



Document Reference
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East Cambridgeshire
District Council

Policy LP27 – Conserving and Enhancing Heritage Assets

November 2017

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1. Introduction and Policy Context

Introduction

- 1.1 East Cambridgeshire District Council is reviewing its Local Plan, which was last adopted in April 2015. The new Local Plan, which is hoped to be adopted in 2018, will provide a framework for development in the district until 2036 and beyond.
- 1.2 This Evidence Report (which is one of a collection) provides background information and justification for policy LP27 (of the Proposed Submission Local Plan, November 2017), which relates to conserving and enhancing the historic environment.

National policy

- 1.3 The National Planning Policy Framework (NPPF) was published in March 2012 and the National Planning Practice Guidance (NPPG) was introduced in 2014 which offers 'live' government guidance.
- 1.4 Section 12 of the NPPF concerns "Conserving and enhancing the historic environment" and there is a separate section on "Plan-making". The following paragraphs are particularly relevant:
 - Paragraph 126- Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment ... In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. ...
 - Paragraph 128- ... local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance
 - Paragraph 129- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal ... They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
 - Paragraph 131- In determining planning applications, local planning authorities should take account of:
 - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
 - Paragraph 132- When considering the impact of a proposed development on the significance of a designated heritage asset, 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 or lost through alteration or destruction of the heritage

asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

- Paragraph 133- Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- Paragraph 134- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

1.5 The NPPG includes guidance on conserving and enhancing the historic environment. Section 013 in particular explains what the setting of a heritage asset is and how it should be taken into account (Reference ID 18a-013-20140306):

“...The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. ...”

1.6 The following paragraphs also offer useful guidance in relation to the historic environment:

015 What is a viable use for a heritage asset and how is it taken into account in planning decisions?(Ref ID 18a-015-20140306)

017 How to assess if there is substantial harm? (18a-017-20140306)

018 What about harm in relation to conservation areas? (18a-018-20140306)

019 How can proposals avoid or minimise harm to the significance of a heritage asset? (18a-019-20140306)

020 What is meant by the term ‘public benefits’? (18a-020-20140306)

1.7 The above NPPF policy and NPPG guidance has been taken into account in preparing the Local Plan as a whole, and policy LP27 in particular.

2 East Cambridgeshire Context in Relation to Policy LP27

- 2.1 Within East Cambridgeshire there is a high number, and broad variety, of buildings and structures that are important to the character of the towns and villages. Within the District there are 26 Conservation Areas, and approximately 930 Listed Buildings, of which about 100 are Grade I or Grade II*. This includes Ely Cathedral, which is of national and international significance and provides a landmark within the Fens. In addition, there are 41 scheduled monuments. East Cambridgeshire also has 4 sites that are on the 'Register of Parks and Gardens of Special Historic Interest'.
- 2.2 East Cambridgeshire has a rich and varied archaeological heritage. In the north of the district, settlements from the early pre-historic period focused on the dry land of the Isle of Ely and surrounding fen margins, although well preserved artefacts and organic remains may occur in the areas of fen. Extensive evidence of Roman activity survives throughout the district, and in addition to the historic city of Ely, numerous medieval villages and towns survive to the present day.
- 2.3 In addition to those buildings and parks and gardens protected by national designations, the Council intends to prepare a list of locally listed buildings, which are those buildings that do not merit inclusion on the national list, but have local significance and merit additional protection. There are also a number of historic landscapes of local significance that merit additional protection.
- 2.4 With the presence of such a wealth of historic assets within the District, it is vital that they are conserved and maintained, as they contribute to the character of the district and residents quality of life, both in the present day and for future generations.

3 Local Plan Policy: Preliminary Draft

- 3.1 The Preliminary Draft Local Plan (February 2016) contained a policy entitled Conserving and Enhancing Heritage Assets. A number of representations were made on the policy, and in summary the key issues raised for the policy were:
 - Suggested various additional wording, and amendments to wording, to provide additional clarity relating to specific elements of the historic environment, in particular the setting of listed buildings and full or partial demolition of listed buildings in exceptional circumstances
 - Additional clarification relating to the views of Ely Cathedral and where these are identified.
 - A general comment was also received relating to the process/order of surveys to be undertaken on site.
- 3.2 In response to the comments received at the Preliminary Draft stage, together with further consideration of existing or new evidence, the policy was amended for the Further Draft in the following ways.
- 3.3 The section heading was amended to "*Conserving and enhancing heritage assets*" to be consistent with the policy title and other wording amendments made to the policy and supporting text.
- 3.4 Paragraph 1 of the policy had additional text at end to read "*...may affect such assets and their settling, including any locally listed buildings.*"

