



Policy LP25 The Historic Environment Evidence Report

**Proposed Submission
April 2016**

Contents

1	Introduction and Policy Context.....	1
2	Central Lincolnshire Context in Relation to Policy LP25.....	3
3	Local Plan Policy: Preliminary Draft	3
4	Local Plan Policy: Further Draft.....	4
5	Local Plan Policy: Proposed Submission	4
6	Alternative Reasonable Options.....	5
7	Conclusion	5

1 Introduction and Policy Context

Introduction

- 1.1 A joint Local Plan for the Central Lincolnshire area is being produced which will set the framework for how development will be considered across the districts of the City of Lincoln, North Kesteven and West Lindsey to 2036.
- 1.2 This Evidence Report (which is one of a collection) provides background information and justification for policy LP25, which relates to 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 above NPPF policy has been taken into account in preparing the Local Plan as a whole, and policy LP25 in particular.

1.6 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. ...”

1.7 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)

2 Central Lincolnshire Context in Relation to Policy LP25

- 2.1 Central Lincolnshire's local heritage character is heavily influenced by Lincoln, a world class Cathedral City, which lies at its heart and, in part, by its roots in agriculture which resulted in the development of market towns.
- 2.2 The landscape form has intrinsically influenced the area's development, from the Wolds and the Fen's, to the development of settlements along the Lincolnshire Edge (and Lincoln Cliff).
- 2.3 Transport infrastructure, both natural and man-made also provides an important legacy. This includes transport infrastructure dating from Roman times through to the 18th and 19th century developments of the roads and railways associated with the development of industry within the more major settlements.
- 2.4 A more recent influence on Central Lincolnshire's character and development has been the 20th century development of the area for military operations.
- 2.5 The key issues facing the Central Lincolnshire authorities is the need to carefully manage the historic environment as the area evolves and undergoes significant growth and regeneration, and to reduce the number of heritage assets in Central Lincolnshire on the Lincolnshire Heritage at Risk Register.
- 2.6 The Central Lincolnshire Authorities respond to these issues in a variety of ways, namely:
 - Making use of Article 4 Directions, where appropriate, to prevent unsympathetic alterations to buildings;
 - Taking steps to reduce the number of heritage assets on the Heritage at Risk Register, including through the work of The Heritage Trust of Lincolnshire's project on Lincolnshire Heritage at Risk;
 - Initiating appropriate statutory intervention where heritage assets are harmed.

3 Local Plan Policy: Preliminary Draft

- 3.1 The Preliminary Draft version of the Local Plan (published for consultation in October – November 2014) included a policy on the historic environment.
- 3.2 The key issues raised during the consultation on the Preliminary Draft Local Plan are summarised below.
- 3.3 Firstly, there was concern that the policy included a number of 'loopholes' and that the statements with regard to the protection of the historic environment need to be strengthened.
- 3.4 Secondly, it was expressed that the policy should include reference to the protection and management of both conservation areas and archaeology.
- 3.5 Other comments included that the policy should summarise key aspects of section 12 (Conserving and enhancing the historic environment) of the NPPF.
- 3.6 Another area of concern raised was that the policy provides no clarity on what will or will not be permitted with regard to heritage assets.

4 Local Plan Policy: Further Draft

- 4.1 The policy in the Further Draft version of the Local Plan was amended from the original Preliminary Draft in response to comments received during the consultation.
- 4.2 In relation to the first point about 'loopholes', while the policy wording was significantly revised from that presented in the Preliminary Draft, the policy needed to retain a degree of flexibility: it cannot rule out development that will lead to substantial harm to or total loss of the significance of a designated heritage asset, because the Local Plan must comply with the NPPF and paragraph 133 of the NPPF permits such impacts in exceptional circumstances.
- 4.3 Regarding the second point about archaeology and conservation areas, while the original policy referred to 'heritage assets' which includes both conservation areas and assets of archaeological interest, the revised Historic Environment policy in the Further Draft version of the Local Plan included subsections on conservation areas and archaeology. These subsections set out additional criteria in relation to these particular types of heritage assets.
- 4.4 The suggestion to summarise the NPPF was not taken forward because it is unnecessary to repeat the NPPF, and it was felt that such duplication will not assist in the production of a concise Local Plan.
- 4.5 In response to the last point about the lack of clarity on what will / will not be permitted, the Further Draft policy included details of the instances in which development proposals would be supported (thus indicating the instances in which it will not be supported).

Further Draft consultation

- 4.6 The consultation on the Further Draft Local Plan took place between October and November 2015. There were various comments broadly supporting the policy, as well as various other comments, including the key issues summarised below.
- 4.7 Some felt that the policy wording was too complicated in places, and others thought it too broad and imprecise.
- 4.8 Others commented that the Policy did not accurately reflect the requirements of the NPPF (specifically paragraphs 133 and 134).
- 4.9 The new policy structure in respect of conservation areas and archaeology was supported, but it was felt that reference to registered parks and gardens and to listed buildings is also needed.
- 4.10 Another comment was that the Policy was not consistent with presumption in favour of sustainable development (NPPF para 14), and that the policy wording should be revised to explain that harm should be balanced against benefits.

5 Local Plan Policy: Proposed Submission

- 5.1 Comments made during the Further Draft consultation have been duly considered and the Proposed Submission version of the policy has been revised from the Further Draft version.
- 5.2 In response to the comments raised, a listed buildings sub section has been added which outlines additional considerations in relation to this specific type of heritage asset. A

subsection on registered parks and gardens has not been introduced, as it is felt that the general criteria in relation to all heritage assets offers a suitable framework for the protection of these.

- 5.3 The wording of the considerations in relation to change of use has been revised: the term 'building' was used in the Further Draft policy which did not accurately reflect the fact that not all heritage assets are buildings. The term building has now been replaced with 'heritage asset'.

6 Alternative Reasonable Options

- 6.1 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 Local Plan.)
- 6.2 **Option 2:** No policy on the historic environment, rely on national policy. This option has been discounted: whilst national policy on heritage assets is quite extensive, the NPPF requires local authorities to set out "a positive strategy for the conservation and enjoyment of the historic environment" and it is felt that a specific policy in relation to this is the most appropriate approach.

7 Conclusion

- 7.1 This Evidence Report demonstrates the rationale for the proposed policy as contained in the April 2016 Proposed Submission Local Plan. We hope this helps demonstrate how we have responded to comments received during both the Preliminary and Further Draft consultations, as well as how the latest evidence and national guidance has been taken into account.