

STATEMENT OF COMMON GROUND

BETWEEN

NORTH HERTFORDSHIRE DISTRICT COUNCIL (NHDC)

AND

HISTORIC ENGLAND

IN RESPECT OF

THE NORTH HERTFORDSHIRE LOCAL PLAN, PROPOSED SUBMISSION VERSION, NOVEMBER 2016

1 Introduction and scope

- 1.1 This Statement of Common Ground (SoCG) has been prepared jointly by North Hertfordshire District Council (NHDC) and Historic England.
- 1.2 The Statement sets out the confirmed points of agreement between NHDC and Historic England insofar as they relate to the proposed housing site allocations within the North Hertfordshire Local Plan to assist the Inspector during the hearing sessions to be held in February 2018.
- 1.3 Local Authorities are required through the Duty to Co-operate (the Duty) to engage constructively and actively on an on-going basis with prescribed bodies on planning matters that impact on more than one local planning area.
- 1.4 Paragraph 156 of the National Planning Policy Framework (NPPF) identifies a series of strategic priorities on which co-operation should be sought including conservation and enhancement of the natural and historic environment including landscape.
- 1.5 The NPPF requires Local Planning Authorities to work collaboratively with other bodies to make sure that these strategic priorities are properly co-ordinated across local boundaries and clearly reflected in individual Local Plans.
- 1.6 Local Planning authorities are expected to demonstrate evidence of having effectively cooperated to plan for issues with cross- boundary impacts when their Local Plans are submitted for examination.

2 Background

- 2.1 Historic England (formerly English Heritage) are a prescribed body under the Duty to Co-operate. Historic England have responded to public consultations and liaised with Officers as the Local Plan process has developed which has helped inform both the strategy and policy framework within the plan.
- 2.2 Comments received from Historic England have been taken into account during the preparation of the plan so that it addresses the requirements of the Duty and the NPPF and supports sustainable development.

- 2.3 Due to circumstances beyond their control, Historic England were unable to submit a response to NHDC's Proposed Submission Local Plan (2016) within the prescribed consultation period. A late response was submitted after the consultation closing date following an enquiry made by NHDC. Consistent with the approach taken by NHDC to other late representations, they were not submitted to the Examination.
- 2.4 However, in recognition of Historic England's role as a prescribed body under the Duty to Co-operate and a statutory consultee in both the plan-making and decision-taking processes, this SoCG has been prepared having regard to the issues that were raised by Historic England in their late response. This is attached as Appendix A for context.

3 Agreed Matters

Heritage Assessments and site-specific criteria

- 3.1 At the Preferred Options stage, Historic England (then English Heritage) provided detailed comments on a range of policies and proposed site allocations. This was supplemented by further advice on potential additional sites submitted in response to the Preferred Options consultation.
- 3.2 In light of this advice, the District Council produced a series of heritage assessments for key settlements, sites and / or locations where it was considered that a fuller understanding of the historic environment was required:
- Ashwell (NHDC Examination Library reference NHE1);
 - Baldock (NHE2);
 - Barkway (NHE3);
 - Hitchin (NHE4) with specific reference to the town centre;
 - Ickleford (NHE5); and
 - North Stevenage (NHE6)
- 3.3 This has been supplemented by information gathered through the Sustainability Appraisal. Together these have guided decisions on site selection and the setting of site specific criteria as set out in Policies SP14 to SP18 and Chapter 13 of the plan.
- 3.4 Historic England welcomes the production of heritage assessments to inform the evidence base, policies and supporting text for site allocations. It is agreed that, with the exception of Policy SP16 / site NS1 (see below), this approach provides an appropriate response to issues raised by Historic England at previous stages of formal and informal consultation.

North of Stevenage (Policy SP16 / site NS1)

- 3.5 The late response submitted by Historic England raised concerns over this allocation with regards to heritage assets within adjoining Stevenage Borough. Historic England consider that assessment of any impact upon the historic environment must be comprehensive and should not stop at the artificial limitations of administrative boundaries. As such, the impact of any development at this site must be particularly careful to address the setting and significance of the historic environment south of the district boundary with Stevenage.
- 3.6 NHDC have completed a heritage assessment (NHE6) in relation to this proposed allocation. This includes appropriate consideration of the heritage assets identified by Historic England.

