

FD.EVR21

Cambridgeshire and Peterborough Minerals and Waste Local Plan

Policy 21: The Historic Environment

(was Policy 23 at the Preliminary Draft stage, and had the title ‘Heritage Assets’)

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1. Introduction and National Policy Context

Introduction

- 1.1. Cambridgeshire County Council and Peterborough City Council are reviewing their joint adopted Minerals and Waste Development Plan and supporting documents. These comprise the following documents (with adoption date):
 - Core Strategy Development Plan Document (DPD) (July 2011)
 - Site Allocations DPD (February 2012)
 - Block Fen and Langwood SPD (July 2011)
 - Location and Design of Waste Management Facilities SPD (July 2011)
 - RECAP Waste Management Design Guide SPD (February 2012)
- 1.2. The above Local Development Documents are to be replaced by a single Minerals and Waste Local Plan (MWLP) covering the period to 2036. The new Local Plan will set the overall spatial framework and development management policies for sustainable mineral and waste management development across the plan area.
- 1.3. This Evidence Report provides a narrative on the development of and justification for Policy 21: The Historic Environment in the emerging new Local Plan.

National policy

- 1.4. The National Planning Policy Framework (NPPF 2019) and National Planning Practice Guidance (NPPG) provide the basis of national planning policy. Of specific relevance to Policy 23 are the following paragraphs of the NPPF:
 - Paragraph 184 - *“Heritage assets range from sites and buildings of local historic value to those of the highest significance... These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations.”*
 - Paragraph 185 - *“Plans should set out a positive strategy for the conservation and enjoyment of the historic environment...”*
 - Paragraph 189 - *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting...”*
 - Paragraph 190 - *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*
 - Paragraph 193 - *“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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

- Paragraph 204 - *Planning policies should ...f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in the locality;*
- Paragraph 205 - *“... b) ensure that there are no unacceptable impacts on the natural and historic environment , human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;...”*

1.5. A number of paragraphs from the NPPG are also relevant, as follows:

“...Planning for the supply of minerals has a number of special characteristics that are not present in other development:...

- working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated;...” (Paragraph: 001 Reference ID: 27-001-20140306)

“...The planning system controls the development and use of land in the public interest ... this includes ensuring that new development is appropriate for its location – taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution...” (Paragraph: 012 Reference ID: 27-012-20140306)

1.6. In addition to the NPPF/NPPG, other national legislation or policy relevant to Policy 21 is the National Planning Policy for Waste (NPPW). NPPW Appendix B ‘Locational Criteria’ advises LPAs, when testing the suitability of sites to consider:

“e. conserving the historic environment:

Considerations will include the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting.”

1.7. More generally, there is a wide range of legislation specific to heritage matters in the planning system.

2. Local Context in Relation to Policy 21: The Historic Environment

2.1. The SA Scoping Report (May 2018) identified (see page 11) a wide range of designated heritage assets within the plan area, including several thousand Listed Buildings, over 300 scheduled monuments and nearly 40 Historic Parks and Gardens. The plan area therefore has a substantial heritage asset base, which the plan must appropriately consider and respond to.

3. Minerals & Waste Local Plan Policy

3.1. The Preliminary Draft Plan was published on 16 May 2018 and consulted on over a six week period to 26 June 2018.

3.2. The basis of including Policy 21 (was 23) in the new Local Plan is the recognition of the importance of the historic environment and heritage assets. Such assets are irreplaceable, and therefore any potential for harm resulting from development should be identified and assessed.

It is therefore necessary to include a comprehensive policy which reflects the authorities approach to the historic environment, and provides a policy framework for developers and decision makers.

- 3.3. During the Preliminary Draft Consultation, there were 3 representations made on this policy, which were all broadly in support, with some suggested amendments to detailed wording. In summary, the main issues raised were:
- The policy and section headings should be renamed 'The Historic Environment', as the most appropriate term.
 - Criterion c) should be reworded to better reflect the NPPF in respect of weighing of harm from and public benefits of developments.
 - The policy should include consideration of Palaeolithic archaeology and the need for a Palaeolithic assessment of likely potential.
 - There may be a requirement for an assessment of dewatering impacts and changes in water flow patterns at minerals sites within floodplains. This should be included within the policy.
 - The policy should be located at the top of the policy table to highlight its importance.
 - The policy should recognise the role that appropriate mitigation can play in off-setting indirect harm, both in terms of impact on setting and viability of heritage assets.
- 3.4. All representations were carefully considered.
- 3.5. As a consequence of the representations, as well as considering any new evidence which may have emerged, the policy has been amended for the Further Draft Local Plan as follows:
- 3.6. The section and policy headings have been amended to read 'The Historic Environment' as suggested.
- 3.7. The final paragraph of the policy has been extended to include greater reference to the need to consider Palaeolithic or later archaeological remains (or potential of), and further text relating to dewatering impacts. In addition, more extensive supporting text on these matters has been introduced, to help explain and justify the policy.
- 3.8. The Councils also agreed to reword criterion c. in order to be consistent with national policy (though the essence of criterion c. remains unaltered).
- 3.9. The order of the policies within the plan is not a 'soundness' issue. Policies are not read individually, but rather, the plan is read as a whole. The ordering of policies does not dictate their relative importance.
- 3.10. It is not necessary to include further reference to mitigation within the policy, because Policy 21 explicitly addresses mitigation.

4. Alternative Reasonable Options

- 4.1. The following alternative options have been considered (including in the Sustainability Appraisal Report):

- Option 1 (preferred option): Include a detailed criteria based policy on the historic environment. This option provides a clear policy stance from which impacts on the historic environment can be identified and assessed.
- Option 2: To not include a policy, and rely on national policy and other historic environment policies in the wider development plans for the plan area. Whilst this has some merit (because national policy is comprehensive, and all Local Plans in the area have an 'historic environment' policy or similar), it has been rejected. This is because minerals and waste management proposal can often have heritage related issues to be addressed, and such issues can be relatively unique to such proposals, such as very deep buried archaeology and hydrological impacts on heritage remains. Accordingly, a 'no policy' approach would not provide appropriate protection for the historic environment or provide an adequate framework within which to ensure appropriate assessment of potential impacts.
- Option 3: include a policy, but one which is fundamentally less restrictive / more flexible in considering the historic environment. This has been rejected because it would be contrary to national policy, potentially contrary to legislation and would not appropriately acknowledge or reflect the considerable heritage assets which exist in the plan area. Such a policy therefore could result in unacceptable harm to the historic environment, and the built environment more generally, and could have negative effects on cultural assets and a sense of place.

5. Conclusion

- 5.1. This evidence report demonstrates the rationale for the inclusion of this policy in the Further Draft Plan, and also demonstrates a summary of the issues raised at the earlier Preliminary Draft stage, and how the Councils have considered those issues raised.
- 5.2. Any representations received at the Further Draft consultation stage will be carefully considered, and this Evidence Report will be updated prior to the third and final consultation stage due in late 2019.