

**STATEMENT OF COMMON GROUND  
BETWEEN  
LANCASTER CITY COUNCIL and HISTORIC ENGLAND**

**Suggested Modifications to Historic Environment Policies contained  
within the Strategic Policies & Land Allocations DPD and the  
Development Management DPD.**

**DATE: APRIL 2019**

**ON BEHALF OF LANCASTER CITY COUNCIL**

Signed:

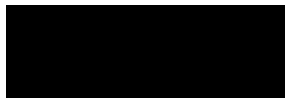
A solid black rectangular box redacting the signature of Maurice Brophy.

Name & Position: Maurice Brophy – Planning and Housing Policy Manager

Date: 25<sup>th</sup> April 2019

**ON BEHALF OF HISTORIC ENGLAND**

Signed:

A solid black rectangular box redacting the signature of Emily Hrycan.

Name & Position: Emily Hrycan – Historic Environment Planning Adviser (North West)

Date: 25 April 2019

## 1.0 INTRODUCTION

- 1.1 This Statement of Common Ground (SoCG) has been prepared jointly between Lancaster City Council (LCC) and Historic England (HE). The two parties are hereafter referred to as 'the Parties'.
- 1.2 It relates specifically to Matter 5 (Historic and Natural Environment) to be discussed on Day 6 of the Examination Hearings, taking place on the 26 April 2019, with specific reference to Matter 5a.
- 1.3 The Council have sought to work with Historic England to ensure that their concerns have been addressed in relation to the specific wording of a number of policies across both the Strategic Policies & Land Allocations DPD and Development Management DPD.

## 2.0 STRATEGIC POLICIES & LAND ALLOCATIONS DPD

### **Policy SP7 Maintaining Lancaster District's Unique Heritage**

- 2.1 The Parties agree that through the main modification process that Policy SP7 should be replaced with the following wording:

#### **Policy SP7: Maintaining Lancaster District's Unique Heritage**

Lancaster district has an extraordinarily rich and varied historic environment which are described in more detail through this Chapter of the Plan. The heritage assets within the district have all played a major role in helping to shape the district's distinctive identity.

The character of the district is shaped by both the local landscape and townscape built heritage. The district has a rich cultural history that dates back to the Roman prehistoric period and contains a large range of historical assets that chronicle the history of the district through the ages. These are important assets that are protected, either via listing or other designation, from proposals that would harm their historical heritage significance. These are set out in the list below. The Local Plan will ensure that these designations are protected and, where possible and appropriate to do so, enhanced, so that their long-term status can be secured.

- Extensive evidence for prehistoric activity, with settlement remains and field systems in the eastern uplands, and defended enclosures such as Warton Crag;
- Major Roman sites such as the forts at Lancaster, and Over Burrow, with a network of roads and civilian settlements, and industrial sites such as the Quernmore Pottery Kilns;
- Evidence of Dark Age and early medieval activity in the eastern uplands and at St Patrick's Chapel, Heysham and its rock-cut graves;
- Motte and Bailey Castles along the Lune Valley, attesting to the Norman Conquest of the area, and later medieval fortifications, including those in Lancaster, Halton, Hornby, Melling, Arkholme and Whittington;
- Medieval ecclesiastical sites such as Cockersands Abbey and Lancaster Priory, and many village churches of similar dates;

