

**Harlow Local Development Plan
Submission Version 2018**

**Statement of Common Ground between Harlow District Council
& Historic England**

September 2019

Summary

This Statement of Common Ground (SoCG) has been prepared by Harlow District Council (the Council) and Historic England (HE) to inform the Inspector and other interested parties about the areas of agreement and matters not yet agreed between the two parties for the purpose of the examination of the Harlow Local Development Plan Submission Version 2011 - 2033

1.0 Background

- 1.1** The Council is the Local Planning Authority responsible for the production of the Local Plan for Harlow District. HE is the principal Government adviser on the historic environment and statutory consultee. This SoCG focuses on the matters which are relevant to the two parties and is provided without prejudice to other matters of detail that the parties may wish to raise at a later date.
- 1.2** The Council has engaged with HE at each stage of the Local Plan process.
- 1.3** Historic England submitted responses to both the consultation on the Development Management Policies and the Regulation 19 Publication.
- 1.4** The consultation on the Development Management Policies took place between 20th July 2017 and 7th September 2017. The response from HE gave general and detailed comments on individual development management policies. These related to Placeshaping policies (PL1, 3, 5, 7, 11,12 and 13); Housing policies (PL 2, 7and 10); a Prosperity policy (PR 1) and Infrastructure policies (IN 4 and 5)
- 1.5** The Regulation 19 Local Development Plan Pre-Submission Version was published on 24th May 2018 and representations sought until 6th July 2018. The representation submitted to the Council dated 3rd July 2018 from HE covered a series of changes to the Plan, some of these changes suggested did not go to the heart of the Plan's soundness, but instead were intended to improve upon it. The following issues were highlighted in the letter dated 3rd July 2018 (ref: PL00028445):
- a) The absence of the Harlow and Gilston Design Charter at the time of Publication of the Plan.

- b) The suggestion that HIAs are prepared in advance of the EiP to test the suitability of two sites, HS3 (the strategic site at East Harlow) and HS2-7 (Kingsmoor) in terms of the potential impact on the historic environment. The inclusion of a concept diagram for Policy HS3 was also suggested.
- c) The addition of more detail to the site allocations listed in Policy HS2.
- d) The deletion of the reference to enabling development in Policy PL11.
- e) The inclusion of a policy to address Heritage at Risk.

2.0 Areas of Common Ground

- 2.1** The Council and HE have agreed a number of areas of common ground which will require modifications to the Plan. The Council will propose modifications to the Inspector for incorporation in the Local Plan in line with the modifications set out in Appendix 1 (Resolved Objections) of this document. If the Inspector is minded to accept these proposed modifications, these modifications will address the issues raised by HE.
- 2.2** The Council and HE have also agreed a number of representations which HE notes the Council's position on and will therefore be making no further comments to their submitted representations. These are incorporated in Appendix 1.

3.0 Areas of Uncommon Common Ground

- 3.1** All outstanding objections are detailed in Appendix 2 with a summary of each parties' position on the outstanding matters. The Council has suggested possible Local Plan wording changes for some of the outstanding issues. These were presented to HE for their consideration. The areas of uncommon ground currently fall within the following policies:


HGT1	Development and Delivery of Garden Town Communities in the Harlow and Gilston Garden Town
HS2	Housing Allocations
HS3	Strategic Housing Site East of Harlow
PL1	Design Principles for Development
PL11	Heritage Assets and their Settings


Supplementary information on heritage matters relating to the strategic site allocation is provided in Appendix 3.

4.0 Legal Compliance and Duty to Co-operate

- 4.1** All the representations HE made to the LP are in relation to soundness matters as defined under paragraph 182 of the 2012 NPPF. HE provided early advice in relation to the emerging strategy in 2014, to strategic sites to AECOM in 2016, responded to the statutory consultations at Reg 18 in 2017 and Reg19 in 2018. HDC did not engage with HE between the Reg 19 response and the EiP; the parties are now engaging proactively with each other to address the issues raised in Historic England's response and have formally committed to collaborate in the masterplanning of strategic sites.

5.0 Signatures

Name	Debbie Mack
Position	Historic Environment Planning Adviser
Organisation	Historic England
Signature	
Date	23rd September 2019

Name	Andrew Bramidge
Position	Head of Environment + Planning
Organisation	Hartley Council
Signature	
Date	24/09/19

