

**Statement of Common Ground
between Hart District Council
and Historic England**

July 2018

Background

1. Historic England (HE) (Representor Ref. 109) has made representations on the Proposed Submission Hart Local Plan: Strategy and Sites.
2. This Statement of Common Ground summarises Historic England's representations, and clarifies whether or not the issues raised would be addressed by changes proposed as part of the submission documents to the Planning Inspectorate. This Statement also highlights those areas where objection remains.
3. HE has agreed to this Statement (see email appended to this statement).
4. In summary, the Council is proposing to the Examiner a number of changes which would overcome HE's concerns. Those areas that remain unresolved are:
 - In relation to Policy H3: Rural Exceptions;
 - in relation to Policy NBE9: Historic Environment.

Paragraph 22 – Evidence base

5. HE raises concerns regarding the Historic Environment Evidence base that has informed the Local Plan and sets out the sources they would expect to be referenced and used. Without further clarity they cannot be satisfied that the Plan is based on an 'adequate, up to date and relevant evidence about the historic environment' as required by paragraphs 158 and 169 of the NPPF.
6. It is highlighted that evidence gathering is not only in relation to known sites but also to understanding the value to society of both known and unknown sites. The Council's attention is drawn to HE Good Practice Advice Note 1: 'The Historic Environment in Local Plans'. It is suggested that these issues are drawn together in an historic environment Topic Paper.

Hart District Council (HDC) Response:

7. The Council has used a range of historic environment evidence in support of the Local Plan; this includes the sources referred to by HE and links to these have now been provided on the Local Plan Evidence page. A number of these are provided by external partners and organisations. Reference to the Hampshire Historic Environment Record, Conservation Area Appraisals and the Hampshire Historic Landscape Character Assessment and reference to national sources of information is made in paragraph 341.
8. Information on the historic environment has formed a part of the site assessment work informing early version of the Local Plan, the SHLAA site assessments, and the evidence base, including the Landscape Character Assessment 2016 and the Green Infrastructure Strategy. The impact of the

Plan on the historic environment has also formed a key element of the Sustainability Appraisal process.

9. At a more local level, the Council is working closely with local communities on neighbourhood plans which are using a range of local information on heritage assets. In relation to Crondall Conservation Area for example, the Council worked closely with the local community in updating the Crondall Conservation Area Appraisal and Management Plan in advance of preparing the Crondall Neighbourhood Plan. An assessment of the impact on heritage assets will also form part of any detailed planning application process where a heritage asset may be affected.
10. The sites within the proposed submission Local Plan largely all have planning permission. As set out in this SOCG the Council is keen to work with HE on developing the New Settlement DPD and in developing more detailed heritage policies in a Development Management DPD, both of which will include detailed consideration of heritage matters in their preparation.

Proposed Changes:

No changes to the Local Plan proposed – Historic England has confirmed that they are satisfied with this response.

Paragraphs 85 and 86

11. HE welcomes reference to the heritage of Hart within the Key Characteristics section but suggest that the last sentence of paragraph 85 should be the last sentence of paragraph 86.

Hart DC Response:

12. HDC agrees that this sentence would be better placed at the end of paragraph 86.

Proposed Changes:

Delete last sentence of paragraph 85.

Add the following sentence to the end of paragraph 86:

This is supplemented by locally important heritage and historic landscapes such as the Forest of Eversley.

Paragraph 92 – Key Issues

13. HE welcomes Key Issue 14 as part of the positive strategy for the conservation and enjoyment of, and the clear strategy for enhancing the historic environment' but suggest some minor rewording.

Hart DC Response:

14. HDC agrees that the proposed amendments provide further clarity.

Proposed Changes:

Amend Key Issue 14 to read:

To conserve and enhance the significance and special interest of the District's heritage assets and their settings.

Paragraph 93

15. HE welcomes references in the vision to the historic environment. However they would prefer 'preserved' to be replaced with 'conserved' to be more consistent with the NPPF.

Hart DC Response:

16. HDC agrees that this would better reflect the NPPF.

Proposed Changes:

Amend final paragraph of vision:

"The character, quality and diversity of our natural, built and heritage assets will have been ~~preserved~~, conserved, and where possible enhanced."

Objectives

17. HE welcomes and support Objective 9, however some amended wording is proposed for clarity.

Hart DC Response

18. HDC agrees that the revised wording provides further clarity.

Proposed Changes:

Amend Objective 9:

'... the protection of the significance and special interest of heritage assets and their settings.'

Policy SS2 Hartland Village

19. HE has no objection to this allocation.

Hart DC response

20. Noted.

Policy SS3 New Settlement

21. HE welcomes in principle high level objective j. The Hampshire Historic Environment Record and Hampshire Landscape Character Assessment should be consulted for non-designated archaeological sites and historic landscapes. HE would welcome the opportunity to be involved in the New Settlement DPD and masterplan process.