- Remaining historic agricultural structures which have shaped the character of our rural areas and provide evidence of earlier farming practices and innovation;
- Remnants of the district's industrial heritage including Lancaster Canal, Glasson Dock, Lune Aqueduct, railway heritage, including the internationally significant former Carnforth Motive Power Depot, warehouses, mills and other significant buildings, including those associated with the smaller industries of furniture and stained glass manufacture and brewing;
- Evidence of the district's maritime heritage and the significant role it played in international trade, including river frontage, Custom House and warehouses of St George's Quay, Sunderland Point and Glasson Dock, Lancaster's 'outport';
- Evidence of Lancaster's role as the regional centre of mental healthcare provision throughout the 19<sup>th</sup> Century and early 20<sup>th</sup> Century, with significant buildings such as Standen Park House, the Moor Hospital, including Ridge Lea and the Royal Albert Hospital;
- Evidence of Lancaster's great military associations and home of the Kings Own Regiment, including the White Cross Barracks, former Bowerham Barracks (now the University of Cumbria campus) and Westfield Memorial Village;
- Significant educational buildings which reflect the development of the education system of this country, but also demonstrate some of the finest architecture including Lancaster Royal Grammar School, Ripley St Thomas School. The Storey Institute and Morecambe's former Art and Technical School;
- Key cultural assets encompassing designed landscapes, including public parks and cemeteries, museums, assembly rooms, theatres, libraries and commemorative structures, such as war memorials, the Queen Victoria Memorial and the Ashton Memorial and the seaside heritage of Morecambe;
- The 18<sup>th</sup> Century and early 19<sup>th</sup> Century townhouses, many of which are very much in-tact in Lancaster;
- The extensive network of tightly enclosed streets, backstreets and ginnels in the City as well as the few remaining yards or courts, such as Swan Court, where the poorest housing tended to be found, packed in and accessed through the arches off main streets;
- Buildings associated with Lancaster's significant role as the host of the Assize Court from the 16<sup>th</sup> Century under 1975, including the Castle and Judge's Lodgings; and
- The high quality civic and institutional buildings such as the Old and New Town Halls.

The Council recognises the features which make the district special, and is in the process of producing a district-wide Heritage Strategy which will help inform the evolving evidence base for the Local Plan. The Local Plan will be used as the vehicle to proactively manage the historic environment, protect it from inappropriate development and explore opportunities to improve and enhance the significance, character, appearance and archaeological significance of Lancaster's heritage assets and their settings.

The Council will also explore opportunities to maximise wider public benefits and reinforce Lancaster's unique identity through the promotion, understanding, interpretation and enjoyment of the District's historic environment.

As well as fulfilling its statutory obligations, the Council will:

- a) Seek to identify, protect and enhance local heritage assets;

- b) Promote heritage-led regeneration including in relation to development opportunities in the City Centre;
- c) Produce and review conservation area appraisals and management plans;
- d) Develop a positive strategy to safeguard the future heritage assets at risk;
- e) Adopt a proactive approach to utilising development opportunities to increase the promotion and understanding of the District's archaeology; and
- f) Regularly review the District's Heritage Strategy.

**Policy SG1 South Lancaster Broad Area of Growth**

- 2.2 Both parties agree that the following modification should be made to Policy SG1 to include further key principle that states:

Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

**Policy SG2 Lancaster University Health Innovation Campus**

- 2.3 The Parties agree that the following modification should be made to include an additional criterion in Policy SG2:

Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

**Policy SG3 Infrastructure Delivery for Growth in South Lancaster**

- 2.4 The Parties agree that the following modification should be made to include a further paragraph to Policy SG3 which states:

Proposals for new infrastructure will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

**Policy SG4 Lancaster City Centre**

- 2.5 The Parties agree that the following modification should be made to Policy SG4 which adds a further bullet point to the policy:

To safeguard those elements that contribute to the significance of the City's rich historic environment whilst also promoting opportunities for its enhancement and its role.

**Policy SG5 Lancaster Canal Corridor**

- 2.6 Subject to the Policy remaining in the adopted plan as currently worded, the Parties agree that the following modification should be made to Criterion II of Policy SG5:

Ensuring sensitive integration of new buildings with old, seeking where possible to repair and incorporate the existing historic fabric and retaining buildings and features that are of historic importance. Proposals should make use of the 'Lancaster Canal Corridor North: Assessment of Heritage Values and Significance' produced in 2012. Any loss of historic assets or features should be clearly justified against the relevant tests in national planning guidance;

**Policy SG7 East Lancaster Strategic Site**

- 2.7 The Parties agree that the following modification should be made to Criterion XVI of Policy SG7:

Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site. The potential impact upon the setting and significance of the Ashton Memorial as a result of new development should be investigated, and where potential concerns may arise, mitigation measures should be put in place.

