

# **EAST HERTFORDSHIRE DISTRICT COUNCIL DISTRICT PLAN EXAMINATION**

**Statement of Common Ground as agreed between:**

**1) Historic England**

**and**

**2) East Hertfordshire District Council**

**Date: October 2017**



## **Purpose**

1. To identify areas of common ground and any remaining areas of uncommon ground in relation to the representations made by Historic England to the East Herts Pre-Submission District Plan.

## **Background**

2. Historic England submitted representations on East Hertfordshire Pre Submission Local Plan (December 2016) relating to the historic environment and a number of site allocations.

## **Summary of Agreed Position**

3. Historic England has been engaged throughout the Plan-making process through various means such as through discussion on early stages of site assessment and, through to drafting the District Plan policies. This Statement identifies where areas of agreement have been reached, including where relevant, revised wording to policies and/or supporting text. It also identifies areas of uncommon ground. This Statement of Common Ground needs to be read alongside Historic England's Hearing Statements.

## **Areas of Common Ground**

### Buntingford

4. Historic England requested that Policy BUNT1 (Development in Buntingford) be amended to clarify that development is only appropriate where it protects or enhances the historic environment. However, it is now agreed that the policy has been substantially re-drafted in order to reflect the fact that a number of sites have received planning permission since 2011, and therefore it would no longer be appropriate to make such an amendment. In addition, it is agreed that other policies in the District Plan already outline the way in which the historic environment should be considered as part of development proposals.

### Bishop's Stortford

5. Historic England requested within their Pre Submission representations that Policy BISH5 (Bishop's Stortford South) Point (o) should refer to Wallbury Camp, and that it should set out a mitigation approach which includes careful layout, design and planted screening. As a result the following wording is agreed

Policy BISH5 (Bishop's Stortford South), Point (o)

Layout and orientation of spaces to facilitate views and vistas beyond the site, in particular towards Thorley church and Wallbury Camp, protecting and



enhancing the setting of listed buildings along London Road where necessary.  
This may be done through careful layout, design and planted screening;

#### Hertford

6. Historic England requested within their Pre Submission representations that Policy HERT2 (Mead Lane Area) be amended to reference the grade II listed Hertford East Station. As a result, the following amendment is agreed:

Policy HERT2 Mead Lane Area, new policy provision

(xx) development should protect, and where appropriate, enhance heritage assets and their settings, including the Grade II listed Hertford East Station and Signal Box, through appropriate mitigation measures.

7. In addition, Historic England also raised concerns about the potential impact of development West of Hertford (Policy HERT3) on heritage assets and the wider historic landscape, including the open landscaped Grade II\* listed Panshanger Park and the Grade I landscape around Hatfield House.
8. However, it is agreed that the provisions of Policy HERT3 will address these issues and that dialogue with the land promoters of each site has occurred on these matters. It is therefore considered that these concerns can be successfully addressed through the masterplanning process.

#### East of Welwyn Garden City

9. This development is a cross-boundary site, shared with Welwyn Hatfield Borough Council, included in the Welwyn Hatfield Local Plan (Policy SDS2) and the East Herts District Plan (Policy EWEL1). East Herts Council and Historic England are currently preparing a separate Statement of Common Ground which will provide further detail with regards to specific matters relating to this site. This will be submitted to the Examination in advance of the Stage 2 Joint Hearing Session in relation to this site.

#### Gilston Area

10. As part of its response to the Pre-Submission District Plan, Historic England stated that a Heritage Impact Assessment should be commissioned for the Gilston Area development. It is agreed that this work has now been completed, and that the HIA will inform the final version of the Concept Framework, as well as future masterplanning. Historic England still has concerns about the principle of development in this location with regards to the potential impacts on the historic environment as set out in the section, Areas of Uncommon Ground.