Appendix 1

Appendix 1 - Resolved Objections

New text: **xxxxxxx**Text proposed for removal: ~~xxxxxxxx~~

Objections in relation to heritage matters

Reference	Current policy/paragraph	Objection on soundness: 1 positively prepared; 2 justified; 3 effective; 4 consistent with national policy	Regulation 19 response	Agreed position
1	Para. 1.21	3 & 4	Registered Parks and Gardens should also be included in the list of heritage assets.	HE agrees to withdraw this representation subject to the following modifications: The Policies Map also indicates the boundaries and locations of some of Harlow's heritage assets and historic environment, including Conservation Areas, listed buildings , Scheduled Monuments, and areas of archaeological value a Registered Park and Garden . HDC Comment: "Listed buildings have been removed from the Local plan text as these are not shown on the Policies Map (as they are generally small in area and subject to change). The Council will keep an updated Listed Building list on the website. Additional wording "some of" has been inserted to reference the fact that not all of the heritage assets are on the Policies Map.
2	Para. 2.38	3 & 4	Include Registered Parks and Gardens	HE agrees to withdraw this representation subject to the following modifications: The district also currently contains 168 listed buildings, 26 locally listed buildings, a Registered Park and Garden and several Scheduled Monuments.
3	Para. 4.7	4	Suggest changing "managed" to "enhanced" and minor editing	HE agrees to withdraw this representation subject to the following modifications: The historic environment including listed buildings, e Conservation a Areas, Scheduled Monuments; and r Registered p Parks and g Gardens and areas of architectural significance will be conserved, protected and managed - enhanced .
4	Policy HGT1 2(c)	3 & 4	Suggest the addition of heritage assets in the list of stewardship arrangements	HE agrees to withdraw this representation subject to the following modifications : (c) prior to the submission of outline planning applications, developers must submit a supporting statement setting out a sustainable long-term governance and stewardship arrangement for the community assets including heritage assets , Green Infrastructure, the public realm
5	Para. 5.14	3	We note the reference to the TCPA guiding garden city principles. It is important to highlight that whilst these principles are useful and do embody a number of modern town planning concepts, they do not address the historic environment. It is therefore unclear how the TCPA principles can be reconciled with the NPPFs definition of sustainable development in terms of its environmental stance which requires the conservation and enhancement of the historic environment.	HE agrees to withdraw this objection having regard to: a. The Vision and Design Charter (now Guide) was published on 10 th January 2019 as part of the evidence base ; b. The TCPA principles are just one strand of the design and master planning approach to the Garden Town sites and also, one element that requires consideration. c. Policy HGT1 also refers to Sir Frederick Gibberd's Masterplan d. There are other specific policies in the respective local plans which relate to the need to conserve and enhance the historic environment e. consequential changes arising from the re-naming of the Garden Town Spatial Vision and Design Charter (now Garden Town Vision and Design Guide) to 5.15 4.7, 4.13, HGT1, 7.1, HS3, 7.43, 11.36, PL1, H1, 14.7 and 19.3.
6	Para. 5.15	3	Editing to reflect the provenance of the Garden Town Vision and Design Charter	HE agrees to withdraw this representation subject to the following modifications: To facilitate the delivery of the new Garden Town Communities based on Garden City principles, the Councils have prepared a Spatial Vision and Design Charter Guide to provide an overarching spatial vision across each Community and a design charter guide for each Community that will inform Strategic Master Plans.
7	Policy WE4	3&4	Change preserved to conserved to better reflect the NPPF Refer to Registered Parks and Gardens (rather than just historic parks and gardens) There are other non-designated heritage assets apart from Locally Listed buildings. These should be included.	HE agrees to withdraw this representation subject to the following modifications: Heritage assets and their settings found within the district will be preserved conserved or enhanced. The types of asset designation are: (d) Registered Pparks and Ggardens Locally listed buildings are known as non-designated heritage assets. Non-designated assets include locally listed buildings, non-designated historic parks and gardens, etc. The Conservation Areas, Scheduled Monuments and a Registered Pparks and Ggardens are identified on the Policies Map.
8	PL1	3&4	Again, at the present time the Harlow and Gilston Garden Town and Design Charter is not available to view. Without sight of this	HE agrees to withdraw this objection having regard to Appendix 1 lines 5 & 6 which are considered relevant i.e. the Plan already includes references to the Vision and Design Guide for the Garden Town which

			<p>document it is not possible to assess whether there is sufficient protection for the historic environment in the policy.</p> <p>We welcome criterion b.</p> <p>Harlow New Town is based upon the Gibberd masterplan. It is important that new development respects this masterplan and protects the distinctive townscape which in itself is part of the historic environment</p>	has now been published and Gibberd's original masterplan.
9	Glossary	3 & 4	Also mention designated and non-designated assets, locally listed buildings, Registered Parks and Gardens	<p>HE agrees to withdraw this representation subject to the following modifications in the Glossary:</p> <p>Conservation Area An area of notable environmental or historical interest or importance which is administered by the Council as a Designated Heritage Asset and benefits from additional planning controls to protect ed by law it from against undesirable changes.</p> <p>(Amended entry)</p> <p>Designated Heritage Asset Includes listed buildings and their curtilages, conservation areas, Scheduled Monuments and Registered Parks and Gardens. A building, monument, site, place, area or landscape identified as having Such assets have been judged to be of national importance in terms of architectural or historic interest, therefore benefitting from additional planning controls. a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing). They are administered by Historic England, with the exception of Conservation Areas which are administered by the Council. Some assets may also be on the Essex Historic Environment Record.</p> <p>(Amended entry)</p> <p>Locally Listed Building Buildings which do not quite meet the criteria for being nationally listed by Historic England, but which are still of architectural or historical importance in the local area. Such assets, which are non-designated heritage assets, have a degree of significance meriting consideration in planning decisions and are administered by the Council.</p> <p>(NEW entry)</p> <p>Non-Designated Heritage Asset Includes Locally Listed Buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not nationally designated heritage assets. Such assets are administered by the Council and may be on the Essex Historic Environment Record.</p> <p>(NEW entry)</p> <p>Registered Parks and Gardens Gardens, grounds, parks and other planned open spaces which are administered by Historic England and registered on the Register of Historic Parks and Gardens of special historic interest in England. They are designated heritage assets and benefit from the associated additional planning controls.</p> <p>(NEW entry)</p> <p>Scheduled Monument Nationally important monuments, usually archaeological remains that are afforded greater protection against inappropriate development through the Ancient Monuments and Archaeological Areas Act 1979 (as amended). Scheduled Monuments are designated heritage assets, administered by Historic England, and benefit from the associated additional planning controls.</p> <p>(Amended entry)</p>