#### **Policy SG9 North Lancaster Strategic Site**

- 2.8 The Parties agree that the following modification should be made to Criterion XII of Policy SG9:

Future planning applications(s) Proposals will be expected to fully assess the potential effect impact upon the setting and significance of heritage assets at Beaumont Hall, Hammerton Hall, Carus Lodge, Beaumont Hall Bridge, Halton Road Bridge and the Lune Aqueduct as a result of proposed new development, should be investigated, and w Where potential concerns may arise, mitigation measures should be put in place. Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

#### **Policy SG11 Land at Lundsfield Quarry, Carnforth**

- 2.9 The Parties agree that the following new criterion should be added to Policy SG11:

Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

#### **Policy SG12 Land South of Windermere Road, Carnforth**

- 2.10 The Parties agree that the following new criterion should be added to Policy SG12:

Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

#### **Policy EC3 Junction 33 Agri-Business Centre**

- 2.11 The Parties agree that the following new criterion should be added to Policy EC3:

Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

#### **Policy H3 Heritage Led Housing Development**

- 2.12 The Parties agree that the following modification should be made to paragraph three of this Policy:

Future proposals will need to be supported by a comprehensive masterplan demonstrating how the heritage assets and their setting will be conserved through the proposal and their future protected and secured. Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

#### **Policy H4 Land at Grab Lane, Lancaster**

- 2.13 The Parties agree that the following modification should be made to Criterion II:

The ~~submission of a detailed design statement, recognising its~~ development will be required to include the development principles and criteria identified in the design, landscaping and heritage statements, recognising the sensitive location in the setting of Ashton Memorial and Williamson Park to the west (which are important heritage assets and prominent landmarks in the wider area) and areas of Urban Setting Landscape Key Urban Landscape to the east.

Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

- 2.14 The Parties agree that the following modification should be made to Criterion III:

To preserve and enhance the sites prominent location on the eastern edge of Lancaster, within the setting of the Ashton Memorial which is a highly significant heritage asset and a prominent landmark in the wider area and Williamson Park. Proposals need to clearly demonstrate clearly, through appropriate layout, design and landscaping that it will not result in unacceptable harm on the setting of these important heritage assets and the area's wider role in defining the character of East Lancaster.

**Policy H6 Royal Albert Fields, Ashton Road, Lancaster**

- 2.15 The Parties agree that the following new criterion should be added to Policy H6:

Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

**Policy DOS1 Land at Bulk Road & Lawson's Quay, Lancaster**

- 2.16 The Parties agree that the following wording should be added to Criterion VI of Policy DOS1:

Proposals seek to preserve or enhance the setting of numerous heritage assets in the immediate vicinity and across the wider townscape of Lancaster. Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

**Policy DOS2 Land at Moor Lane Mills, Central Lancaster**

- 2.17 Subject to the Policy remaining in the adopted plan, the following criterion should be added to Policy DOS2:

Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

**Policy DOS3 Luneside East**

- 2.18 Subject to the Policy remaining in the adopted plan, the following criterion should be added to Policy DOS2:

Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

**Policy DOS4: Lune Industrial Estate, Lancaster**

- 2.19 The Parties agree that the following new criterion should be added to Policy DOS5:

Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

**Policy DOS6: Galgate Mill, Galgate**

2.20 The Parties agree that the following wording should be added to Criterion III of Policy DOS6:

High quality design and use of material that respect the character and setting of historic assets on the site. Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