However, in order to provide an appropriate policy framework should the Inspector find the allocation sound, the following amendments to the District Plan are agreed:

#### Paragraph 11.2.9

Heritage: The site contains a number of heritage assets, including listed buildings and scheduled monuments. The development will be designed in order to ensure that these assets and their settings are conserved and, where appropriate, enhanced within the context of the overall development, through appropriate mitigation measures, having regard to the Heritage Impact Assessment (Montagu Evans, October 2017). Gilston Park (the designed landscape), a locally important historic asset, is also located within the Gilston Area. Development should be designed to respect this asset. ~~although it does not form part of the site allocation. The development will be designed in order to ensure that these assets are retained, and their setting protected within the context of the overall development.~~

#### Policy GA1 Gilston Area, Part III Point (o)

the protection and enhancement of heritage assets and their settings, both on-site and in the wider area through appropriate mitigation measures, having regard to the Heritage Impact Assessment. Gilston church and the Johnston Monument (both grade I listed), the moated site Scheduled Monuments at Eastwick, the Mount Scheduled Monument, and Gilston Park house (grade II\*) are of particular significance and sensitivity and any planning application should seek to ensure that these assets and their settings are conserved and, where appropriate, enhanced, through careful design, landscaping, open space, buffer zones, protection of key views and better management and interpretation of assets where appropriate.

#### Policy GA2 The River Stort Crossings, new Part II

Development proposals for both Stort Crossings should protect and, where appropriate, enhance heritage assets and their settings through appropriate mitigation measures, having regard to the Heritage Impact Assessment.

11. It is also agreed that a Strategy Diagram, similar to that produced for Land East of Welwyn Garden City (EWEL1), should be prepared and inserted into the District Plan. This will be agreed jointly between the Council, Historic England and the landowners.



## Chapter 21 – Heritage Assets

12. Historic England records that there are 16 rather than 15 Registered Parks and Gardens within East Herts. The following amendment is therefore agreed:

### Paragraph 21.2.2

~~15~~ **16** Registered Parks and Gardens of Special Historic Interest.

13. Historic England has also recommended that their preference is for Policy HA9 (Enabling Development) to be deleted as, by definition, such development would be contrary to the District Plan. The NPPF establishes how proposals for enabling development should be considered where they would conflict with adopted policy, and as such, Policy HA9 is not required. However, East Herts wishes to maintain a policy covering enabling development in order to ensure that there is clarity with regards to how such proposals would be assessed, taking account of the guidance that exists.
14. It is agreed that Part II of the policy be deleted, but that Part I is maintained. In addition, a minor modification is agreed for Part I in order to refer to Historic England's guidance in general terms. This will avoid the policy wording becoming outdated should the guidance change in future.

### Policy HA9 Enabling Development

I. Proposals for enabling development will be assessed having regard to in accordance with Historic England's latest guidance on enabling development. ~~'Enabling Development and the Conservation of Significant Places'~~.

~~II. Enabling development which would secure the future of a significant place, but would be contrary to other planning policy objectives, should be unacceptable unless:~~

~~(a) The benefits of a proposal for enabling development, which would secure the future conservation of a significant place, outweigh any public harm or loss consequent upon conflicts with and the departure from other District Plan policies;~~

~~(b) The proposal does not materially detract from the archaeological, architectural, historic, artistic, landscape or nature conservation of the site or its setting;~~

~~(c) The proposal avoids detrimental fragmentation of management of the place;~~

~~(d) The proposal is necessary to resolve problems arising from the inherent needs of the place;~~

~~(e) Sufficient subsidy is not available from any other source; and~~



~~(f) It is clearly demonstrated that the proposal is the minimum necessary to ensure the future of the site.~~

## **Areas of Uncommon Ground**

### Sustainability Appraisal

15. Historic England made comments on the Pre-Submission District Plan consultation raising concern about the Sustainability Appraisal (SA) supporting the District Plan. In particular there was concern that the SA did not give sufficient weight to the importance of the historic environment in its consideration of the alternatives, or indeed in the appraisal of the proposed Plan approach.
16. In order to help address these concerns, the Council's Sustainability Appraisal consultants will be making a number of amendments to the Sustainability Appraisal in order to better explain how the historic environment has been taken account of in their appraisal. These amendments to the SA, along with any others that will prove necessary following the Examination Hearings, will form part of the District Plan main modifications consultation in due course. However, given that these changes are still to be made this remains an area of uncommon ground at present.

### Gilston Area

17. Notwithstanding the agreed policy amendments identified above, Historic England considers that proposed development of the scale envisaged at the Gilston Area would result in serious harm to a number of designated heritage assets, which in some cases has the potential to amount to substantial harm.
18. For a number of years, Historic England has highlighted the need for a specific and detailed heritage appraisal for sites around Gilston. This was because of the likely impact of development in this area on the historic environment. Given that Historic England also has significant reservations about the robustness of the Sustainability Appraisal, Historic England question whether the allocation at the Gilston Area has been positively prepared or justified in NPPF terms for the following three reasons:
  - a) The land has been allocated for development contrary to the advice in the Green Belt Review prepared by Peter Brett Associates.
  - b) The Council has not produced either its own, or an independent, thorough assessment of the consideration of the impact of the proposed development upon the Historic Environment.
  - c) The developers' Heritage Impact Assessment, whilst helpful in identifying potential mitigation measures to address the impacts upon the Historic

Environment, fails to properly challenge the suitability of the allocation in terms of its impact upon the Historic Environment.