Appendix 2

May 2019

Appendix 2 - Outstanding Objections

New text: **XXXXXX**

Text proposed for removal: ~~XXXXXXXX~~

Reference	Current Policy/paragraph	Objection on soundness: 1 positively prepared; 2 justified; 3 effective; 4 consistent with national policy	HE Regulation 19 Response	Current position: HDC	Current position: HE
1	Policy HGT1 2 (l) (m)	3 & 4	We would suggest that an additional bullet point is added to Policy HGT1, part 2 to read 'Conserve and where appropriate enhance the historic environment'.	<p>HDC POSITION:</p> <p>The following modification has been agreed with EFDC to reflect their equivalent Garden Town Policy wording; Policy SP4 C(xvi).</p> <p>Amend bullet point (l) of HGT1:</p> <p>(l) create distinctive environments which relate to the surrounding area, protect or enhance and the natural and historic landscapes, and systems and wider historic environment, Green Infrastructure and biodiversity;.....</p> <p>Additional bullet point (m) to be inserted to HGT1:</p> <p>(m) a Heritage Impact Assessment will be required to inform the design of the Garden Town Community to ensure heritage assets within and surrounding the site are conserved or enhanced and the proposed development will not cause harm to the significance of a heritage asset or its setting, unless the public benefits of the proposed development considerably outweigh any harm to the significance or special interest of the heritage asset in question;</p>	<p>HE POSITION:</p> <p>Agree to addition to part (l).</p> <p>Whilst Historic England broadly welcomes the commitment to produce an HIA to inform the design of the Garden Town Community, the fact remains that we recommended this be prepared as part of the evidence base for the Plan in line with guidance on site allocation assessment set out in Historic England's advice notes on Local Plans (GPA1) and Site Allocations (HEAN3).</p> <p>It is our view that a heritage impact assessment can be an important part of a proportionate evidence base, especially for large strategic sites and/or where there are particular heritage issues.</p> <p>Heritage Impact Assessments should be prepared prior to allocating sites which are likely to affect heritage assets to test the suitability of these sites in terms of the potential impact on the historic environment.</p> <p>It is important to establish the suitability of the site per se prior to allocation because once a site has been allocated in an adopted Local Plan the principle of development has been established. If the site is suitable, the measures to avoid harm, or mitigate where harm cannot be avoided, should be incorporated into the site application and its policy. These could include the extent of the allocation, capacity and/or varying densities across the site, location of buffers etc. As such we recommend inclusion of a concept diagram.</p> <p>This is consistent with other similar strategic site allocations across the East of England.</p> <p>Should the Inspector be minded to find the allocations sound in planning terms without a Heritage Impact Assessment forming part of the evidence base, HE advise that additional policy references in respect of the historic environment are required and should include the following:</p> <p><i>"A full Heritage Impact Assessment must be prepared. This assessment should inform the design of the proposed development. Development will need to conserve, and where appropriate enhance, the significance of designated heritage assets, both on site and off site. Harm should be avoided in the first instance. This includes the harm to the significance of heritage assets through development within their settings. Only where harm cannot be avoided should</i></p>

					<p><i>appropriate mitigation measures be incorporated into the design, as identified through the Heritage Impact Assessment.”</i></p> <p>This wording outlined above more accurately reflects the NPPF than the wording suggested by HDC in which the tests for harm are not consistent with those set out in the NPPF.</p>
2	Policy HS2	2, 3 & 4	<p>In drafting your principles for the development of new garden communities, we would suggest that you ensure that reference is made to the need to conserve and enhance the historic environment in line with the NPPF. We note the allocations are simply listed in tabular form and marked on the proposals map. Particularly for the larger sites, (sites 1-8) we would expect to see more detail regarding the sites and policy criteria to indicate how the decision maker should react (para 154 and 157 of the NPPF). We suggest that individual policies be included for these sites.</p> <p>We outline below the key heritage assets likely to be affected by development of these sites, any further evidence required and suggested policy wording.</p> <p>HS2- 1 Princess Alexandra Hospital- This site includes a listed building- Parndon Hall (grade 11) and a scheduled monument (bowl barrow). There are two further bowl barrows close to the site. Development of this site has the potential to impact upon these heritage assets and/or their settings. Any redevelopment of this site will need to conserve and enhance these heritage assets and their settings. This requirement should be included as a criterion in the policy and the supporting text.</p> <p>HS2- 2 The Stow Service Bays- The Marks Tey Conservation Area lies to the north of this site. Any development of the site may impact upon the setting of the Conservation Area. The policy should indicate that any development of the site will need to preserve or where opportunities arise enhance the setting of the conservation area. This requirement should be included in the policy and the supporting text.</p> <p>HS2 - 3 Land east of Katherine's Way, west of Deer Park There are no designated heritage assets within or close to the site. Historic England has no comments to make.</p> <p>HS2 - 4 Lister House, Staple Tye Mews, Staple Tye Depot and The Gateway Nursery- There are no designated heritage assets within or close to the site. Historic England has no comments to make.</p> <p>HS2- 5 South of Clifton Hatch- Whilst there are no designated heritage assets on site there are two grade II listed buildings to the north east of the site (HUDC Depot and a building to the rear of the Depot). Development of this site has the potential to impact upon the setting of these listed buildings. To that end, the policy should include a criterion to preserve the grade II listed HUDC Depot and adjacent building and their settings. This should also be referenced in the supporting text.</p> <p>HS2 - 6 Riddings Lane- This site forms part of the wider garden community proposals to the south of Harlow (Latton Priory). Any development in this area will need to give appropriate consideration to the need to protect the scheduled monuments and their settings (Latton Priory and Dorrington Farm Moated Site) and the preserve listed buildings and their settings, Latton Priory listed at grade 11 *and Latton Priory Farmhouse listed at grade 11. This requirement should be included in the policy and the supporting text.</p> <p>HS2- 7 Kingsmoor Recreation Centre- Kingsmoor House (listed at grade 11 *) and its Lodge and Coach house (both listed at grade 11) lie to the east of the site. The allocation lies within the wider setting of these assets and provides a connection between the heritage assets and green wedge beyond. Historic England has</p>	<p><u>HDC POSITION</u></p> <p>Para 1.2 of the LP states the following:</p> <p>“The Local Plan must be read as a whole and alongside national policies. The Evidence Base, which contains studiesprovides evidence to justify the policies in the Local Plan.”</p> <p>The Council considers that the individual policies and proposals must not be considered in isolation from each other. Often several different policies will be applicable to a single development proposal. In reaching decisions on planning applications, the Council and others involved in decision making will consider all the relevant plan policies, together with other material considerations.</p> <p>For this reason, cross-referencing of policies in the Local Plan is considered unnecessary and inappropriate.</p> <p>In addition, the repetition of standard planning criteria in every site-specific policy has similarly been avoided.</p>	<p><u>HE POSITION:</u></p> <p>We would expect to see more detail regarding the sites and policy criteria to indicate how the decision maker should react (para 154 and 157 of the NPPF). We suggest that individual policies be included for these sites.</p> <p>We continue to suggest that an HIA be undertaken for the Kingsmoor site to establish the significance of the assets, and the potential impact of development upon that significance in accordance with Historic England's guidance. This will help to determine whether this allocation is suitable in terms of the historic environment. If the allocation is found to be acceptable in principle in heritage terms, a criterion should be included in the policy to ensure the protection of these listed buildings and their settings. This should also be included in the supporting text.</p>