**Policy DOS7: Land at Middleton Towers, Middleton**

2.21 The Parties agree that the following new criterion should be added to Policy DOS7:

Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

**Policy DOS8: Morecambe Festival Market and Surrounding Area**

2.22 The Parties agree that the following wording should be added to Criterion I of Policy DOS8:

That the proposed development is sympathetic towards the surrounding heritage assets, in particular the relationships between the Midland Hotel and the Winter Gardens. Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

**Policy DOS9: Land at the Former TDG Depot, Warton Road, Carnforth**

2.23 The Parties agree that the following wording should be added to Policy DOS9:

Proposals will need to take account of the recommendations for mitigating harm and / or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

**Policy DOS10: Former Thomas Graveson Site, Warton Road, Carnforth**

2.24 The Parties agree that the following wording should be added to Policy DOS10:

Proposals will need to take account of the recommendations for mitigating harm and / or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

2.25 Both Parties agree that in light of the modifications agreed to Policy SP7 of the Strategic Policies & Land Allocations DPD (as set out in paragraph 2.1 of this statement) that Policies EN1 and EN2 of the same DPD are no longer relevant and a modification is proposed to delete them from the Plan.

**3.0 DEVELOPMENT MANAGEMENT DPD**

**Policy DM21 Shopfronts and Advertisements**

3.1 The Parties agree that the following modification should be made to Criterion I of Policy DM21:



Be of a high quality design and sensitive to its visual appearance on the building on which it is to be sited and the surrounding street scene, in the daytime and the night-time, especially in the case of a Listed Building or within a Conservation Area;

### **Policy DM37 Development Affecting Listed Buildings**

3.2 The Parties agree that Policy DM37 should be amended to include the following modifications:

#### **Policy DM37: Development affecting Listed Buildings**

Proposals affecting listed buildings should conserve and, where appropriate, enhance those elements which contribute to its special architectural or historic interest. All proposals should be based on a thorough understanding of the buildings significance.

The significance of a Designated Heritage Asset *listed building* can be harmed or lost through alteration or destruction of those elements which contribute to its special architectural or historic interest or through development within its setting. Harm to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal. Where a development proposal will lead to substantial harm or loss of significance consent will be refused.

#### **Demolition of Listed Buildings**

Proposals that involve the ~~substantial~~ harm to or total loss of significance of a listed buildings, including demolition will ~~not~~ be permitted only in exceptional circumstances where ~~unless~~ it can be demonstrated that the substantial harm or loss is necessary to achieve substantial overriding public benefits that outweigh that harm or loss. The following criteria as set out in Paragraph 19533 of the National Planning Policy Framework will apply:

- I. The nature of the heritage asset prevents all reasonable uses of the site; and
- II. That no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- III. That conservation through grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- IV. The harm or loss is outweighed by the benefit of bringing the site back into use.

#### **Extensions and Alterations to Listed Buildings**

Proposals that involve the alterations or extensions to Listed buildings, including any partial demolitions, should be based on an accurate understanding of the significance of the asset and the impact of the proposal on this.

Proposals that involve external and/or internal alterations to a Listed building which would have an adverse impact on the special architectural or historic character of the building and/or their surroundings will not be permitted. The loss of historic fabric simply to accommodate new will not be permitted.

New extensions that dominate or distract from the Listed building in terms of siting, style, scale, massing, height or materials will not be supported by the Council. Reversibility and minimal intervention will also be key considerations when assessing proposals.

Where proposals will lead to less than substantial harm to the significance of the Listed building, this harm should be outweighed by the public benefits of the proposal which includes securing its optimum viable use.

### **Changes of Use and Conversions of Listed Buildings**

Where planning permission may not normally be granted for the conversion of Listed buildings to alternative uses, favourable consideration may be accorded to schemes which represent the most appropriate way of conserving the building and its architectural and historic significance and setting.