Hart DC Response

22. A range of evidence will be used across the Area of Search including those mentioned above as part of the preparatory work for the new settlement DPD. The Council sees HE as a key stakeholder in the preparation of that document.

Proposed Changes:
No changes proposed.

Policy H3: Rural Exception Sites

23. HE would welcome an additional criterion relating to the impact on the significance of heritage assets similar to that in Policy H5.

Hart DC Response:

24. The plan should be read as a whole and policy NBE9 'Historic Environment' sets out the overarching approach to determining planning applications that would affect heritage assets and it is not considered necessary to add an additional criterion into Policy H3.

Proposed Changes:

No Changes proposed.

Policy H5: Gypsies, Travellers and Travelling Showpeople

25. HE welcomes criterion (d) but suggest some minor rewording.

Hart DC Response:

26. HDC agrees that the changes in terminology more appropriately reflect the NPPF.

Proposed Changes:

Amend criterion 9D) of Policy H5 to read:

'...local amenity, ~~and~~ the natural ~~and historic~~ environment and the significance of heritage assets.'

Policy ED3 The Rural Economy

27. HE welcomes criterion (i).

HDC Response

28. Noted

Policy ED4 Town, District and Local Centres

29. HE welcomes reference to 'character'

HDC Response

30. Noted.

Policy ED6: District and Local Centres.

31. HE welcomes criterion d.

HDC Response

32. Noted.

Paragraph 257

33. HE welcomes references to the heritage sensitivities of Hartley Wintney and Odiham centres.

HDC Response

34. Noted.

Natural and Built Environment Heading

35. HE consider that this should be retitled, Natural, Built and Historic Environment as not all historic features are built. This would be more consistent with the NPPF.

Hart DC Response:

36. HDC agrees that this better reflects the NPPF and the content of this Chapter.

Proposed Changes

Amend title of Section:

The Natural ~~and~~ Built and Historic Environment.

Policy NBE3: Landscape

37. HE welcomes clauses (c) and (d) and references to the Hampshire Historic Landscape Character Assessment and to the historic landscape of the Royal Forest of Eversley.

HDC Response

38. Noted.

Paragraphs 334 – 347

39. HE welcomes paragraphs 334 – 347, particularly the description of the heritage of the District. Some minor amendments are suggested to the final sentence of paragraph 345.

Hart DC Response

40. HDC agrees that the proposed amendments add clarity.

Proposed Changes:

Amend wording within the paragraph as follows:

‘...It is important to consider the impacts both within and outside the designated Conservation Area in relation to its special architectural or historic interest, character, appearance or context.’

Paragraph 338

41. HE welcome the Councils commitment to conserving the historic environment through measures set out in paragraph 338 and to heritage at risk in Clause (d).

HDC Response

42. Noted.

Policy NBE9: Historic Environment

43. HE welcomes the inclusion of an historic environment policy. However, HE do not consider that as drafted, it guides how the presumption in favour of development will be applied locally as required by para 15 of the NPPF or set out clearly how proposals should be considered by a decision maker.
44. In addition the Policy does not provide guidance on how the effects of a proposed development on the significance of designated and non-designated heritage assets will be assessed and does not identify the characteristics of the different types of heritage assets that the Council will expect the development proposals to conserve or enhance.
45. HE propose some rewording of Policy NBE9, in particular adding further detail in relation to considerations where development proposals may cause harm to the significance of a heritage asset. During discussions the following criteria have been suggested by HE as an addition to paragraph 3 of policy NBE9:
- i) *a clear demonstration that the harm cannot be avoided;*
 - ii) *a demonstration that the harm has been minimised or mitigated; and*
 - iii) *a clear and convincing justification for the residual harm in the form of a demonstration that the public benefits of the proposal outweigh any harm to the significance or special interest of the heritage asset, proportionate to the impact and the significance of the heritage asset, in accordance with the National Planning Policy Framework or the four circumstances in paragraph 133 of the Framework apply.*
46. HE suggest the inclusion of additional development management policy(ies) setting out the requirements of development proposals and setting out a clear indication of how a decision maker should react to a development proposal affecting heritage assets.