### **Commitment to Future Co-operation**

19. Both parties remain committed to effective co-operation on all matters relating to the Duty to Co-operate.

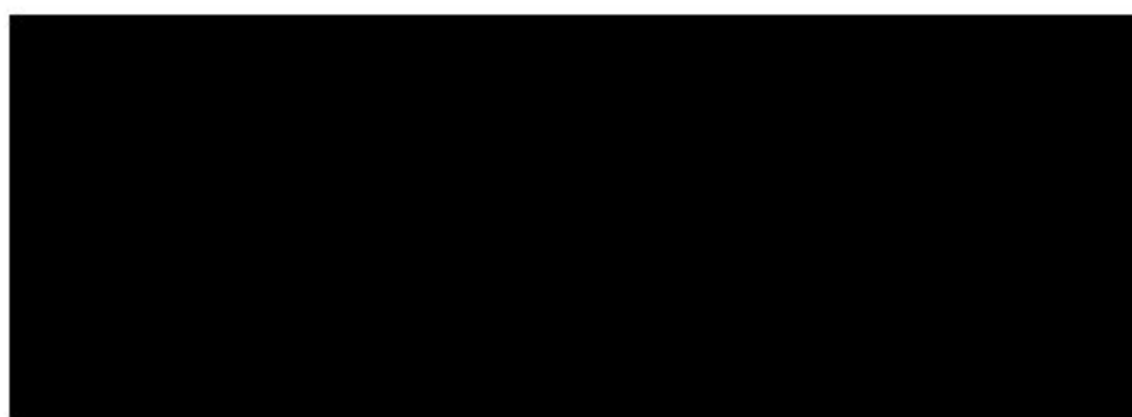
### **Masterplanning and Decision Making**

20. As strategic development sites come forward as planning applications, it will be necessary for Historic England to be invited to engage in the masterplanning process of these larger, more complex sites, particularly where there may be impacts on the historic environment. East Herts Council therefore agrees that Historic England will be consulted at an early stage in the masterplanning process to enable Historic England officers to determine their level of further involvement.

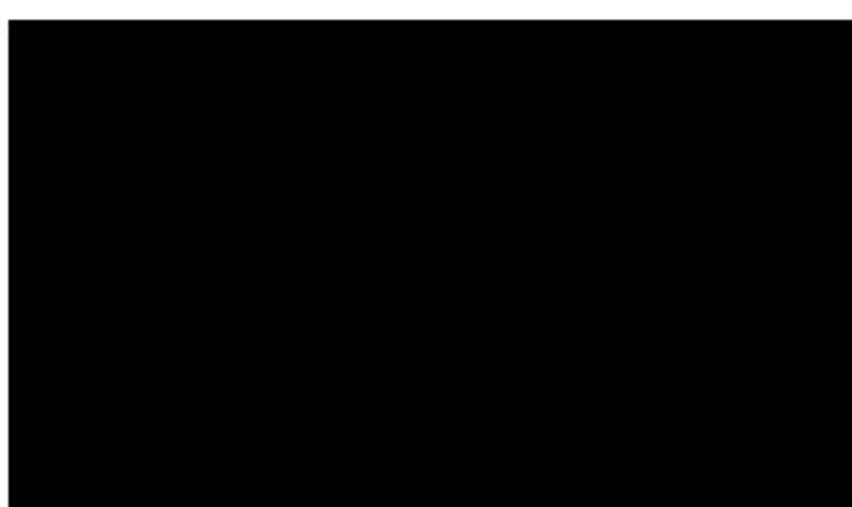
### **Approach to Review of Evidence**

21. Where new or revised evidence is required, the Council and Historic England will engage pro-actively on the preparation of technical briefs, throughout the evidence gathering and reporting stages as appropriate. This may involve attendance at meetings or through written representation as appropriate.

Signatories:



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Principal of Historic Places Team, Historic England



Cllr Linda Haysey  
Leader of East Herts Council