



Examination of Tendring Local Plan, Section 2

Matter 8 Protected Places

8.3 Historic Environment

Historic England, Hearing Statement

January 2021

Historic England is the principal Government adviser on the historic environment, advising it on planning and listed building consent applications, appeals and other matters generally affecting the historic environment. Historic England is consulted on Local Development Plans under the provisions of the duty to co-operate and provides advice to ensure that legislation and national policy in the National Planning Policy Framework are thereby reflected in local planning policy and practice.

The tests of soundness require that Local Development Plans should be positively prepared, justified, effective and consistent with national policy. Historic England's representations on the Publication Draft Local Plan are made in the context of the requirements of the National Planning Policy Framework ("the Framework") in relation to the historic environment as a component of sustainable development.

Historic England Hearing Statement

Introduction

- 1.1 This statement addresses the Inspector's questions with regards Matter 8 Protected Places of the Local Plan.
- 1.2 This hearing statement should be read alongside Historic England's comments submitted at previous consultation stages of the Local Plan. Our comments in previous responses in August 2015, Autumn 2016 and July 2017 still stand.

Matters and Issues for Tendring Local Plan, Section 2

Matter 8 Protected Places

Issue 8.3 - Historic Environment

Archaeology (PPL7) Conservation Areas (PPL8) Listed Buildings (PPL9), The Avenues Area of Special Character, Frinton-on-Sea (PPL11), The Gardens Area of Special Character, Clacton-on-Sea (PPL12)

Archaeology PPL7

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective? Are they supported by appropriate evidence?

- 2.1 In our representations on the Regulation 19 Plan in 2017 we commented that specific mention should be made of scheduled monuments in this policy.
- 2.2 We maintain that it would be helpful for the plan to include specific reference to scheduled monuments in this policy, in line with the requirements of the National Planning Policy Framework (NPPF), 2012.
- 2.3 We note that policy PPL3 now includes reference to designated and non-designated heritage assets but this policy applies to the rural landscape. Scheduled monuments and archaeology in general, can be found in both urban and rural contexts. Therefore this reference in policy PPL3 is not considered sufficient.
- 2.4 Furthermore, Policy PPL7, as currently worded, implies that development that may affect archaeological remains will be permitted if accompanied by a desk based assessment. Simply submitting an assessment does not mean that development will be permitted. Surely the findings of the desk based assessment are crucial in determining whether or not development should be permitted and if so, what conditions should be attached, from an archaeology perspective.
- 2.5 We therefore suggest that this policy is re-worded to make that position clear. This might require re-ordering of the paragraphs in the policy.

Conservation Areas (PPL8)

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective? Are they supported by appropriate evidence?

- 2.6 We suggest that references to character and appearance in this policy should more correctly read character or appearance, in line with the wording of the legislation. See Planning (Listed Buildings and Conservation Areas) Act 1990 Section 72 (1) and 73 (1).
- 2.7 Whilst we note the proposed modification and reference in the supporting text at paragraph 7.7.7 to the NPPF, we would expect the policy itself to include these tests and reflect the NPPF. The policy would benefit from setting out the tests for consideration of proposals likely to result in the loss of/harm to an element which contributes to the significance of a Conservation Area as expressed in the NPPF 2012 (paras 132-134).
- 2.8 Finally, as highlighted in our 2017 response, we consider that this policy requires amendment in order to address the designation of new conservation areas over the plan period and the preparation of conservation area management plans, appraisals or other relevant document which defines the character of individual conservation areas. We note the reference in paragraph 7.7.5 but the approach would be strengthened by reference within the policy itself.

Do the policies provide an appropriate approach to the consideration of trees within conservation areas?

- 2.9 We welcome the proposed modification to criterion d to include specific reference to trees in the Conservation Area policy.

Listed Buildings (PPL9)

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective? Are they supported by appropriate evidence?

- 2.10 Policy PPL9 provides a useful starting point in relation to listed buildings.
- 2.11 However, as currently drafted, the policy does not set out the tests for the consideration of proposals likely to result in the loss of/harm to an element which contributes to the significance of a Listed Building as expressed in the NPPF, 2012 (paras 132 – 134). Whilst we note the proposed modification

and reference to the NPPF in the supporting text at paragraph 7.7.7, we would expect the policy itself to include these tests and reflect the NPPF.

Do the policies provide an appropriate approach to the consideration of non-designated heritage assets?