Hart DC Response

Policy NBE9:

47. HDC agrees that some amendments to the Policy wording could make it clearer to decision makers as to what will or won't be permissible. However, the Council considers that:
- Inclusion of the descriptions of designated and non-designated assets is not part of a Policy and this text is proposed to be added as a footnote;

- the proposed HE criteria a to c have the same effect as the second paragraph of NBE9, however some wording amendments are proposed;
 - the Council considers that reference to the tests and assessments in the NPPF is sufficient to determine applications where the proposal may lead to the loss of, or harm to a heritage asset and it is not necessary to repeat national policy; and,
 - the recording of a heritage asset that is to be harmed or lost is considered more appropriate for supporting text and is included in the Local Plan at paragraph 347.
48. In addition, the additional criteria proposed by HE, as set out in paragraph 45 of this SoCG, are considered by the Council to apply tests that go beyond national policy (c.f. paragraphs 133 and 134 of the NPPF). As a result the Council is concerned that their inclusion would result in a policy that is unsound by virtue that it would not be in accordance with national planning policy. For this reason the Council does not agree to these suggested changes.
49. As the changes proposed by the Council do not fully address the objection made by HE, they request that these are considered by the Inspector. HE consider that clarifying the requirements for proposals which would lead to the loss of, or harm to, the significance of a heritage asset and/or its setting is appropriate to a strategic policy. HE also consider that the suggested criteria proposed comply with the NPPF paragraphs 126 and 131-135.

Proposed Changes:

Proposed changes to Policy NBE9: Historic Environment

Development proposals should protect, conserve and where possible or enhance heritage assets and their settings, taking account of their significance, as well as the distinctive character of the District's townscapes and landscapes.

Proposals that would affect a designated [insert new footnote 1] or non-designated [insert new footnote 2] heritage assets will be permitted where they must be supported by a heritage statement (proportionate to the importance of the heritage asset and the potential impact of the proposal) that describes the demonstrates a thorough understanding of the significance of the heritage assets and their setting, and identifies the nature and level of potential impacts on the significance of the heritage assets, and sets out how the findings of the assessment has informed the proposal in order to avoid, minimise or mitigate harm to the significance of the asset.

Proposals which ~~Where a proposal~~ would lead to the loss of, or harm to, the significance of a heritage asset and/or its setting, will not be permitted

unless they meet the Council will apply the relevant tests and assessment factors specified in the National Planning Policy Framework.

Footnote 1 – Designated assets include conservation areas, listed buildings, scheduled monuments and registered historic parks and gardens.

Footnote 2 – Non-designated assets include buildings and features identified on ‘local lists’, archaeological sites such as those identified on the Historic Environment Record and historic landscapes.

The following consequential changes to paragraph 340 is proposed:

Development proposals should be planned and designed in a manner which responds appropriately to its historic context and, where possible, positively enhances the historic character of the locality as well as the distinctive character of the District’s townscapes and landscapes.

Additional Development Management policies:

50. This Local Plan document relates to the overall planning strategy and sites and is at an advanced stage. HDC has identified in its Local Development Scheme the preparation of a Development Management Policies Local Plan document. This will provide the opportunity to consider more detailed policies on proposals affecting heritage assets. HDC would welcome working with HE on this document. HE are happy with this response in relation to their comments.

Whole Plan

51. HE is pleased to note a number of references to the historic environment throughout the Plan which collectively are considered sufficient to demonstrate a positive strategy for the conservation and enjoyment of, and a clear strategy for enhancing, the historic environment.

Hart DC Response

52. Noted.

Policy NBE10: Design

53. HE welcomes Policy NBE10 and particularly criterion (e).

Hart DC response

54. Noted.

Policy NBEI I: Renewable and Low Carbon Energy

55. HE welcomes in principle criterion (c) but would prefer the policy to be more assertive and only allow renewable and low carbon energy developments where there would be no adverse impact on heritage assets as part of the positive strategy for the historic environment.
56. Some amended wording is suggested for the final sentence of the opening paragraph of NBEI I and criterion (c).

Hart DC Response

57. HDC agrees that a change to criterion (c) would provide clarity and provide consistency with other elements of the Plan. However HDC does not consider that there is any need to amend the final sentence of the first paragraph of the Policy as there are other Policies in the plan that deal with elements of this Policy in further detail.

Proposed Changes:

Policy NBEI I, criterion (c) be amended to read:

c. ~~the impact on heritage assets~~ the significance or special interest of heritage assets.

APPENDIX I: Email from Historic England confirming agreement with this Statement of Common Ground

04/07/2018

RE: Hart Local Plan - Statement of Common Ground - Nick Griffin

RE: Hart Local Plan - Statement of Common Ground

Small, Martin <Martin.Small@HistoricEngland.org.uk>

Tue 03/07/2018 17:12

Inbox

To: Nick Griffin <nick.griffin@hart.gov.uk>; Katie Bailey <katie.bailey@hart.gov.uk>;

Cc: Daniel Hawes <daniel.hawes@hart.gov.uk>; Beverley Mogford <Beverley.Mogford@hart.gov.uk>;

Hi Nick,

Thank you for sending through the amended final version of the Statement of Common Ground.

On behalf of Historic England I am pleased to confirm our agreement to the Statement.

Kind regards,

Martin Small

Martin Small BA(Hons) BPI DipCM MRTPI

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Planning Group

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Historic England

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