Issue 9: Is the Local Plan justified, effective and consistent with national policy with regards to the historic environment and landscape character?

Rob Routledge and Adele Rhodes

........
Issue 9 Is the Local Plan justified, effective and consistent with national policy with regards to the historic environment and landscape character?

Q172. How would the current Historic Environment Supplementary Planning Document fit with the Local Plan?

Council Response

172.1. It is considered that the Local Plan is justified, effective and consistent with national policy with regards to the historic environment and landscape character. The general support and lack of objection that the Plan has received, subject in some cases to proposed minor modifications, is testament to this view and the close working that has taken place between the County, Historic England and the Council in terms of our Plan making function.

172.2. In relation to the specific question, The Historic Environment SPD of March 2006 was prepared under the provisions of the Planning and Compulsory Purchase Act 2004 and in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004. It is clearly a historic document. It provided information about the historic context of the district and various sub areas and guidance in relation to the policies in the Historic Environment section of the 2000 Local Plan for Bolsover District.

172.3. In so far as it is informative and promotes good practise, it will continue to be used and will support the new Local Plan policies and the application of the NPPF where relevant. However, it is recognised that where advice may be at odds with the NPPF, or the new Plan when adopted, it will have limited weight.

172.4. Following the adoption of the LPfBD consideration will be given to reviewing and replacing the SPD to ensure it remains relevant, and up to date with both the 2018 NPPF and the newly adopted Local Plan for Bolsover District.

Q173. Should Objective D: Historic Environment (page 28) be amended to include reference to the setting of heritage assets?

Council Response

173.1 Objective D of the Local Plan does reference, in criteria a), the wider settings associated with heritage assets. In discussions with Historic England in relation to their submission, it was in other areas of the Plan that they wanted the reference to setting included. The outcome of these joint discussions has been a number of proposed modifications to the LPfBD (PM3) and an agreed Statement of Common Ground (SoCG) between Historic England and the Council.
173.2 Some of these modifications relate to areas of the Plan where a reference to the setting of the heritage assets has been included, for example paragraph 2.41 b), Clowne Garden Village (SS5 ), Pleasley Vale (SS8)and Para 4.14 for example, to follow through with reference to heritage settings.

Q174. Does the Local Plan use the correct terminology set out in the relevant Act or the NPPF when referring to particular heritage assets in Policies SC16, SC17, SC18, SC19, SC20 and SC21?

Council Response

174.1. The Council have accepted through discussions with Historic England that in some cases the wording to some policies could be improved, and these have been agreed through PM3 and the related SOCG with Historic England.

174.2. The wording changes agreed in relation to this issue are:

a. Paragraph 7.106 Policy SC18 below, aims to ensure that these settlements and all other important sites are preserved **conserved** and where possible enhanced....

b. Paragraph 7.109 Policy SC20 below aims to ensure that these assets are preserved **conserved**, ....

c. Paragraph 7.112 Policy SC21 below aims to ensure that these assets are preserved **conserved**...

d. SC 18 Policy SC18: Scheduled Monuments and Archaeology Amend 2nd sentence of paragraph 2 to read ‘In some cases this will require archaeological desk based assessment and/or field evaluation of the site **which should be submitted as part of a development proposal and should be undertaken by a suitably qualified archaeologist**.’

e. Policy SC19: Bolsover Area of Archaeological Interest –Amend wording to include, “Planning applications involving ground disturbance should be accompanied by the results of an archaeological desk based assessment, heritage impact assessment **or other site evaluation assessment method**, as appropriate to the scale and type of development. **The assessment work should be undertaken by a suitably qualified archaeologist**”

174.3. Assuming the proposed modifications are accepted, the Council considers that the correct terminology has been used in this suite of policies.

Q175. Should the Local Plan set out the policy implications should Creswell Crags be nominated and inscribed as a World Heritage Site during the plan period?

Council Response
175.1. In discussions with Historic England who first raised this issue, it was noted that Creswell Crags is a Site of Special Scientific Interest (SSSI), a Scheduled Ancient Monument, part of an area of Local Landscape Significance, and a Registered Park and Garden.

175.2. As such it is already a heavily protected archaeological and geological site. Also, it would be presumptive and challengeable for the Local Plan to set out a policy for a site based on what it may become within the Plan period. Given this, it was the agreed conclusion set out in the joint SoCG with Historic England, that no further change is required in relation to this issue.

Q176. Is the Local Plan and its policies consistent with national policy in respect of the test of harm in respect of heritage assets?

