

Response to consultation on main modifications to Local Plan

29 – HISTORIC ENVIRONMENT

MM29.2

It is welcomed that the Council will be carrying out a full assessment of the Borough's historic environment which will be included in the Historic Environment Strategy Supplementary Planning Document. The modification says that the SPD will provide "*more detailed guidance to applicants in relation to the Local Plan sites*". In fact, it seems that almost all guidance will be included in the SPD.

MM29.5

Policy HE2 says simply that development "should conserve or enhance the historic environment" and points to "national planning policy" and "other relevant policies in the Plan".

Whereas this general statement is to be wholly supported, it is just that – a general statement which does not offer any specific assistance or guidance. There is no reference (anywhere in this Local Plan) to what development would not be permitted, what assessments /other steps must be taken by applicants, what presumptions may apply, etc, as all of this has been deleted. This may be because all such guidance is intended to be in the SPD.

The modifications say that the SPD was expected to be produced and consulted on during 2019, but no draft appears to be yet available. This means that we do not know now, at the point of this consultation, what the planning guidance in the SPD will look like.

The approach taken in this draft appears to be because the assessment Councils are required to carry out has not yet been completed/carried out, and so effectively the section on the historic environment is being postponed to the SPD.

It is concerning that a Local Plan is being agreed, and could be adopted, with such scant detail on the main planning principles for developments within the historic environment. It should be a central, integral part of the Local Plan. That it is not sends an unfortunate message.

MM 29.8-29.38

This comment relates to all the deleted sections (MM29.8-29.38).

We are being consulted on deletions of a highly important part of the Plan, when it is unknown what they will be replaced with. Surely it would be good practice to either (i) ensure that the SPD is produced at the same time as the draft Local Plan or (ii) include "headline" aspects of the planning guidelines in the Local Plan, which could then be elaborated on.

What will happen if there is a delay to production of the SPD and the Local Plan is adopted in the meantime?

Yes, there is a statement that the requirements for the Borough are set out in national planning policy and guidance and that proposals will be determined in accordance with these relevant national policies, but this does not offer sufficient guidance or protection. For example, deleted HA4 (**MM29.10**) relates to shop fronts and signage. This kind of detailed guidance is essential – we

are not aware that any such provisions are set out in “national guidance”. While there is no SPD, what are applicants supposed to do, and how will their applications be assessed?

The national policies require local plans to “*set out a positive strategy for the conservation and enjoyment of the historic environment. In developing their strategy, plan-making bodies should identify specific opportunities within their area for the conservation and enhancement of heritage assets, including their setting.... The delivery of the strategy may require the development of specific policies, for example, in relation to use of buildings and design of new development and infrastructure. Plan-making bodies will need to consider the relationship and impact of other policies on the delivery of the strategy for conservation.*” <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

It simply cannot be said that the Local Plan as drafted contains a “positive strategy” (save for the general statement at HE2), so we don’t know what this might be, or what “opportunities” might be identified. There are no specific policies in this draft.

This part of the Local Plan is of real importance. The absence of any detailed guidance for applicants prior to publication of the SPD is concerning. In the absence of the positive strategy that the national guidelines require and without sight of the SPD, how is it even possible to conclude that national guidance has been complied with?

Should there not be a postponement of this process until the SPD process has been carried out and this section can be properly addressed and consulted on?

MM29.7

The modification at 29.9 notes that applicant “*should consult with Hertfordshire County Council’s Historic Environment Unit directly in preparing any necessary assessments, and should consider seeking preapplication advice from Broxbourne Council in cases where the historic environment could be a significant issue*”.

This is a significantly watered-down requirement from what was deleted.

In the absence of an SPD, we can only say that this is too vague. No applicant will know from the Local Plan when an assessment will be “necessary” or when the historic environment might be a “significant” issue.

Paragraph 189 of the National Planning Policy Framework makes it clear that, at a minimum, an assessment is required by an applicant where heritage assets are concerned. The reference in the current draft to “any necessary” assessments is vaguely drafted and suggests that an assessment may not be necessary. Why has the clear guidance in the NPPC not been directly reflected in the drafting?

Re “*Historic England has also published a number of documents which provide further guidance on development and the historic environment*”, the original drafting (in deleted section 29.10) went on to say “*These should be taken into consideration alongside the policies set out within this document.*” This modification makes no such statement. If the Council requires applicants to take these into consideration and comply with them (as it should), then it should say so – as currently drafted, this is a watering down of requirements or, at the least, not sufficiently clear to applicants. If it has been deliberately deleted, why?