- 2.12 We note that the council is proposing reference to designated and non-designated heritage assets in policy PPL3. This policy however applies to the rural landscape. Non-designated heritage assets can be found in both urban and rural contexts. Therefore this proposed reference in policy PPL3 is not considered sufficient. Policy provision for non-designated heritage assets in both the urban and rural contexts should be made in the Plan.
- 2.13 We also note that paragraph 7.7.3 of the supporting text states that the council will consider designating additional heritage assets which are of local importance. However, this is only in the supporting text and does not carry the same weight as it would if included as policy.
- 2.14 Our regulation 19 comments specifically requested provision for the allocation and management of non-designated heritage assets through a local list. Our Advice Note 7 - Local Heritage Listing provides further information in this regard. <https://www.historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/>
- 2.15 Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets. In some areas, local authorities identify some non-designated heritage assets as 'locally listed'.
- 2.16 A number of Authorities have set out criteria against which potential non-designated heritage assets would be assessed.
- 2.17 Paragraph 135 of the NPPF, 2012 states that such assets can merit consideration in planning matters, with the authority taking a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
- 2.18 Although, potentially any historic asset is capable of being a non-designated heritage asset, the NPPG makes it clear that the substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage interest for their significance to be a material consideration in the planning process

significance to be a material consideration in the planning process [NPPG, Paragraph 039 Reference ID: 18a-039-20140306].

- 2.19 Government guidance recognises that local lists and local criteria for identifying non-designated heritage assets are a positive thing and can help with decision-making:
<http://planningguidance.planningportal.gov.uk/blog/guidance/conserving-and-enhancing-the-historic-environment/what-are-non-designated-heritage-assets-and-how-important-are-they/>
- 2.20 We would therefore recommend that as a minimum a local authority has established criteria for identifying non-designated heritage assets, and ideally has a local list of assets linked to planning policies in their Local Plan.
- 2.21 Robust provision for these non-designated heritage assets will increase the soundness of the Plan.

The Avenues Area of Special Character, Frinton-on-Sea (PPL11), The Gardens Area of Special Character, Clacton-on-Sea (PPL12)

In particular in relation to policies PPL11 and PP12, “The Avenues” and “The Gardens” Areas of Special Character - are the reasons for designation clear and are the policies necessary and supported by up to date evidence?

Areas of special local character

- 2.22 Some local planning authorities, including Tendring, have chosen to rely on additional forms of local designation to manage their local historic environment. These generally take the form of areas of special local character, designed to capture historically important areas that fail to meet the criteria for designating conservation areas.
- 2.23 Although such areas of special character are generally used to identify areas based upon their architectural or townscape merits, they may also deal with other elements of the historic environment such as locally important landscapes or archaeology.

The Gardens

- 2.24 We note that the evidence base document for The Gardens Area of Special Character, Clacton-on-Sea **EB7.4.12 Clacton The Gardens Area of Special Character** is now over 30 years old.
- 2.25 Whilst many of the policies and provisions set out in that document may still be relevant, there would be a case of revisiting this document and ensuring an

up-to-date robust evidence basis for the policy, consistent with current national policy.

The Avenues

- 2.26 It is not clear what the evidence base is for The Avenues – this does not appear in the published list of Local Plan evidence base documents for the historic environment.

Heritage at Risk

- 2.27 Our representations on the Regulation 19 Plan highlighted the need for a policy basis to address heritage at risk.
- 2.28 There are a large number of heritage assets on the Heritage at Risk Register in Tendring. These include 5 Conservation Areas, 5 listed buildings including 2 places of worship and 9 scheduled monuments. Historic England is also actively supporting many of these assets through grant aid (e.g. Martello Tower ‘E’, Harwich Electric Palace Cinema, Harwich Treadwheel Crane and Harwich Redoubt.)
- 2.29 Whilst we note that heritage at risk is mentioned in paragraph 7.73 of the supporting text of the Plan and is also extensively referenced in the Council’s Heritage Strategy, there is no policy for Heritage at Risk in the Plan.
- 2.30 Including a policy within the Plan for Heritage at Risk would provide greater weight in addressing this important issue. We also recommend the creation and management of a local Heritage at Risk register for Grade II listed buildings. Similarly, we welcome positive local solutions for addressing all heritage at risk, whether nationally or locally identified.

Registered Parks and Gardens

- 2.31 Our representations on the Regulation 19 Plan highlighted the need for a policy basis to address Registered Parks and Gardens.
- 2.32 There are now four Registered Parks and Gardens in Tendring; Clacton Seafront Gardens, St Osyth’s Priory and Thorpe Hall and Beth Chatto Gardens, all listed at grade II.
- 2.33 Whilst we note that policy PPL3 The Rural Landscape mentions registered parks and gardens at criterion f, this policy applies to rural areas. Registered parks and gardens can be found in both urban and rural contexts (e.g. Clacton Seafront).

2.34 Therefore this reference in policy PPL3 is not considered sufficient. Specific separate policy provision for registered parks and gardens in both the urban and rural contexts should be made in the Plan.