- 3.5 The final paragraph of the policy was amended to read “... *exceptional cases where the requirements of national policy have been met and all of the following apply:*”
- 3.6 A number of changes were also made to the supporting text in response to the comments received on the Preliminary Draft Local Plan.
- 3.7 The ‘Heritage Asset table’ following Paragraph 6.7.1 was amended at the Listed Building section to read “... *The high ratio of Grade I or Grade II* are primarily owing to the legacy of Ely Cathedral, the large number of highly graded churches in the villages, a significant number of highly graded mills, as well as Anglesey Abbey.....The setting of a Listed Building contributes to its significance, and in order to conserve this significance its settings should not be harmed.*”
- 3.8 The Archaeological sites and monuments section was also amended, the second paragraph of this section now reads “*Archaeological remains, including scheduled monuments,*”.
- 3.9 Paragraph 6.7.2 was amended to read “...*the retention, conservation, and enhancement of heritage assets and their setting.*”
- 3.10 Additional wording was added to the end of Paragraph 6.7.4 to state “... *or key views. In respect of Ely Cathedral, the Ely Environmental Capacity Study [2001, or as superseded] identifies those views of particular importance that are to be maintained.*”
- 3.11 Finally, Paragraph 6.7.7 was replaced with the following “*Applications proposing full or partial demolition of any heritage asset should be exceptional. Proposals will be required to demonstrate that the viability of continued beneficial use, restoration or conversion has been exhausted and its redevelopment would bring wider public benefits that outweigh that harm or loss.*”
- 3.12 We did not take forward the suggestion to amend the fourth paragraph of the policy to read “...*long-term preservation of the asset will be particularly favoured, as the best way to preserve historic assets is to provide value in use.*” because the suggested additional text does not add any additional value or clarity to the policy wording.
- 3.13 We did not taken forward the comments relating to the order in which surveys on site should be undertaken, as these not matters of policy for inclusion within the Local Plan, but rather detailed matters on a case by case basis.

4 Local Plan Policy: Further Draft

- 4.1 The Further Draft was published for consultation in January – February 2017.
- 4.2 Various, but limited, comments were received during the Further Draft consultation, either supporting the policy or expressing concern over certain aspects of the policy. In summary, the key issues raised for the policy were:
- Detailed suggestions, to improve clarity of policy title and wording;
 - Comments broadly supporting elements of the policy
 - Concern that the policy is not in conformity with the NPPF

4.3 In response to the comments raised received at the Further Draft stage, together with further consideration of existing or new evidence, the policy has been amended for the Proposed Submission version in a number of ways. These changes do not fundamentally alter the thrust of the policy, but are considered to better reflect both national and local aspirations, and give a clear direction to future decision makers.

4.4 To summarise the changes:

- The phrase ‘preserve and enhance’ has been replaced in various locations with ‘conserve, and where opportunities arise, enhance’ (or similar), to better reflect national policy and legislation
- A more positively worded opening to the policy, setting out a ‘strategy’ for how the Council will deal with heritage related proposals
- Greater reference to the importance of the setting of heritage assets
- The paragraph relating to demolition has been removed, and replaced with text more closely aligned with the NPPF. This is partly in response to a representation received.
- Greater clarity, and consistency with the NPPF, in relation to non-designated assets. This is partly in response to a representation received.

5 Alternative Reasonable Options

5.1 The following alternative options have been considered for this policy. (Option 1 is the preferred policy approach which has been included in the Proposed Submission.)

5.2 **Option 2:** No policy, and rely on national policy for this subject area. This option has been rejected as it is unlikely to provide the same level of protection for heritage assets as the preferred option of having a locally specific policy. The preferred option adds considerable detail to the policy framework, and clarifies for developers and decision-makers the level of detail that applicants should provide in support of their proposal.

6 Conclusion

6.1 This Evidence Report demonstrates the rationale for the policy as contained in the Proposed Submission Draft Local Plan (November 2017). It is hoped this helps demonstrate how we have responded to comments received during the consultation stages, as well as how the latest evidence and national guidance has been taken into account.