

Inspector's Q21

May I have the Council's observations on the representations from Historic England concerning the soundness of policies D-AGT1, D-AGT2, D-AGT3, D- HAL003, D10, BE1?

Representation

Policies D-AGT1, D-AGT2, D-AGT3 and D-HAL003 do not make specific provision for heritage assets on or near the allocations. Such provisions should be included in the policies. Masterplans for the sites should take account of historical records. D-HAL003 may also warrant designation as a Conservation Area.

Criterion d. of policy D10 'Gypsy, Traveller and Travelling Showpeople' sets the bar too low as regards the historic environment - development should only be acceptable where there is no adverse impact at all on the historic environment, in order to provide protection for heritage assets in accordance with the NPPF and as part of the positive strategy for the conservation and enjoyment of, and the clear strategy for enhancing, the historic environment required by paragraphs 126 and 157 of the Framework.

Policy BE1 'Heritage assets' clause b. does not reflect the NPPF. Further detailed policies should be added to deal with each form of heritage asset to include detailed and relevant assessment methods for each type of asset. Additionally policies should refer to the clear justification usually involving public benefits required for any harm to or loss of a heritage asset as required by the NPPF taking into account the significance of the asset.

AVDC Response

Specific provision for the heritage assets on or near the allocations will be included as additional criteria within the policies D-AGT1, D-AGT2 and D-AGT3 as suggested by Historic England. The preparation of the masterplans will need to take account of the provisions of all relevant policies within VALP. It is considered that the second paragraph of policy BE1 'Heritage assets' provides the necessary requirement for assessment of the significance of heritage assets.

The range of heritage assets in place at RAF Halton is briefly referred to at the start of paragraph 4.135 of the VALP. However they are not addressed by any specific criteria in policy 'D-HAL003 RAF Halton'. It is therefore considered that further detail should be added to paragraph 4.135 and a specific criteria relating to the heritage assets should be included in the policy to address Historic England's concerns.

The identification of an area as a Conservation Area is not a matter for a local plan. Measures to preserve heritage assets will be considered as part of the masterplan process under the provisions of policy BE1 'Heritage assets' and it is considered that the designated status of the heritage assets will provide them with sufficient

protection from impacts arising from the development. The treatment of non-designated heritage assets will also be within the stipulations of policy BE1.

As set out in paragraph 1.24 of VALP the plan should be read as a whole so as to avoid extensive cross referencing and repetition in policies. Applications for the development of Gypsy, Traveller and Travelling Showpeople sites will need to be considered in relation to all relevant policies within the development plan in accordance with legislation and the NPPF. It is therefore not considered appropriate to make specific reference to heritage assets in this policy.

It is conceded that the content of policy BE1 does not match the content of the NPPF in respect of no loss or harm being acceptable without a clear and convincing justification. It is also conceded that there is no other criterion for accepting substantial harm to designated assets other than substantial public benefits or the four criteria following paragraph 133 of the NPPF. However, it is considered that describing the requirement for public benefits as overriding is not in conformity with the NPPF. The council will propose a revision to the policy which will address the inconsistency with national planning policy.

The suggested policy revision is as follows

BE1 Heritage assets

The historic environment, unique in its character, quality and diversity across the Vale is important and will be preserved or enhanced. All development, including new buildings, alterations, extensions, changes of use and demolitions, should seek to conserve heritage assets in a manner appropriate to their significance, including their setting, and seek enhancement wherever possible.

Proposals for development shall contribute to heritage values and local distinctiveness. Where a development proposal is likely to negatively affect a designated heritage asset and or its setting, the significance of the heritage asset and the impact of the proposal must be fully assessed and supported in the submission of an application. Heritage statements and/or archaeological evaluations will be required for any proposals related to or impacting on a heritage asset and/or known possible archaeological site.

Proposals which affect the significance of a non-designated heritage asset should be properly considered, weighing the direct and indirect impacts upon the asset and its setting. There will be a presumption in favour of retaining heritage assets wherever practical, including archaeological remains in situ, unless it can be demonstrated that the harm will be outweighed by the benefits of the development.

The Council will:

- a. Support development proposals that do not cause harm to, or which better reveal the significance of heritage assets

b. Require development proposals that would cause ~~substantial~~ harm to, or loss of a designated heritage asset and its significance, including its setting, to provide a thorough heritage assessment setting out a clear and convincing justification as to why that harm is considered acceptable on the basis of public benefits that outweigh that harm or the four circumstances in paragraph 133 of the NPPF all apply. Where that ~~case~~ justification cannot be demonstrated proposals will not be supported ~~unless the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss and accord with the requirements of national guidance~~, and

c. Require development proposals that cause less than substantial harm to a designated heritage asset to weigh the level of harm against the public benefits that may be gained by the proposal, including securing its optimum viable use.

Developments affecting a heritage asset should achieve a high quality design in accordance with adopted SPD and the Council will encourage modern, innovative design which respects and complements the heritage context in terms of scale, massing, design, detailing and use.