### **Listed Buildings and Climate Change**

The Council will support proposals that seek to reduce the carbon footprint of a Listed Building provided that it does not harm elements that contribute towards the significance of the listed building and its setting respects the historic fabric, character and setting of the building. Development involving the installation of renewable energy equipment on a Listed Building will be acceptable provided that the following criteria are met:

Development involving the installation of renewable energy equipment on a Listed building will be permitted where it conserves those elements which contribute to its significance and that all of the following criteria have been addressed as part of the design and access statement / heritage statement:

- V. The energy efficiency of the Listed building itself has first been appraised and suitable measures, which will not affect its significance character, have already been undertaken;
- VI. Locations other than on a Listed building have been considered and dismissed as being impracticable;
- VII. There is no irreversible damage to the historic fabric;
- VIII. The locations of the equipment on the Listed building would not detract from elements that contribute towards its significance its character or appearance, either when viewed in close proximity or from a distance; and
- IX. The impact is minimised through design, choice of material and colours.

Equipment that is no longer needed for generating energy will be removed as soon as the operations cease.

Where appropriate, the Council will make use of Design Panels in determining that proposals are of the highest design standards and mitigate any impacts on the surrounding historic environment.

### **Information to Support an Application**

Permission will not be granted for applications which are not fully justified and accompanied by full information necessary to assess the impact of the proposals on the Listed building.

Proposals should be accompanied by a statement of significance which should form part of the heritage assessment (which may form part of the design and access statement) to demonstrate that the architectural and historic interest of the structure has been understood and accounted for in any proposals.

Where permission is granted for development which would result in the total or partial loss of a Listed building, approval will be conditional upon the asset being fully recorded and the record deposited with the Historic Environmental Record (HER).

### **Buildings at Risk**

Proposals which will help to safeguard the significance of and secure a sustainable future for the district's heritage assets, especially those identified as being at greatest risk of loss or decay, will be supported.

### **Policy DM38 Development Affecting Conservation Areas**

3.3 The Parties agree that Policy DM38 should be amended to include the following modifications:

#### **Policy DM38: Development affecting Conservation Areas**

Any Only development proposals and/or alterations to buildings, features and open spaces in Conservation Areas should that preserve and enhance the significance of the Conservation Areas will be permitted. Specifically, they will be required to demonstrate that:

~~Outline applications for development within Conservation Areas will not be encouraged as details of development would be fundamental in determining impact upon the heritage asset.~~

#### **Demolition of Buildings within Conservation Areas**

~~Proposals that involve the loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area will not be permitted unless it can be demonstrated that the substantial loss or harm is necessary to achieve substantial public benefits that outweigh that harm or loss. All the criteria which are set out within paragraph 133 of the National Planning Policy Framework should be met.~~

~~Where a development proposal will lead to less than substantial harm to the significance of the Conservation Area, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.~~

~~No loss will be permitted without taking all reasonable steps to ensure that the new development will immediately proceed after the loss has occurred.~~

#### **Development within Conservation Areas**

~~Development proposals for the re-use, alteration and extension of existing buildings or the creation of new buildings within Conservation Areas will only be permitted where it has been demonstrated that:~~

- I. Proposals respect the character of the surrounding built form and its wider setting, in terms of design, siting, scale, massing, height and the materials used; and
- II. Proposals will not have an unacceptable impact on the historic street patterns / boundaries, open spaces, roofscape, skyline and setting including important views into and out of the area; and
- III. Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and
- IV. Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

Outline applications for development within conservation areas will not be permitted as it is expected that a full assessment will be required of the impact that the proposal makes on elements that contribute to the area's significance and understanding.

There will be a presumption in favour of the retention of buildings and/or features which make a positive contribution to the special character and appearance of a conservation area (as identified within the conservation area appraisal).

Demolition will not be permitted unless it can be demonstrated that the substantial loss or harm is necessary to achieve substantial public benefits that outweigh the harm or loss. All the criteria which are set out within paragraph 195 of the National Planning Policy Framework should be met.

Where a development proposal will lead to less than substantial harm to the significance of the Conservation Area, this harm should be weighed against the public benefits of the proposal.

