

South Oxfordshire Local Plan 2034

Publication Version Representation Form

Please return by 5pm on Monday 18 February 2019 to: Planning Policy, South Oxfordshire District Council, 135 Eastern Avenue, Milton Park, Milton, Abingdon, OX14 4SB or email it to planning.policy@southoxon.gov.uk

This form has two parts:

Part A – contact details

Part B – your comments / participation at oral examination

Part A

Are you responding as an: (please tick)

Agent
 Business or organisation
 Individual

Due to the plan-making process including an independent examination, a name and contact details are required for your comments to be considered. If you are acting on behalf of another organisation, please provide their details in column one and your company name and contact details in column two.

| | 1. Personal Details | 2. Agent Details (if applicable) |
|----------------------------------|-------------------------|----------------------------------|
| Title | Mrs | |
| Full Name | Helen | |
| Job Title (where relevant) | Marshall | |
| Organisation (where relevant) | CPRE OXFORDSHIRE | |
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Part B – Please use a separate sheet for each representation

For comments on the Local Plan, please provide the paragraph or policy to which your comments relates.

If you wish to comment on one of the evidence documents or the policies maps, please state the document title as well as the paragraph or policy reference.

Document / Policy / Paragraph:

ENV 6 – Historic Environment

Do you consider the Local Plan and supporting documents:

(1) are legally compliant

Yes

No

Don't know

(2) are sound

Yes

No

Don't know

(3) comply with the Duty to Cooperate

Yes

No

Don't know

Please provide further information in relation to the previous question. e.g. why you do or do not consider the Local Plan to be legally compliant or sound.

(SEE ALSO RESPONSES TO ENV7-10)

Policies ENV6 to ENV10 are in general **positively planned** with a good range of aspirations to conserve and enhance the historic environment, but in detail have some shortcomings and no commitment to a delivery framework for the partnership working that is laudably envisaged.

As drafted, these policies are unlikely to be as **effective** as they should be unless the parameters for informed decision-making judging the planning balance and delivering positive outcomes and effective reduction or offsetting of harm are much more clearly stated as applying generally to all heritage assets. As it stands, the draft is extremely repetitive and seeks to paraphrase NPPF in a way that is incomplete and or introduces misleading emphasis to issues where judgments are more subtly nuanced when the full NPPF tests are applied. A very much simpler reference to national policy would serve very much better and make the policies more concise AND more explicitly consistent with NPPF simply by virtue of NOT repeatedly trying (inaccurately) to paraphrase it.

At present the NPPF policies on the historic environment are repeated for different types of assets but to different extents and not in a fully consistent way. The effect is to apply NPPF in an inconsistent manner depending on the type of asset.

The most obvious discrepancy is in the very partial application of requirements for recording of assets to mitigate harm, which apart from only being partially applied is in any case not fully compliant with NPPF

Taken together policies ENV6-10 while appearing to be quite thorough in fact leave gaps and loopholes that make them not fully compliant with national policy or likely to be as effective in achieving the worthy objectives they aspire to as they should be.

Please set out any modifications you consider necessary to make the Local Plan legally compliant or sound, having regard to your comments above. (NB - any non-compliance with the duty to co-operate is incapable of modification at examination).

It will be helpful if you could put forward your suggested wording of any policy or text as precisely as possible.

The fairly extensive revisions proposed below retain the structure of the policies but have restructured the content in several cases to avoid repetition while also adding detailed points to plug gaps, clarify the issues and improve grammar etc. It has drawn heavily on the revised policy agreed between Historic England, CPRE and West Oxfordshire District Council in respect of the WODC Local Plan Examination, which started with a draft with almost identical wording to SODC.

Following the same principles, ENV6 is made more comprehensive in reflecting the principles of decision-making across all types of heritage asset in line with and closely reflecting NPPF, but without repeatedly paraphrasing the details of balancing heritage significance and harm with other public benefits.

The asset-specific policies refer back to ENV6 for this, but retain some comments especially pertinent to the asset type.

Overall, without adding length the proposed changes would result in a more comprehensive clearer and better constructed set of policies for this topic.

Amend as follows (~~deletions~~ bold strikethrough insertions bold underlined):

Policy ENV6: Historic environment

1. *The Council will seek to protect, conserve and enhance the District's historic environment. This includes all heritage assets including historic buildings and structures, Conservation Areas, landscapes and archaeology. Heritage assets are an irreplaceable resource, and will be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.*
2. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation (and the more important the asset, the greater the weight that will be given). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be made having regard to the scale of any harm or loss and the significance of the heritage asset.*
 - i) These judgments will be made against the considerations and criteria set out in national planning policy (NPPF 2018 paras 189 to 202)
2. *Proposals for new development should be sensitively designed and should not cause harm to the historic environment. Proposals that have an impact on heritage assets (designated and non-designated) will be supported particularly where they avoid or minimise harm and:*
 - i) *conserve or enhance the significance of the heritage asset and settings. The more important the heritage asset, the greater the weight that will be given to its conservation;*
 - ii) *make a positive contribution to local character and distinctiveness especially where identified as such by county and local landscape and historic landscape characterisations; (through high standards of design, reflecting its significance, including through the use of appropriate materials and construction techniques);*
 - iii) *make a positive contribution towards wider benefits;*

- iv) provide a viable future use for a heritage asset that is consistent with the conservation of its significance; and/or
- v) protect a heritage asset that is currently at risk.