Council Response

176.1. The policies were written with the intention of being consistent with national policy, in relation to the test of harm for heritage assets. It was considered that the issue of harm was clearly set out within the NPPF (Para 132 to 136) and this has been to a degree repeated within the 2018 NPPF. Therefore there was considered to be no need to repeat the clear national guidance on this issue within the Local Plan.

176.2. This was not an issue that came up within the representations made by Historic England and the subsequent modifications and SoCG. Therefore, subject to the proposed modifications set out in the agreed SoCG the Council considers that the Local Plan and its policies are consistent with national policy in respect of the test of harm in respect of heritage assets.

Q177. Is the assessment of the impact of development proposals on conservation areas reliant on the presence of up-to-date conservation area appraisals and management plans? [Policy SC16]

Council Response

177.1. In the Council's view the answer to this question is no. The NPPF makes no suggestion that there must be a up-to-date conservation area appraisal and management plan and they are not specifically referenced within the NPPF. It is accepted that the more up to date a conservation area appraisal and management plan is, the more weight it may carry in relation to any decision taken, that is considered to be contrary to the document. However, the assessment of the impact of a proposal on a conservation area is more reliant on the nature of the proposal and the importance of the impacted area.

177.2. It is important to note that Conservation Areas and their boundaries are designated in law, under separate legislation to that governing the development of the Local Plan. Currently, Local Authorities designate Conservation areas under Planning (Listed Buildings and Conservation
Council’s Response to MIQs – Matter 2, Issue 9 (Q172-181) – Historic Environment

Areas) Act 1990 (Section 69). This requires that “every local planning authority:

a. shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and
b. shall designate those areas as conservation areas.”

177.3. The Section goes on to make clear that, “It shall be the duty of a local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly.

177.4. Legally therefore the Council is required to exercise its duties, “from time to time”, not to maintain up to date Conservation Appraisal and Management Plan for all areas.

177.5. The Local Plan plays no role in designating or amending the boundaries of a Conservation Area and challenges to the Plan cannot be made on those grounds. The question is whether the Conservation area policies within the Plan are sound or not, and based on the earlier questions the Council clearly believe that the Policies can be made sound with some modifications and Historic England agree.

177.6. The specific representation received on this issue referred to the Elmton-with-Creswell Farmsteads CA. This was one of the CA’s assessed in 2017, and found to be fit for purpose. Draft conservation area appraisals are currently being prepared and will be out for public consultation in 2019 (expected by June2019).

Q178 Is policy SC17 consistent with national policy in respect of development affecting listed buildings and their settings?

Council Response

178.1. Yes, the Council considers that Policy SC17 is consistent with national policy, and is sound. There was no concern raised in relation to this policy by Historic England and no modifications proposed.

Q179 Is Policy SC18 consistent with national policy in respect of development affecting scheduled monuments and archaeological sites?
Council Response

179.1. Following discussions with Historic England and the joint SoCG, the Council is proposing modification PM42 to Policy SC18: Scheduled Monuments and Archaeology to read: Paragraph 7.106 Policy SC18 below, aims to ensure that these settlements and all other important sites are preserved and where possible enhanced.

179.2. Also as part of the SoCG and in relation to this policy, the Council is proposing modification PM43 to amend the 2nd sentence of paragraph 2 to read ‘In some cases this will require archaeological desk based assessment and/or field evaluation of the site which should be submitted as part of a development proposal and should be undertaken by a suitably qualified person’

179.1. Subject to these proposed modifications the Policy is considered to be sound.

Q180 Is a separate policy relating to the Bolsover Area of Archaeological Interest justified and, if so, would it be effective? [Policy SC19]

Council Response

180.1. As part of discussions with Historic England to develop a SoCG, Council explained that Policy SC19 was included in the Plan following discussions with the county archaeologist, who considered that this is an important known archaeological site, and would benefit from a separate policy.

180.2. In terms of the effectiveness of the policy, the Council is proposing a modification PM44 to criteria 1 of Policy SC19: Bolsover Area of Archaeological Interest to read: Planning applications involving ground disturbance should be accompanied by the results of an archaeological desk based assessment, heritage impact assessment or other site evaluation assessment method, as appropriate to the scale and type of development. The assessment work should be undertaken by a suitably qualified archaeologist.’

Q181 Should reference to Historic Landscape Character data be referred to in Policy SC8?

Council Response

181.1. Following discussions with Historic England and the joint SoCG, the Council is proposing modification PM37 to Policy SC8: Landscape Character to read: Development proposals should have regard to the Derbyshire Landscape Character Assessment, Historic Landscape Character Data and the Areas of Multiple Environmental Sensitivity’ and contribute, where appropriate, to the
conservation and enhancement, or restoration and re-creation of the local landscape.