

MATTER 5

Submitted 5 September 2022

Matter 5: Heritage

Issue: Are the heritage policies justified, effective and consistent with national policy?

5.1 Is Policy DMCCH1 justified, effective and consistent with national policy and with Building Regulations?

Lancaster City Council Response

Yes, the council consider that DMCCH1 is Justified. The policy builds upon evidence presented in the submitted evidence document *Heritage and Carbon Zero [P_14]*, which outlines the potential unintended consequences of mismanagement of retrofitting, and identifies a need for a new policy to address this. The measures set out in DMCCH1 are founded on a body of sound evidence and are based on precedents established in Historic England's Research Report *The Sustainable Use of Energy in Traditional Dwellings: Using legislation and policy to guide decision-making* (Research Report Series 46-2017). While the existing Policy DM37 addresses retrofit measures in relation to Listed Buildings to some extent, the risks associated with introducing inappropriate retrofit measures, either individually or cumulatively, also apply to other types of heritage asset.

Alternative options were considered, including not to include this new policy, and instead to amend the existing section of Policy DM37. This approach was not pursued further as it became apparent following consideration of the complex nature of retrofit in traditional buildings that a separate policy would be a clearer way to address the relevant issues.

DMCCH1 is Effective because it will deliver evidenced retrofit methodologies which have been discussed with Historic England and are consistent with their guidance. The policy is supplemented by an online toolkit provided by the Sustainable Traditional Buildings Alliance which further advises on the relative appropriateness of certain retrofit measures based on factors such as building type and exposure to weather. Clarification of the existing exemption to energy efficiency regulations (Part L of the Building Regulations) which is afforded to heritage assets would be included following a Statement of Common Ground [SoCG] with Historic England.

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The exemption applies to both designated and non-designated heritage assets: in the case of designated assets, where measures to improve energy efficiency would unacceptably alter the building's character or appearance, and in the case of non-designated assets, where long-term deterioration of the building's fabric or fittings would be caused. This is especially important in Lancaster district where many buildings (particularly those constructed before 1945, which are often non-designated heritage assets) are of solid wall construction and therefore measures for improving energy efficiency could be detrimental to the fabric of those buildings.

DMCCH1 is Consistent with National Policy in that it seeks to '*contribute to protecting and enhancing our natural, built and historic environment*' whilst helping to '*mitigate and adapt to climate change*' as per the NPPF. The council's extant policies relating to the historic environment ensure the Development Plan is consistent with the Authority's obligations to the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the NPPF. The effect of the new policy would not be to conflict with this but rather to enhance their effectiveness in contributing to the council's overall sustainability goals and targets. Greater emphasis on the 'great weight' afforded to the conservation of heritage assets would also be made following the modifications proposed in the SoCG with Historic England, in order to be consistent with the most up-to-date jurisprudence.

5.2 Does Policy DMCCH1 and its supporting text appropriately reflect the importance of not harming the significance of heritage assets?

Lancaster City Council Response

Yes, the policy requires that harm be avoided to the significance of heritage assets. Similarly, it is caveated in paragraph 49 (in the supporting text) that a comprehensive understanding of the significance of heritage assets will underpin decision making, and that there will be cases where measures cannot be accommodated without resulting in a level of harm which would not be outweighed by the public benefit of fulfilling sustainability objectives. In such cases applications would be refused in accordance with existing policy and the NPPF.

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5.3 How is 'responsible' defined in the first sentence of Policy DMCCH1? How would this be applied to heritage assets?

Lancaster City Council Response

The adjective 'responsible' is used here in the context of the term '*Responsible Retrofit*,' which is a phrase adopted by the Sustainable Traditional Buildings Alliance [STBA] to describe a methodology for retrofitting historic buildings. It is a balance of all factors relevant to retrofitting historic buildings. Some retrofit options can have negative consequences and can affect heritage significance via harm to building fabric or visual impact. *Responsible Retrofit* requires applicants to consider holistically how all aspects of a scheme interact in order to avoid such harm. It stresses that the objective is not retrofit at any cost, but only where the public benefit of doing so would outweigh any adverse effect on the significance of the asset. Further information on this is given in the council's submitted *Heritage and Carbon Zero* evidence document [P_14].

Paragraph 47 of the supporting text of DMCCH1 outlines the definition of '*Responsible Retrofit*'. The text then describes some of the factors which need to be balanced when considering a 'responsible retrofit,' and directs applicants to the STBA *Responsible Retrofit Guidance Wheel* which is a user-friendly online toolkit created by the STBA which illustrates how Responsible Retrofit would be applied to historic buildings. A definition is also supplied in the glossary accompanying the document (SD_02.1 *Climate Emergency Review of the Development Management DPD Submission Local Plan 2020 – 2031 Single Track Change Version*, p.186).

