



Historic England

Examination of Harlow Local Plan
Matter 7 Development Management Policies
Historic England, Hearing Statement
March 2019

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. 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.

The tests of soundness require that Local Development Plans should be positively prepared, justified, effective and consistent with national policy. Historic England's representations on 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.

Historic England Hearing Statement

Introduction

- 1.1 This statement addresses the Inspector's questions with regards Matter 7: heritage policies WE4 and PL11 of the Local Plan.
- 1.2 This hearing statement should be read alongside Historic England's comments submitted at previous consultation stages of the Local Plan.

Matters and Issues for Harlow Local Plan

Issues

Matter 7: Development Management Policies

Are the development management policies in the plan positively prepared, justified, effective and consistent with national policy?

Policy WE4 Heritage

- 2.1 Historic England welcome the inclusion of a broad strategic policy for the Historic Environment.
- 2.2 However, in our representations on the Regulation 19 Plan we recommended a few minor changes to ensure greater consistency with national planning policy.
- 2.3 In the first sentence of the policy, we recommend that the word 'preserved' is changed to 'conserved' to better reflect the National Planning Policy Framework (NPPF).
- 2.4 In the fourth bullet point and the final sentence we recommend that the term 'Historic parks and gardens' is replaced with 'Registered Parks and Gardens' as this more accurately reflects the terminology in the NPPF.
- 2.5 Finally in the penultimate sentence, there are other non-designated heritage assets apart from Locally Listed buildings. These should be included in the policy.

Policy PL11 Heritage assets and their settings

- 2.6 Historic England broadly welcome policy PL11. The policy helpfully references national policy without repeating it which we welcome.
- 2.7 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. Paragraph 128 of the NPPF states that 'where a site on which development is proposed includes or has the 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'. Paragraph 154 of the NPPF (2012) states that 'only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan'. Therefore, for consistency with the NPPF, this should be included in the policy in the Local Plan.

- 2.8 The final paragraph of this policy concerns enabling development. 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. Historic England is 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.
- 2.9 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: *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.*
- 2.10 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.