No loss will be permitted without taking all reasonable steps to ensure that the new development will immediately proceed after the loss has occurred.

All proposals that are located within a Conservation Area or affecting its setting must be accompanied by a clear heritage statement providing details of the proposed development and its impact on the significance of the Conservation Area. They should give due consideration to all relevant policies within the Development Management DPD development.

Where appropriate, the Council will make use of Design Panels in determining that proposals are of the highest design standards and mitigate any impacts on the surrounding historic environment.

#### **Policy DM39 The Setting of Designated Heritage Assets**

- 3.4 The Parties agree that Policy DM39 should be amended to include the following modifications:

#### **Policy DM39: The Setting of Designated Heritage Assets**

The Council recognises the contribution that significance of the setting of to a heritage asset can make to its significance. ~~Proposals that fail to preserve or enhance the setting of a designated heritage asset will not be supported. This includes listed buildings, scheduled monument, registered parks and gardens and conservation areas.~~

Development proposals which ~~that~~ make a positive contribution to or better reveal the significance of the asset through ~~and~~ its setting will be supported ~~favourably considered~~.

Harm to the setting of designated heritage assets will only be permitted in exceptional circumstances, where this is clearly justified and where it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits. The criteria set out in Paragraph 195 of the National Planning Policy Framework will apply.

~~The greater the negative impact on the significance of the designated heritage asset and its setting, the greater the benefits that would be required to justify any approval.~~

When assessing a proposal affecting the setting of a designated heritage asset, reference will be made to any existing evidence which will include conservation area appraisals, heritage assessments, landscape or urban characterisations and design guidance. ~~re appropriate, regard should be given to any approved characterisation study or appraisal of heritage assets.~~

Development proposals ~~within the~~ affecting the setting of designated heritage assets will be expected to include an assessment, which should be undertaken as a series of four steps:

Step 1: identify which heritage assets and their settings are affected;

Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated;

Step 3: assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it. This will include consideration of the following as a minimum: ~~and~~

- Location and siting of development (e.g. proximity to asset and position in relation to key views to, from and across);
- Form and appearance of development (e.g. prominence, dominance or conspicuousness, dimensions, scale, massing, visual permeability, materials and the introduction of movement or activity);
- Wider effects of the development (e.g. changes to the built surroundings and spaces, change to skyline and lighting effects and 'light spill'); and
- Permanence of the development (e.g. anticipated lifetime / temporariness and reversibility).

Step 4: explore the way to maximise enhancement and avoid or minimise harm and provide a statement which sets out necessary mitigation measures to achieving this.

All proposals which would impact upon the setting of a designated heritage asset must be accompanied by a clear heritage statement providing details of the proposed development and the assessment outlined in this Policy. They should give due consideration to all relevant policies within the Development Management DPD.

Where appropriate, the Council will make use of Design Panels in determining that proposals are of the highest design standards and mitigate any impacts on the surrounding historic environment.

### **New Policy Provision – Registered Parks and Gardens**

- 3.5 The Parties agree that there is absence of policy provision in relation to registered parks and gardens and therefore agree that the following modification should be made to the plan to address this. Such a modification should include a new policy on the matter within the Development Management DPD which states the following:

#### **Policy DMXX: Registered Parks and Gardens**

*Proposals that conserve or, where appropriate, enhance the significance of a Registered Park and Garden and its setting will be supported.*

*Proposals that will affect a Registered Park and Garden and its setting should ensure that development takes into account its significance including its design, landscape appearance and any associated heritage values.*

*Proposals which would cause harm to the significance of a Registered Park and Garden or its setting will not be supported.*

**Policy DM40 Development affecting Non-Designated Heritage Assets or their Settings**

3.6 The Parties agree that Policy DM40 should be amended to include the following modifications:

**Policy DM40: Development Affecting Non-Designated Heritage Assets or their Settings**

Where a non-designated heritage asset is affected by development proposals, the effect of the application on its significance will be taken into account, and there will be a presumption in favour of conserving and, where appropriate, enhancing those elements which contribute to its significance.

