



Examination of Welwyn Hatfield Local Plan
Stage 3 Matter 4 Chapter 12
Historic England, Hearing Statement
January 2018

Historic England Hearing Statement

Introduction

- 1.1 In carrying out its role in protecting and managing the historic environment Historic England gives advice to local planning authorities on certain categories of applications affecting the historic environment. 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.
- 1.2 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.
- 1.3 The tests of soundness require that Local Development Plans should be positively prepared, justified, effective and consistent with national policy. Historic England's representations in relation to 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.
- 1.4 This statement addresses the Inspector's questions with regards Chapter 12 of the Local Plan.
- 1.5 This hearing statement should be read alongside Historic England's comments submitted at previous consultation stages of the Local Plan.

Inspector's Questions

- 1.6 We set out below our responses to the Inspector's questions in light of our historic environment role.

Matters and Issues for Welwyn Hatfield Local Plan (Stage 3)

Matter 4 – Topic Specific Policies

Issue

In the context of the plan's overall vision and strategy are the Topic Specific Policies positively prepared, justified, effective and consistent with national planning policy and therefore a sound basis to manage development within the Borough during the plan period?

SP 11 Protection and enhancement of critical environmental assets

74. Should the plan make reference to locally listed buildings?

- 2.1 In our representations on the Proposed Submission Plan in October 2016, Historic England highlighted the fact that there is no specific mention of locally listed buildings or a Local List. We had previously advised that this would be important. In national policy terms, 'non-designated heritage assets' (including those on a local list) are recognised as having a degree of significance meriting consideration in planning decisions. Paragraph 135 of the National Planning Policy Framework states that decisions on applications affecting such assets will require a balanced judgement that has regard to the significance of the asset and any harm or loss. Government guidance recognises that local lists and local criteria for identifying non-designated heritage assets are a positive thing and can help with decision-making. We would recommend that as a minimum a local authority has established criteria for identifying non-designated heritage assets, and ideally has a local list of assets linked to planning policies in their Local Plan. Given this omission, we consider that the plan is unsound as it is not consistent with national policy.
- 2.2 We understand that WHBC does not have a Local List at present and while it is not opposed in principle to a Local List it is not currently proposed that one will be formulated. Historic England consider that a Local List for the Borough is particularly important given the place of Welwyn Garden City in the history of the Garden City movement. This unique heritage can in part be captured through local listing. Whilst some of the buildings may not meet the criteria for national designation, a local designation would be appropriate to help protect this unique heritage.

75. Without a mechanism requiring sites with the potential to contain heritage assets to be adequately assessed, how can the policy be fully effective at conserving the historic environment?

- 2.3 The Plan should include a mechanism requiring sites with the potential to contain heritage assets to be adequately assessed. Paragraph 128 of the NPPF states that ‘where a site on which development is proposed includes **or has potential to include** heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.
- 2.4 Without such a mechanism being in place through Local Plan policy, it could be considered that the policy is not fully effective. The policy should be amended to make provision for this.

76. Would the plan be more effective if there was a specific strategic policy that sought to conserve and enhance the historic environment?

- 2.5 In our representations on the Proposed Submission Draft Local Plan in October 2016, Historic England welcomed the inclusion of Policy SP11 - Protection and enhancement of critical environmental assets. This strategic policy addresses critical environmental assets including the historic environment. In particular, we welcome reference to the consideration of assets commensurate with their status, significance etc. We also welcome support for development that secures positive improvements and long-term conservation of such assets together with the support for the designation of heritage assets where appropriate.
- 2.6 Paragraph 156 of the NPPF makes it clear that, ‘Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver conservation and enhancement of the natural and historic environment including landscape.’ In our view, policy SP11 achieves this.
- 2.7 However, we recognise that there may be a case for separating out the historic and natural environment into separate policies. These policies would then be more focussed on the topic in question.

SADM 15 Heritage

98. Why are Scheduled Monuments referred to as Historic Monuments?

- 2.8 In our representations on the Proposed Submission Plan in October 2016, Historic England advised that Scheduled Monuments should be referred to as

such, not ancient monuments (para 12.34) or Scheduled Ancient Monuments (para12.46). We suggested minor amendments for consistency with NPPF terminology.

- 2.9 We are therefore pleased to note that WHBC has proposed minor amendments to correct this terminology, as set out in the Statement of Common Ground between WHBC and HE.