			<p>concerns that development of this site would change and potentially harm the setting of the listed buildings. A heritage impact assessment should be undertaken, prior to the EIP, to establish the significance of the assets, and the potential impact of development upon that significance in accordance with Historic England's guidance (HE Good Practice Advice in Planning 1-the historic environment in local plans:</p> <p>https://historicengland.org.uk/images-books/publications/gpa1-historic-environment-local-plans/</p> <p>HE Good Practice Advice in Planning 2- managing significance in decision-taking in the historic environment:</p> <p>https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/</p> <p>HE Good Practice Advice in Planning 3- the setting of heritage assets:(Dec 2017)</p> <p>https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/</p> <p>HE Advice Note 3- site allocations in local plans: https://historicengland.org.uk/imagesbooks/publications/historic-environment-and-site-allocations-in-local-plans/</p> <p>This will help to determine whether this allocation is suitable in terms of the historic environment. If the allocation is found to be acceptable in principle in heritage terms, a criterion should be included in the policy to ensure the protection of these listed buildings and their settings. This should also be included in the supporting text.</p> <p>HS2 - 8 The Evangelical Lutheran Church, Tawneys Road - The Harlow Tye Green Village Conservation Area lies to the west of this site. Any development of the site may impact upon the setting of the Conservation Area. The policy should indicate that any development of the site will need to preserve or where opportunities arise enhance the setting of the conservation area. This requirement should be included in the policy and the supporting text.</p> <p>We have not reviewed the smaller sites or indeed the employment allocations in ED1 or the hatches identified for mixed use in Figure 9.1. We request that you review these allocations again in a similar way to the above, identifying whether there are any heritage assets (or their settings) that would be affected by the proposed development. Where a potential impact is identified, wording should be included in the policy and supporting text to this effect.</p> <p>Typical wording might include:</p> <p>combination of heritage assets -'Development should conserve and where appropriate enhance heritage assets and their settings.' This is based on the wording in the Planning Practice Guidance Paragraph: 003 Reference ID: 18a003-20140306 Revision date: 06 03 2014</p> <p>listed building 'Development should preserve the listed building and its setting'. This is based on the wording in Part 1, Chapter 1, paragraph 1 (3) (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>conservation area 'Development should preserve or where opportunities arise enhance the character or appearance of the Conservation Area and its setting'. This is based on the wording in Part 2, paragraph 69 (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and para 137 of the NPPF.</p> <p>Note that if you refer to character ... appearance use the word 'or' not 'and'</p> <p>registered park and garden- 'Development should protect the</p>		
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			<p>registered park and garden and its setting.'</p> <p>scheduled monument 'Development should protect the scheduled monument and its setting.'</p> <p>Ideally, the policy should also mention the specific asset and any potential mitigation required</p>		
3	Policy HS3		<p>There are a number of heritage assets adjacent to, or surrounded by or close to the site. These include a number of listed buildings (House 20m NW of Stephen's Cottages, Hatches, Thatched Cottages, Spiers Farm, Pump, Franklins Farmhouse, Hubbards Hall and range of two service buildings and two barns at Sheering Hall all listed at grade 11 as well as Sheering Hall itself to the north of the site which is listed at grade 11 *).</p> <p>We note that in the Harlow Strategic Sites Assessment AECOM report, the site scores red in terms of the historic environment. Given this sensitivity, as part of the evidence base for the Local Plan, for a site of this size with nearby heritage interest, we would expect a Heritage Impact Assessment prior to allocation to assess the suitability of the site for allocation. Without such evidence in place, the policy is not justified and is not in accordance with the NPPF. This needs to be prepared in advance of the EiP to inform the extent and capacity of the site. Please contact us to discuss the nature and extent of the work required to inform the Local Plan. Please also refer to our advice notes above.</p> <p>As currently worded the policy includes no protection for the historic environment. Therefore, this does not comply with the NPPF. Whilst the design Charter (criterion a) may include reference to the historic environment, at the present time the Harlow and Gilston Garden Town and Design Charter is not available to view. Without sight of this document it is not possible to assess whether there is sufficient protection for the historic environment in the policy. In the absence of this, we must conclude that the Policy is unsound. We would also suggest the addition of a bullet point to provide protection to the historic environment This might read, "Conserve and where appropriate enhance the historic environment including (list key heritage assets) and their settings through careful design, landscaping heritage buffer zones.</p> <p>We would also recommend the inclusion of a concept diagram to graphically portray the principles and requirements of the policy. We find this a helpful approach as a picture tells a thousand words.</p>	<p><u>HDC POSITION</u></p> <p>The Council does not consider that it is necessary to undertake Heritage Impact Assessments of sites as part of the evidence base as an initial assessment has been undertaken through the site selection process.</p> <p>The evidence is outlined in appendix 3. Two out of a total of seven elements of the appraisal for this site scores red in terms of the historic environment.</p> <p>The methodology for heritage considerations was carried out in a similar way to the approach for natural environmental designations, and is in line with paragraph 126 of the NPPF, the approach seeks to avoid development in areas where it would adversely impact on a designated heritage assets</p> <p>It is also considered that there are sufficient provisions in the LP to ensure the conservation and enhancement of heritage assets in the District.</p> <p>However, the Council are proposing the undertaking of a Heritage Impact Assessment as part of the masterplan process for the allocated Garden Community sites to be included under Policy HGT1 (See line 1 of this Appendix for proposed modification). This would be equivalent to the modification set out in the SoCG between EFDC and HE signed on 18th March 2019 (ref: Appendix 2 Outstanding Objections No 2 Policy SP4 C (xvii)).</p> <p>The Council's Validation Requirements requires that a Heritage Statement is submitted alongside all planning applications and also includes Historic England guidance. The Heritage Statement would include significance, impact and any avoidance/mitigation.</p> <p>There will also be a need to undertake an Environmental Impact Assessment at application stage where any heritage issues are identified.</p> <p>FURTHER MODIFICATIONS PROPOSED BY HDC</p> <p>In light of the above HDC have proposed the following modification to include part (g) to Policy HS3 which also reflects discussions with EFDC and their equivalent Policy for the Strategic Site East of Harlow:</p> <p>(g) be designed in a way which is sympathetic to the character of heritage assets in the area, including listed buildings, Scheduled Monuments, Registered Parks and Gardens and Conservation Areas;</p>	<p><u>HE POSITION</u></p> <p>There is a need for Heritage Impact Assessments for strategic site allocations, where there are significant impacts on the historic environment, as part of the proportionate evidence base. This is in line with guidance on site allocation assessment set out in Historic England's advice notes on Local Plans (GPA1) and Site Allocations (HEAN3). If the sites are suitable, the measures to avoid harm, or mitigate where harm cannot be avoided, should be incorporated into the site application and its policy. These could include the extent of the allocation, capacity and/or varying densities across the site, location of buffers etc. As such we recommend inclusion of a concept diagram.</p> <p>Heritage Impact Assessments should be prepared prior to allocating sites which are likely to affect heritage assets to test the suitability of these sites in terms of the potential impact on the historic environment.</p> <p>It is important to establish the suitability of the site per se prior to allocation because once a site has been allocated in an adopted Local Plan the principle of development has been established. If the sites are suitable, the measures to avoid harm, or mitigate where harm cannot be avoided, should be incorporated into the site application and its policy. These could include the extent of the allocation, capacity and/or varying densities across the site, location of buffers etc. As such we recommend inclusion of a concept diagram.</p> <p>This is consistent with other similar strategic site allocations across the East of England.</p> <p>Should the Inspector be minded to find the allocations sound in planning terms without a Heritage Impact Assessment forming part of the evidence base, HE advise that additional policy references in respect of the historic environment are required and should include the following:</p> <p><i>"A full Heritage Impact Assessment must be prepared. This assessment should inform the design of the proposed development. Development will need to conserve, and where appropriate enhance, the significance of designated heritage assets, both on site and off site. Harm should be avoided in the first instance. This includes the harm to the significance of heritage assets through development within their settings. Only where harm cannot be avoided should appropriate mitigation measures be incorporated into the design, as identified through the Heritage Impact Assessment."</i></p> <p>This wording outlined above more accurately reflects the NPPF than the wording suggested by HDC in which the tests for harm are not consistent with those set out in the NPPF.</p> <p>Revise wording of Policy to make explicit reference to the listed buildings and Registered Parks and Gardens and set out how the masterplanning process should take the historic environment into account.</p>