All proposals which would impact upon a non-designated heritage asset must be accompanied by a clear heritage statement describing the significance of the heritage asset, including any contribution made by its setting, as well as providing details of the proposed development and its impact on the significance of the non-designated heritage asset.

The scale of harm or the loss of that significance will be weighed against the public benefits of the proposal in accordance with national planning guidance.

~~Where a non-designated heritage asset is affected by development proposals, there will be a presumption in favour of its retention. Any loss of the whole or part of such an asset will require clear and convincing justification. No loss will be permitted without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.~~

~~Any special features that contribute to an asset's significance should be retained and reinstated, where possible, in accordance with paragraph 135 of the National Planning Policy Framework.~~

Any extensions or alterations should be designed sympathetically, without detracting from or competing with the heritage asset. Proposals should relate appropriately in terms of siting, style, scale, massing, height and materials.

Proposals ~~within~~ affecting the setting of a non-designated heritage asset will be required to give due consideration to its significance and ensure that this is conserved ~~protected~~ or enhanced where possible.

New buildings and any associated landscaping within the curtilage of a non-designated heritage asset, or in close proximity to, should ensure that the setting is not compromised. Positive settings should be protected, preserved and where possible enhanced by new development which assists in better revealing the significance of the asset.

Where appropriate, the Council will make use of Design Panels in determining that proposals are of the highest design standards and mitigate any impacts on the surrounding historic environment.

**Policy DM41 Archaeology**

3.7 The Parties agree that Policy DM41 should be amended to include the following modifications:

**Policy DM41: Archaeology**

~~Development proposals that would have an adverse impact on nationally significant archaeological assets or their settings (whether scheduled or not) will not be permitted.~~

Development proposals should conserve and enhance those elements which contribute towards the significance of a scheduled monument or an archaeological site of national importance. Harm to

such elements will only be permitted where it is clearly justified and outweighed by the benefits of the proposal. Substantial harm or total loss of the significance of a scheduled monument or a site of national archaeological significance will be permitted only in exceptional circumstances.

Proposals affecting archaeological sites of less than national importance should conserve those elements which contribute to their significance in line with the importance of the remains.

Where development affecting such sites is acceptable in principle, the Council will ensure mitigation of damage through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the applicant will be required to make adequate provision for excavation and recording before or during development. Subsequent analysis, publication and dissemination of the findings will be required to be submitted to the local planning authority and deposited with the Historic Environment Record. The ability to record should not be a factor in deciding whether such a loss should be permitted.

In situations where it is considered that archaeological sites and monuments would be affected, applicants will be required to commission a desk-based assessment with reference to the Historic Environmental Record (HER), or greater investigation in some cases, before a planning application can be determined to allow for an informed and reasonable planning decision to be made.

~~Where development affecting such sites is acceptable in principle, the Council will ensure mitigation of damage through preservation of the remains in situ as a preferred option.~~

~~The Council will seek the preservation of archaeological assets unless it is not justified (for example where the need for development outweighs the importance of the asset). In these circumstances, the development will not be permitted to commence until satisfactory provision has been made for a programme of investigation and recording. However, the ability to record should not be a factor in deciding whether such a loss should be permitted.~~

#### **Policy DM46: Economic Development in Rural Areas**

3.8 The Parties agree that the following modification should be made to Criterion IV of Policy DM46:

The conservation or enhancement of sites of heritage, biodiversity or geodiversity value;

#### **4.0 Proposed Approach**

4.1 Should the Inspector accept the modifications suggested within the SoCG it is the view of the Parties that the proposed approach to the historic environment within the Local Plan is considered to be sound and in accordance with national planning policy. Should the Inspector accept the modifications suggested within the SoCG these should be subject to public consultation through the Proposed Modifications process to invite the comment on third parties.