99. Does the policy adequately reflect the national guidance in paragraph 134 of the NPPF?

- 2.10 No, as currently worded the fourth paragraph of the policy does not adequately reflect the guidance in paragraph 134 of the NPPF. The correct test for less than substantial harm is that the harm should be 'weighed against the public benefits' rather than outweigh that harm which is the test for substantial harm. To that end, the policy should be re-worded to more appropriately reflect the NPPF. We suggest the following wording to replace paragraph 4:

'Where a proposal would result in less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

100. Has sufficient attention been paid to NPPG and Historic England's Good Practice Guide 3, when considering the role of setting in the determination of the significance of a heritage asset?

- 2.11 The policy makes some reference to setting (bullet point 3). Given however that paragraph 132 of the NPPF makes it clear that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting, it would be appropriate for more reference to be made to the importance of setting.
- 2.12 This could be achieved in a number of ways;
- a) The addition of the words 'or their settings' after designated assets in the first line of the policy and 'and its setting' after heritage asset in bullet point 1.
 - b) The addition of wording in bullet point 3 to make it clear that setting and significance are related to read, 'Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to experience that significance or may be neutral.'

- 2.14 Historic England's Historic Environment Good Practice Advice in Planning Note 3 (Second edition) The Setting of Heritage Assets (Dec 2017) provides further advice on the issue of setting of heritage assets.

101. Is it sufficiently clear as to what controls are to be put in place to regulate development in order to preserve and enhance the character and appearance of Welwyn Garden City, which is an internationally recognized site?

- 2.15 We welcome reference in Section 14 of the Plan to the unique heritage of Welwyn Garden City as a garden city following the vision of Sir Ebenezer Howard together with its later designations a New Town. In particular we welcome the Garden City Principles set out for masterplanning strategic development and the importance of respecting its heritage. We also welcome the Vision for WGC that highlights the unique heritage and its conservation. However, we in our representations on the Proposed Submission Plan in October 2016, Historic England suggested a minor amendment with the addition of the words 'and enhancement' after the word 'Conservation' to read 'the conservation and enhancement of its heritage assets'. We therefore welcome the proposed minor modification to incorporate this wording as set out in the Statement of Common Ground between WHBC and HE.
- 2.16 We are pleased to note the inclusion of policy SP15 which addresses the Historic Environment of Welwyn Garden City. This will be helpful in encouraging that new development respects the historic environment and the unique heritage of Welwyn Hatfield as a garden city and Mark One New Town.
- 2.17 In order to improve the clarity of the Plan, there may be a case for briefly referring to these principles/policy SP15 in the heritage section of the Plan perhaps after paragraph 12.51.

102. Why is there no reference to locally listed buildings?

- 2.18 See response to question 74. We understand from WHBC that there is currently no Local List. The Council have stated that they do not intend to produce a local list owing to capacity issues. We assume this is the reason for no specific reference to locally listed buildings.
- 2.19 Whilst there is no specific reference to locally listed buildings in the Plan, the last paragraph of policy SADM 15 does refer to 'other heritage assets' (presumably non-designated) which would include locally listed buildings, if any were identified.

103. How are locally listed buildings to be assessed?

- 2.20 To our knowledge there are no criteria against which locally listed buildings are to be assessed for identification as non-designated heritage assets in the Borough. In the absence of a list, as a minimum a local authority should establish criteria for identifying non-designated heritage assets. Without this criteria in place, it is difficult to know how locally listed buildings would be assessed for identification as locally listed buildings.
- 2.21 More generally, in terms of the assessment of non-designated heritage assets in relation to planning proposals, the final paragraph of policy SADM15 refers to 'other heritage assets' (presumably non-designated) which would include locally listed buildings, if any were identified. However, again the tests in this paragraph of the policy are more stringent than those set out in paragraph 135 of the NPPF which states that 'in weighing applications ... a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. To that end, the policy should be re-worded to more appropriately reflect the NPPF.

'Proposals that result in harm to the significance of other heritage assets will be resisted. In considering applications, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

104. Without a mechanism requiring sites with the potential to contain heritage assets to be adequately assessed, how can the policy be fully effective at conserving the historic environment?

- 2.21 See response to question 75 re archaeology. In the absence of criteria to identify other non-designated heritage assets (ie locally listed buildings), the policy cannot be fully effective at conserving the historic environment.