4	Policy PL1	3&4	<p>Again, at the present time the Harlow and Gilston Garden Town and Design Charter is not available to view. Without sight of this document it is not possible to assess whether there is sufficient protection for the historic environment in the policy.</p> <p>We welcome criterion b.</p> <p>Harlow New Town is based upon the Gibberd masterplan. It is important that new development respects this masterplan and protects the distinctive townscape which in itself is part of the historic environment</p>	<p>HDC POSITION</p> <p>HDC responses in in Appendix 1, Sections 5 & 6 are considered relevant</p> <p>HE POSITION</p> <p>Noted</p>	<p>HE POSITION</p> <p>Noted</p>
5	Policy PL11	3 & 4	<p>We welcome the changes made to the policy since the previous consultation.</p> <p>We continue to suggest that the policy should include a requirement for a desk based assessment or field evaluation to be submitted where proposals affect sites or are within or adjacent to sites of known archaeological interest or sites where there is reason to suggest there is archaeological interest Whilst this is mentioned in paragraph 13.88, it should also be included in policy.</p> <p>We suggest the deletion of the final paragraph in the policy. By definition within the NPPF, enabling development is development that is not otherwise in accordance with adopted policy. We are therefore of the view that a policy on enabling development is not a necessary component of a local plan document A local plan should adequately set out a positive strategy for the historic environment without the need to include such a policy.</p> <p>Paragraph 140 of the NPPF and Historic England's suggested framework for enabling development contained within Enabling Development and conservation of the significant places, revised 2012 consider this matter. The Historic England advice predates the adoption of the NPPF and should be considered in the context of Paragraph 140 of the NPPF which states the following:</p> <p>Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.</p> <p>We appreciate that the final paragraph of your policy is an attempt to have a policy to address Heritage at Risk. However, as we previously commented a policy effectively on enabling development is not the best way to achieve this. We continue to advise that a policy on heritage at risk rather than enabling development would better achieve the desired outcome</p>	<p>HDC POSITION</p> <p>The following modifications are suggested to alleviate concerns regarding the potential for “hidden assets” & to ensure compliance with the latest guidance from HE:</p> <p>(a) the impact of development on the character, appearance, or any other aspect of the significance of the asset or its setting;</p> <p>(d) the extent to which the development would enhance, or better reveal, the significance of the heritage asset;</p> <p>‘Where development affects a heritage asset or its setting, an Heritage Statement appropriate management plan, which includes a Heritage Statement, must be in place to conserve and enhance the asset and its setting.</p> <p>‘Where the heritage asset is at risk and the development would conflict with other policies of the Local Plan, it must be demonstrated that the development presents the asset's optimum viable use and is necessary to secure the future conservation of the asset and that any negative impacts are outweighed’.</p> <p>Modifications are also proposed to Para.13.78 and 13.79 (Implementation):</p> <p>‘Designated heritage assets can include listed buildings, curtilages of listed buildings, conservation areas, archaeological remains, Scheduled Monuments and Registered Parks and Gardens. Such assets, except Conservation Areas, are administered by Historic England. Non-designated assets include Locally Listed Buildings, monuments, sites, places, areas or landscapes which a Local Authority deems to have special historic or architectural interest. are known as non-designated assets. Historic England administers national designations which include all designated heritage assets apart from conservation areas.’</p> <p>13.79 ...“at the core of any designation decision. Proposals for enabling development would be assessed having regard to Historic England’s latest guidance on enabling development’.</p> <p>HE Position:</p> <p>Historic England continue to suggest that the final</p>	<p>HE Position:</p> <p>Historic England continue to suggest that the policy should include a requirement for a desk based assessment or field evaluation to be submitted where proposals affect sites or are within or adjacent to sites of known archaeological interest or sites where there is reason to suggest there is archaeological interest Whilst this is mentioned in paragraph 13.88, it should also be included in policy.</p> <p>Historic England continue to suggest that the final paragraph relating to enabling development is deleted from the Plan. Enabling development is by nature contrary to the local Plan and so should not be included in the Local Plan.</p> <p>We continue to advise that a policy on heritage at risk rather than enabling development would better achieve the desired outcome.</p>

