has been prepared, the evidence to assess the impact on the historic environment is limited and insufficient adjustment to policy/proposals has been made.

Issue 2: Does the overarching development strategy for the Plan present a positive framework which is consistent with national policy, justified and effective, and will contribute to the achievement of sustainable development within the District?

18. Nearly half of the housing requirement set out within the submitted Local Plan is proposed to be delivered on strategic sites at Ely, Kennett, Littleport and Soham. Is the strategy and distribution of development justified, effective, positively prepared and consistent with the particular circumstances of East Cambridgeshire District?

- 2.11 The Plan concentrates a large proportion of the housing requirement in four strategic sites. Historic England have consistently raised concerns regarding one of these allocations at Kennett. Our representations on the Proposed Submission Draft Plan in relation to the site at Kennett are set out in Appendix A.
- 2.12 Policy Kennett 4 and the Policies Map Inset Map 19 do not accord with the National Planning Policy Framework and are not justified and effective. Our reasons are set out in our previous submissions (dated 19th December 2017, 15th May 2017, 22nd February 2017 and 24th March 2016) and will be set out in greater detail in our Hearing Statement for Stage 2 of the EIP concerning site allocations.
- 2.13 Given the concerns regarding this site in respect of the historic environment, there are clearly questions concerning the appropriateness of the strategy as a whole.

2.14 We recognise however, that this is not the time to discuss the merits or otherwise of the allocation itself with respect to the Historic Environment. It is our understanding that this will be explored more fully in Stage 2 of the EIP.

Appendix A Historic England Representations on Kennett, Proposed Submission Draft Local Plan, November 2017

KEN.M1 and Policy Kennett 4

This is a large mixed use allocation for approximately 500 dwellings. The site contains a scheduled monument, Howe Hill bowl barrow. There is also a grade II listed building to the east of the site. Historic England continues to have concerns regarding the allocation of all of the land within this site. We note bullet point I of Policy Kennett 4 seeks to address the matter of the scheduled monument.

However, we are concerned that this does not provide sufficient protection to the heritage asset. The buffer zone shown on the policies map is very small. We also have concerns about impact of the development on the setting of the listed building. We consider that this allocation is **unsound**. Paragraph 158 and 169 of the NPPF refer to the need for a proportionate evidence base. We consider that the allocation is not justified and there is insufficient evidence to properly assess the impact on the historic environment. That evidence which does exist points to the unsuitability of the site as an allocation. The allocation is not consistent with national policy and is contrary to the policies in the Framework, in particular paragraphs 132 and 134. Paragraph 132 states that great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by development within the setting of a heritage asset. We consider that development of this allocation would result in harm to the setting of the scheduled monument and this should be avoided in the first instance. We therefore object to the principle of the allocation.

However, should you decide to maintain this allocation in order to make the Plan sound, we suggest that either the allocation site is reduced in size, removing the monument and its setting from the allocation, or the buffer zone is increased in size to provide greater protection to the heritage asset. A heritage impact assessment will be required to ensure sufficient protection of this heritage asset at masterplanning and application stage. This requirement should be included in the Plan as paragraph 154 of the NPPF states that policies should provide a clear indication of how a decision maker should react to a development proposal.

Appendix B Historic England Representations on Swaffham Prior, Proposed Submission Draft Local Plan, November 2017

SWP.H1 and Policy Swaffham Prior 5

Swaffham Prior is a Fen edge village on a ridge of land which sits proud of the surrounding fenland. This site is immediately abutting the conservation area and adjacent to the grade II Priory Close (early C16. Timber-framed plaster rendered with left hand gable end cased in gault brick in C19). To the west of the site is Swaffham Prior House - a grade II registered park and garden, two grade II listed buildings (82 and 84 High Street) and to the north grade II* Church of St Cyriac and St Julitta and neighbouring grade I St Mary's. We previously advised that further assessment of potential impacts is necessary and any site allocation will need to be justified in terms of its heritage impacts and that it may not be possible to allocate based on these impacts. We have reviewed the evidence base for this allocation in the Site Assessment Evidence Report. However, we do not consider that this provides sufficient evidence to merit the allocation of this land. Indeed, East Cambs own assessment of the site in respect of heritage states 'I would have serious concerns regarding the potential impact of any development on the wider setting of the listed buildings and conservation area'.

We have particular concerns regarding the allocation of this site in terms of the potential impact on the setting of a number of heritages assets including the grade I and grade II* churches, the conservation area and the registered park and garden. We consider that this allocation is **unsound**. Paragraph 158 and 169 of the Framework refer to the need for a proportionate evidence base. We consider that the allocation is not justified and there is insufficient evidence to properly assess the impact on the historic environment. That evidence which does exist points to the unsuitability of the site as an allocation. At the least, a more detailed heritage impact assessment of the allocation is required. At present, the allocation is not consistent with national policy and is contrary to the policies in the Framework, in particular paragraphs 132 and 134. Paragraph 132 states that great weight should be given to the assets' conservation. The more important the asset, the greater the weight should be. Significance can be harmed by development within the setting of a heritage asset. We consider that development of this allocation would result in harm to the setting of highly grade heritage assets and this should be avoided in the first instance. We therefore object to the principle of the allocation.

Notwithstanding our objection in principle to development in this location we offer the following comments on the policy wording if the allocation is maintained. Whilst we welcome reference in the policy to the conservation area and listed buildings, reference should also be made to the registered park and garden and the wording

tightened as outlined above. You may also wish to consider providing a buffer of open space in the northern portion of the site around the church to help protect its setting and maintain the views and links across to the open countryside. In order to meet the requirements of paragraph 128 and 129 of the Framework, a heritage impact assessment would be required to ensure sufficient protection of these heritage assets at masterplanning and application stage. These requirements should be included in the Plan owing to the fact that paragraph 154 of the Framework states that policies should provide a clear indication of how a decision maker should react to a development proposal.

The boundary of the registered park and garden as shown on the Local Plan Inset Map differs from the boundary of the RPG in our records. Please ensure that the correct boundary is shown in the Plan.