5.4 How is it determined when Policy DMCCH1 is applicable? What constitutes a historic building? Is it a heritage asset as defined by the Framework?

Lancaster City Council Response

The NPPF definition of heritage assets relates to buildings, monuments, sites, places, areas, and landscapes. However, policy DMCCH1 and its supporting text deal specifically with the retrofit of buildings. It is therefore relevant to specify

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that this policy relates only to buildings and not to, for example, earthworks at a Scheduled Ancient Monument, or area-wide heritage assets such as Conservation Areas. For this reason, the term 'heritage asset' was not used in this context. Conversely DMCCCH2 discusses renewable energy sources which may well have an impact upon the settings of all types of heritage assets. The use of the term 'heritage assets' in this policy was therefore rationalised. Notwithstanding the above, there is scope for the wording of the policy to be amended in order to make it clear that it will encompass only buildings within the definition in s.336(1) of the 1990 Town and Country Planning Act which are also within the scope of the definition of heritage asset supplied in NPPF Annex 2.

In the SoCG, as agreed with Historic England, the types of building affected by the policy are more clearly set out. This follows a clarification that certain building types are exempt, or should have special considerations made, when considering Part L of the Building Regulations.

5.5 Is Policy DMCCCH2 justified, effective, and consistent with national policy?

Lancaster City Council Response

Yes. The council consider that Policy DMCCCH2 is Justified because it follows the advice set out in the *Heritage and Carbon Zero* evidence document [P_14], and as with DMCCCH1 is based on a body of relevant evidence. It addresses an increasingly common type of development proposal which is often presented as an alternative to the installation of micro-renewable systems (such as photovoltaic panels) directly on, or inside, Listed Buildings and NDHAs (something which often would result in a high level of harm to the buildings' significance and therefore conflict with existing local and national policy and legislation). The policy will provide guidance which would enable renewable energy generation on a household scale, while minimising the associated risks to heritage significance. For this reason, the policy will provide beneficial clarification which cannot be provided by the existing policies alone.

An alternative approach to the introduction of a new policy would have been to amend the existing policy DM39 to include additional text relating to micro-

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renewables. It was considered that this approach would be to the detriment of the clarity of the existing policy, even if it secured the same objective.

DMCCH2 is Effective in that it provides clear criteria for the evaluation of development proposals based on established written guidance and policy and following discussion with Historic England resulting in a Statement of Common Ground. This policy will enable the council to more effectively manage development which is characterised by conflicting risks and benefits.

DMCCH2 is Consistent with National Policy in that it contributes to the provision of a *'positive strategy to promote energy from renewable and low carbon sources'* while also seeking to manage change in such a way which sustains significance of and avoids harm to heritage assets as required by the NPPF.

5.6 Does Policy DMCCH2 work effectively with other policies in the Plans?

Lancaster City Council Response

The council consider that Policy DMCCH2 does not cut across the existing policies in the Plan but builds upon them to focus specifically on using micro-renewables in the historic environment. Fundamentally, the new policy is intended to be complementary to the existing policy DM39, as well as provisions relating to setting in existing policies DM37, DM38 and DM40. Existing policy DM41 refers to *'new buildings and associated landscaping'* affecting the setting of NDHAs; the new policy would support this while providing additional provision for small-scale renewable energy production. Existing policy DM42 notes that *'Many important archaeological sites remain undiscovered and unrecorded. Archaeological sites are a finite resource and, as a result, it is important to ensure through the planning process that development proposals do not result in their damage or destruction.'* This is consistent with the requirement of the new policy to ensure that potential underground archaeology is not disturbed by any new development.

5.7 Are Conservation Areas, Registered Parks and Gardens, Scheduled Monuments and other heritage assets appropriately addressed by Policy DMCCH2?

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Conservation Areas and Registered Parks and Gardens are appropriately addressed by policy DMCHH2. Scheduled Ancient Monuments have been added as a main modification to clarify the position that their settings are protected and are an important consideration in the siting of micro renewable energy sources.

5.8 Are Policies DMCCH1 and DMCCH2 intended to address both designated and non-designated heritage assets?

The policies would apply to both designated and non-designated heritage assets [NDHAs] insofar as planning permission or listed building consent is required. The concept of Responsible Retrofit is applicable to all traditionally constructed buildings and is relevant to designated and non-designated assets equally. Where NDHAs are concerned there is of course greater scope for both internal and external development to take place outside the planning process. However, works which do fall within the remit of development control will be considered in the context of these policies.