				<p>paragraph relating to enabling development is deleted from the Plan. Enabling development is by nature contrary to the local Plan and so should not be included in the Local Plan.</p> <p>We continue to advise that a policy on heritage at risk rather than enabling development would better achieve the desired outcome.</p>	
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Appendix 3

Supplementary Information

Heritage Matters relating to Strategic Site Allocation

1.0 Background

This appendix provides supplementary information to support the SoCG between Harlow District Council (the Council) and Historic England (HE), and to assist the Inspector during the examination of the Harlow District Local Development Plan Submission Version 2011- 2033

The representation submitted by HE to the Council in July 2018 set out a number of comments in relation to the policies and evidence underpinning the strategic site allocation within the LP. These include:

- i. The need to carry out Heritage Impact Assessments prior to allocation for the Garden Town Communities to discern the level of impact on the historic environment and any potential mitigation measures necessary; and
- ii. Concerns that there were no references to known heritage assets within or in close proximity to proposed allocations.

The Council has prepared this addendum to the SoCG to bring together a range of existing information surrounding the historic environment, specifically for the strategic site allocation.

2.0 Additional Evidence

This information and assessment work has been obtained from a range of documents. These are set out in more detail below:

East of Harlow (within HDC and EFDC)	<p>Extract from Harlow Strategic Site Assessment (AECOM, 2016), p. 40</p> <p>(Ref: HEBH16)</p> <p>“Heritage assets</p> <p>The site contains some listed buildings including Grade II * Sheering Hall and several grade II listed buildings including two barns at Sheering Hall, a house north west of St Stephen's cottages, Franklins Farmhouse, a locally listed building and a number of listed buildings just beyond the site boundary. Consideration will need to be given to the potential impact upon the setting of these listed buildings. However, there may be limited scope for development within parts of the site. There is also a Conservation Area in close proximity in Harlow and the site is within 500m of a Registered Park and Garden and archaeological assets. It is likely that impacts can be avoided/ mitigated.”</p> <p>Figure 5 within Appendix 3 of the Strategic Site Assessment (ref: HEBH16) relates to the Historic Context over the study area.</p> <p>Deliverability of East of Harlow strategic site</p> <p>The SoCG between Miller Homes and both HDC and EFDC (EX0011) dated 6th March 2019 refers to at least 3350 dwellings across the entire site, of which 2600 would be within Harlow District. The indicative capacity of the site advanced by the site promoter was originally 3850 units. An extract appears below:</p> <p>Q 4.2: All parties agree that the allocation is appropriate and that any potential adverse impacts would be addressed by a range of mitigation measures, through the delivery of related infrastructure and in accordance with agreed design principles established at the master planning stage.</p> <p>Q 4.9: The parties agree that the indicated site capacity is realistic and is deliverable.</p> <p>Local historic environment record (HER) (para 184 NPPF)</p> <p>The HER was recommended by HE as a resource in their letter to AECOM of July 2016.</p> <p>The website is maintained by three partners: HE, ALGO and the IHBC . The site provides information from 16 potential data sources.</p>
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HE final letter to AECOM May 2016 regarding Harlow Strategic Sites to be read in conjunction with the table below.

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Historic England

Telephone [REDACTED]

Dear David

Harlow Strategic Sites Study

Historic England recognises Harlow's, East Hert's and Epping Forest's housing need and the requirement to find land for housing. This is clearly an important, yet difficult policy decision for the local authorities. Given the number of historic assets around Harlow, it is our view that in all broad areas of development there would be harm to the significance of such assets, but the extent of this would very much depend upon the way in which any proposals respond to the context and intrinsic quality.

It is not possible to provide very detailed comments on each of these sites at this stage in the consultation process. The criteria/ranking system employed in this methodology is very broad brush. However, the table attached specifically highlights sites where there is likely to be a significant impact upon listed buildings, conservation areas, Scheduled Monuments, Historic Parks and Gardens etc., based upon a brief desk based assessment.

Looking more broadly, the land to the north of Harlow is a beautiful stretch of countryside and retains its historic grain and character. The juxtaposition with the airfield is also interesting. Gilston Park and the associated historic buildings, together with Hunsdon House are very fine examples. Development in this broad area would destroy the rural setting of these historic assets and harm their significance.

The land to the east of Harlow is perhaps of less high quality. The Gibberd Garden would certainly benefit from safeguarding. Never-the-less, building up against the motorway would seem to run counter to Gibberd's new town principles.

Regarding land to the south, Latton Priory and its setting within open countryside is undoubtedly important, as is the green wedge, which formed part of the original new town principles and is important to retain. Development at sites K, N and O, whilst not directly affecting historic assets may have impacts upon the setting and also would seem to run counter to the spirit of Gibberd by building up to the motorway.

Finally with respect to development in the west, we consider it important to retain the character and separation of these historic settlements, again in keeping with the original Gibberd principles.

Harlow, as one of the finest examples of the New Towns, is of considerable interest and importance, and it is important that any proposed development respects this historic importance.

We have not considered archaeological issues in this brief, desk based assessment but would refer you to the HER held by Essex County Council who should be able to advise in this regard. In all considerations the potential for undesignated archaeological assets should be recognised. We have also not identified other non-designated assets in our assessment.

For clarification, where we have stated that there are no designated historic assets within the site, this does not mean that heritage assets are not affected.

As the study progresses and as you assess the sites for the next iteration of the local Plans, Historic England's Advice Note 3 – site allocations in local plans: <https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/> should be followed.

Finally, we should like to stress that this advice is based on the information provided by the yourselves. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise where we consider that these would have an adverse effect upon the historic environment.