3. The Council will work with landowners, developers, the community, Historic England and other stakeholders to:

- i) ensure that vacant historic buildings **and other assets** are appropriately re-used to prevent deterioration of condition;
- ii) ensure that alterations (~~internal or external to the fabric of the building eg. to improve energy efficiency~~), to **heritage assets** are balanced alongside the need to retain the integrity of the historic environment and to respect the character and significance of the asset;
- iii) identify criteria for assessing non-designated heritage assets and maintaining a ~~list~~ **database linked to GIS mapping** of such assets as ~~Locally Listed Buildings~~ **a Local Heritage List**;
- iv) encourage Heritage Partnership Agreements, particularly for Listed Buildings on any 'at risk' register;
- v) encourage better understanding of the significance of scheduled monuments on the "Heritage at Risk" Register and to aid in their protection;
- vi) seek to reduce the number of ~~buildings~~ **heritage assets** on the "Heritage at Risk" Register, **by safeguarding or restoring their historic interest in a sustainable, non-damaging use** ;
- vii) better understand the significance of Conservation Areas in the district through producing Conservation Area Character Appraisals and Management Plans; and
- viii) support Neighbourhood Development Plans where they seek to assess their heritage assets and add to the evidence base.

To deliver these actions the Council will seek to develop and adopt a formal Local Heritage Plan within 5 years of the adoption of this Plan in line with Historic England guidance to ensure that the positive benefits that the historic environment brings to resident communities.

4. In determining applications, considerable weight and importance will be given to conserving and/or enhancing the significance of designated heritage assets, including:

- **the special architectural and historic interest of Listed Buildings, with regard to their character, fabric and settings;**
- **the special architectural and historic interest, character and/or appearance of the District's Conservation Areas and their settings, including the contribution their surroundings make to their physical, visual and historic significance;**
- **the special archaeological and historic interest of nationally important monuments (whether Scheduled or not), both with regard to their fabric and their settings;**
- **the special cultural, architectural and historic interest of Registered Parks and Gardens, including the contribution their surroundings make to their physical, visual and historical significance.**

All planning applications affecting heritage assets will be required to include, in line with best practice and relevant national guidance and regulations, a description of the significance of any heritage assets affected including any contribution made by their setting; the full range of changes to fabric and perception of the assets that the proposals would entail; the effect of those impacts both positive and negative on the significance of the assets and the contribution they make to the area; and any measures proposed to avoid, reduce or offset any harm.

The level of detail in such assessments should be proportionate to the assets' importance and scale of impact, and may involve desk-based assessments, field survey techniques appropriate to the type of asset(s) involved and in some cases intrusive investigation/ sample excavation.

Where, in accordance with national policy, harm to or loss of significance to any heritage asset is considered to be outweighed by other material considerations, the harm should be minimised; and where nevertheless valuable evidence would be lost, such loss should be mitigated by a programme of appropriate investigations, recording and analysis. Planning permission will not be granted until this programme has been submitted to, and approved by, the local planning authority, and

development should not commence until these works have been satisfactorily undertaken by an appropriately qualified organisation.

Applicants will be required to report the results of any such investigations occasioned by their proposals to the relevant local and county authorities and records, including the Historic Environment Record; to deposit the archive of records and finds arising from such investigations in a publicly accessible repository as a resource for future research; and to ensure that the results and analysis of findings are published in an appropriate form.

Provision for recording, analysing, reporting, archiving and publishing evidence arising from investigations undertaken to assess the importance of the asset or to mitigate harm arising from the loss of evidence will not be considered as justifying the harm caused.

(Continue on page 4 if necessary)

Would you like to participate at the oral part of the examination, which takes place as part of the examination process? *

Yes No

* **Please note:** the inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the public hearing.

Signature:

(this can be electronic)

Date:

Sharing your personal details

All comments will be submitted in full to the Secretary of State alongside a submission version of the Local Plan. The Secretary of State will appoint an independent planning inspector, who will carry out an examination of the plan.

Your name, contact details and comments will also be shared with the planning inspector and a programme officer, who will act as a point of contact between the council, inspector and respondents. This means that you will be contacted by the programme officer (and where necessary the council) with updates on the Local Plan. This is required by Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Section 20 of the Planning and Compulsory Purchase Act 2004.

We have received assurance that the data passed to the planning inspector and programme officer will be kept securely and not used for any other purpose. The inspector and programme officer will retain the data up to six months after the plan has been adopted. South Oxfordshire District Council will hold the data for six years after the plan has been adopted.

Comments submitted by individuals will be published on our website alongside their name only. No other contact details will be published. Comments submitted by businesses and/or organisations will be published on our website including contact details. If you would like to know more about how we use and store your data, please visit www.southoxon.gov.uk/dataprotection

Future contact preferences

As explained in our data protection statement, in line with statutory regulations you will be contacted by the programme officer (and where necessary the council) with relevant updates on the Local Plan. South Oxfordshire and Vale of White Horse District Councils have a shared planning policy database. If you would like to be added to our database to receive updates on other planning policy consultations, please tick the relevant district box(es):

- I would like to be added to the database to receive planning policy updates for South Oxfordshire
- I would also like to be added to the database to receive planning policy updates for Vale of White Horse

Further comment: Please use this space to provide further comment on the relevant questions in this form. **You must state which question your comment relates to.**

Alternative formats of this form are available on request. Please email planning.policy@southoxon.gov.uk or call 01235 422600 (Text phone users add 18001 before you dial).

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