If you have any questions with regards to the comments made then please do get back to me. In the meantime we look forward to continuing to work with you and your colleagues.

Yours sincerely

Debbie Mack
Historic Environment Planning Adviser (East of England)

HE final comments to AECOM May 2016 Harlow Strategic Sites using standard pro-forma as a statutory consultee.

	Strategic site reference	Broad geographical area	Please indicate the suitability of housing / employment growth in this location relative to other sites. <i>Please give a score of 1 = favourable, 2 = neutral and 3 = unfavourable</i>	Reason(s) for judgement	Any other relevant information you have on this location e.g. any particular constraints, opportunities or requirements relevant to this potential site
	A Gilston Park Estate	North of Harlow	3	There are a considerable number of designated heritage assets within and surrounding the development site, including three scheduled moated sites, scheduled World War II defenses (in fourteen separate areas) and numerous listed buildings. Highly graded listed buildings include the Grade I listed St Mary's Church in Gilston (with a separately listed Grade I monument), the Grade II* Gilston House, the Grade II* St Botolph's Church in Eastwick and the Grade I Hunsdon House and Grade I St Dunstan's Church in Hunsdon. There are also many non-designated heritage assets within and surrounding the site, including assets of archaeological interest.	This large site has been the subject of consultation with Historic England and East Herts as well as L-P Archaeology. Further detailed comments regarding this site attached at Appendix A
	B City and Country	North of Harlow	3	No statutorily designated historic assets within the site. However, Gilston Park grade II* and remains of original house (New Place) at Gilston Park to the north of the site. Potential impact on setting of high grade listed asset and other listed building.	
	C Land North of Pye Corner	North of Harlow	3	No statutorily designated historic assets within the site. However cluster of grade II listed buildings to the south of the site in Gilston village. Need to consider impact on setting of listed buildings.	
	D Land south of High Wych/North of Redricks Lane'	North of Harlow	3	Redricks Farm house and stable, both grade II, Aisled barn grade II* to south of site. Rowney Farm to north west of site. Proximity to High Wych Conservation Area to north east (which includes The Church of St James the Great grade II* and a number of other grade II listed buildings. Potential impact on setting of high grade and other listed buildings and the Conservation Area.	
	E Land north of A414/west of Gilston	North of Harlow	3	Brickhouse Farmhouse and Barn and attached stable - both grade II listed within development site. Cluster of listed buildings including Hunsdon House and parish Church of St Dunstan, both grade I listed buildings to the north of the site - will be important to consider the potential impact on setting of listed buildings both within the site and also high grade listed buildings to the north.	
	F Slayer Park Farm - Land west of High Wych/E	North of Harlow	3	Proximity to High Wych Conservation Area to north east (which includes The Church of St James the Great grade II* and a number of other grade II listed buildings. The manor of Groves and Jeffs, both grade II are also located to the north of the	

	ast of Gilston			proposed development site. Potential impact on setting of high grade and other listed buildings and the Conservation Area.	
	G Land North of the Stort/South of Gilston	North of Harlow	2	Pole Hill grade II listed building within the site. Also a cluster of grade II listed buildings to the west of the site in Gilston village. Need to consider impact on setting of listed buildings.	
	H Land to east of Lower Sheering	East of Harlow	2	No statutorily designated historic assets within the site. However, New House Farmhouse and Barn both grade II listed to the west of the site and Walnut Cottage grade II to the north east. Also locally listed building to the west. Need to consider potential impact upon setting of listed buildings.	
	I Land off Sheering Lower Road and Harlow Road	East of Harlow	3	Site includes part of an Historic Park and Garden, The House, March Lane (also referred to as the Gibberd Garden). Also includes two grade II* listed buildings (Durrington Hall and Aylmers) as well as a number of grade II listed buildings and locally listed buildings. Also Sheering hall grade II* listed just to the east of the site. Potential impact upon listed and locally listed buildings.	
	J Harlow East	East of Harlow	3	Site contains some listed buildings including Grade II * Sheering Hall and several grade II listed buildings including two barns at Sheering Hall, a house north west of St Stephen's cottages, Franklins Farmhouse, a locally listed building and a number of listed buildings just beyond the site boundary. Consideration will need to be given to the potential impact upon the setting of these listed buildings. However, there may be limited scope for development within parts of the site.	
	K Land to west of A414/south Harlow	South of Harlow	2	No statutorily designated historic assets within the site. Several grade II listed buildings and a locally listed building to the north east of the site. Need to consider impact on setting of listed buildings in any development.	
	L Riddings Lane Garden Centre	South of Harlow	2	No statutorily designated historic assets within the site.	
	M Latton Priory	South of Harlow	3	Latton Farmhouse grade II listed, and Latton Priory grade II* listed and Scheduled Monument. HE recently grant aided considerable work at the Priory. HE currently undertaking extensive research on surrounding earthworks with a view to revising the designation of the site. Moated site 350m south of Dorrington Farm.	

N Land at Harlow Gateway South	South of Harlow	2	No statutorily designated historic assets within the site. Several grade II listed buildings and a locally listed building to the north of the site. Need to consider impact on setting of listed buildings in any development.	
O Land to north of J7 of M11	South of Harlow	2	No statutorily designated historic assets within the site.	
P Land to west of Harlow / East of Roydon	West of Harlow	3	No statutorily designated historic assets within the site. Eastend Farm house, grade II listed building to east of site. Will need to consider impact upon setting. Also need to consider proximity of Roydon Village Conservation Area.	
Q Halls Green	West of Harlow	3	Within Nazeing and South Roydon Village Conservation Area and Scheduled Monument – Cold War anti-aircraft gun site. Impact upon Conservation Area and Scheduled Monument.	
R Land west of Katherines	West of Harlow	3	Brookside Cottage, grade II listed. Also southern part of site in Nazeing and South Roydon Conservation Area. Will need to consider setting of Listed building and also impact upon Conservation Area.	
S Land west of Pinnacles	West of Harlow	3	Adjacent to Nazeing and South Roydon Conservation Area. Will need to consider impact upon Conservation Area.	
T Land to east of Epping Road, Roydon	West of Harlow	3	No statutorily designated historic assets within the site. Grade II listed buildings to west of site...will need to consider impact on setting of listed buildings.	
U Land west of Sumners	West of Harlow	3	Partly within Nazeing and South Roydon Conservation Area. Several grade II listed and local listed buildings just beyond site boundary. Potential impact upon Conservation Area and settings of listed buildings.	
V Land to north of Harlow Road / East of High Street	West of Harlow	3	Partly within Roydon Village Conservation Area and close to many listed buildings. Potential impact on setting of listed buildings and Conservation Area.	

Appendix A
Gilston Park Estate

Comments from HE on initial draft masterplan sent from Historic England to L-P: Archaeology and copied to East Herts DC and Herts CC October 2015.

There are a considerable number of designated heritage assets within and surrounding the development site, including three scheduled moated sites, scheduled World War II defenses (in fourteen separate areas) and numerous listed buildings. Highly graded listed buildings include the Grade I listed St Mary's Church in Gilston (with a separately listed Grade I monument), the Grade II* Gilston House, the Grade II* St Botolph's Church in Eastwick and the Grade I Hunsdon House and Grade I St Dunstan's Church in Hunsdon. There are also many non-designated heritage assets within and surrounding the site, including assets of archaeological interest.

The initial layout plans are presented in various documents including the representations made by the Gilston Park Estate on the East Herts Local Plan in May 2014. These are in an embryonic form and as such it is difficult to provide detailed comments. For the purposes of this letter, we have taken the illustrative masterplan in Appendix 1 of the May 2014 representations as the basis of our comments. We note that an adjoining landowner is promoting land to the south-west between Stone Basin Spring and Hunsdon Brook (known as the Briggens Estate), and we have taken these proposals into account.

Notwithstanding the limitations in providing comments, it is possible to identify a number of heritage issues that will need to be considered by the East Herts Local Plan as follows:

Paragraph 126 of the National Planning Policy Framework (NPPF) states that: "local planning authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment". Paragraphs 151 and 152 make it clear that local plans should contribute to each dimension of sustainable development, while paragraph 156 requires strategic policies to conserve and enhance the historic environment. Finally, paragraph 169 and 170 outline the historic environment evidence base required for local plans. Historic England has produced a Good Practice Advice Note relating to Local Plans, and a (draft) advice note on site allocations in local plans. A copy of each document is attached to this letter and can be found online via: www.historicengland.org.uk/advice/planning/planning-system/.

One of the core planning principles as defined by paragraph 17 of the NPPF is for plan-making and decision-taking to conserve heritage assets in a manner appropriate to their significance. Significance is based on a range of heritage values that make up the overall architectural, artistic, historic and/or archaeological interest. As the NPPF makes clear, significance derives not only from a heritage asset's physical presence but also from its setting. The NPPF defines setting as the surroundings in which a heritage asset is experienced, and makes clear that impact on significance can occur through change within the setting of a heritage asset. As the Planning Practice Guidance makes clear, impact on setting is more than just visual effects.

The heritage assets within and surrounding the site have a predominantly rural character and setting, remote from the urban area of Harlow and major roads. This contributes greatly to their significance. Development on the scale proposed at Gilston would have a considerable impact on the significance of numerous heritage assets through the urbanisation of a rural location. Retention of large areas of open space, such as that around Gilston Park will provide some relief, but the overall impact will remain.

The initial layout plans suggests considerable change within the setting of St Mary's Church in Gilston at the end of an urban boulevard with formal green space and playing fields. This would greatly alter the way in which the church is experienced and cause considerable harm to its significance. If such a level of change/harm is considered justifiable, then the layout and design of development would need to conserve the church and the listed monuments within the churchyard as much as possible.

The Grade II* house at Gilston Park would retain much of the existing parkland surrounding the house, but there would be change within the wider setting essentially harmful to the character of the house, with development at the southern end of the park as far as Eastwick Lodge Farm and the A414. Other listed buildings in the vicinity of Gilston Park and the villages of Gilston and Eastwick are likely to be affected to varying extents, and will need to be properly assessed. The Briggens Estate land could impact on additional listed buildings including the highly graded buildings in Hunsdon. Again, if such a level of change/harm is considered justifiable, then the layout and design of development would need to conserve listed buildings as much as possible. Where applicable, appropriate and effective management of the listed buildings and the open space around them should be secured.

In terms of scheduled monuments, there are three medieval moated sites that would immediately adjoin built development according to the initial layout plan. Like many of the listed buildings, the landscape setting of these monuments would change considerably and this might result in harm to their significance. The moated site to the south of Gilston Park also includes remnants of deer pen enclosure and park pale associated with medieval deer management. If such a level of change/harm is considered justifiable, then the layout and design of development would need to conserve the monuments as much as possible. The layout should, in each case, seek to minimise harm and look for opportunities to offset it via appropriate and effective management proposals as part of the overall open space strategy.

The scheduled World War II defences at Hunsdon airfield on the western side of the site area are scattered across a wide area. There is the potential for impacts on their significance through change within their setting. Assessment of visual and other impacts will need to be undertaken and opportunities sought which would offset any harm. These might include measures to sustain their long term conservation and the retention and enhancement of the historic landscape character in which they sit. If such a level of change/harm is considered justifiable, then the layout and design of development would need to conserve the monuments as much as possible. As with the other scheduled monuments, this includes appropriate and effective management proposals as part of the overall open space strategy.

It is possible to conclude that proposed development at Gilston Park Estate would result in serious harm to a number of designated heritage assets, which in some cases has the potential to amount to substantial harm. In terms of the Local Plan, paragraph 152 of the NPPF makes clear that significant adverse impacts on the environment should be avoided in the first instance. Only where this is not possible should mitigation be considered.

The Local Plan will need to demonstrate that the proposed development area is appropriate in light of the NPPF's tests of soundness set out on paragraph 182, namely that the proposal is positively

	<p>prepared, justified, effective and consistent with national policy. In terms of the latter, this includes the need to conserve heritage assets in a manner appropriate to their significance and to provide clear and convincing justification for any harm or loss weighed against the public benefits of development.</p>
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