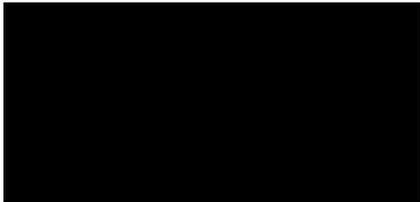
- 3.7 Policy SP16 in the plan as submitted requires sensitive consideration of heritage assets including the St Nicholas & Rectory Lane Conservation Area. To address the concerns of Historic England, proposed modifications to the policy and supporting text have been agreed to specifically include further references to the wider historic landscape. These are attached as Appendix B.
- 3.8 Subject to the inclusion of these modifications, Historic England considers that this policy makes appropriate provision for the historic environment.

Sustainability Appraisal

- 3.9 Historic England's late response raised several detailed points relating to the assessment and 'scoring' of potential significant effects in the Council's sustainability appraisal. It is agreed that these points will be reflected as necessary in a revised sustainability appraisal prior to the adoption of the plan. An agreed summary of the issues raised and the suggested response is included at Appendix C.

Conclusions

- 3.10 Historic England welcomes the proposed policy and supporting text amendments and additional heritage assessment undertaken by NHDC.

Name	Dr Natalie Gates	Cllr David Levett
Position	Principal, Historic Places Team	Executive Member for Planning & Enterprise
Signature		
Company	Historic England	North Hertfordshire District Council
Date:	01/02/2018	02/02/2018

Appendix A: Historic England's late response to Regulation 19 consultation



Historic England

Clare Skeels
North Hertfordshire District Council
PO Box 480
M33 0DE

Dear Clare,

**NORTH HERTFORDSHIRE DISTRICT COUNCIL LOCAL PLAN 2011-2031 – PROPOSED
SUBMISSION – OCTOBER 2016**

**DRAFT SUSTAINABILITY APPRAISAL OF NORTH HERTFORDSHIRE PROPOSED
SUBMISSION LOCALPLAN**

Local Plan

Thank you for consulting Historic England on the submission draft of the Local Plan 2011 - 2031 Proposed Submission Document. As a statutory consultee, our role is to ensure that the conservation of the historic environment is fully integrated into planning policy and that any policy documents make provision for a positive strategy for the preservation and enjoyment of the historic environment.

We very much welcome the references to the historic environment made throughout the proposed Local Plan and appreciate the effort made to acknowledge the positive contribution to character and placemaking that the historic environment can bring. The document has been set out clearly and is commendably accessible in format. We have some minor points to raise to ensure that the policy wording fully sets out the aims and aspirations for conserving the historic environment that has been well set out within the supporting text.

The limited amendments within this letter are suggested to make the application of the policies easier for decision-makers across the wide variety of applications that relate to the historic environment and are not intended to be considered as corrections. The plan has been written with consideration of the historic environment and, with some small alterations of wording to expand the consideration of relevant policies, will make a positive provision for the historic environment.

Strategic Policies

We are very encouraged to note that the plan makes provision for the historic environment within its strategic policy overview and welcome the references to heritage within the

supporting text and policy. We are pleased to note that landscapes are given prominence together with individual heritage assets. The historic environment encompasses more than listed buildings and other designated assets however and includes historic landscapes, associations of place and the characterful contribution of undesignated buildings, spaces and places.

In the light of this, we request that the sub-heading *Built Environment* (paragraphs 2.31 – 2.33 on page 15) be altered to *Historic Environment*. Similarly, we request that the phrase *heritage assets* within Policy SP1 (Sustainable Development in North Hertfordshire) is amended to the *historic environment* to fully reflect the aims of paragraphs 4.4 and 4.5 which eloquently set out some of the benefits of the wider historic environment.

Within Policy SP4 (Towns and Local Centres) we are pleased to note the support for development within historic centres that is appropriate to its environment in terms of scale, function historic and architectural character.

We appreciate that Policy SP13 (Historic Environment) is a strategic policy which leaves detailed policy wording to a more specific policies within the local plan. We are pleased to note however that the Council commits to pursuing a positive strategy for the conservation and enjoyment of the historic environment before detailing that it will achieve this through the retention, preservation and enhancement of heritage assets.

The supporting text sets out a positive aim to conserve the wider historic environment more generally and we would encourage that the policy wording specifically includes non-designated elements of the historic environment, recognising that it encompasses more than those structures on national or local lists.

We welcome the Council's intention to review and designate conservation areas and maintain a local list of heritage assets as set out within the supporting text on pages 58 and 59. We would welcome clarity within Paragraph 4.162 that Historic England maintains a Heritage at Risk Register (HAR) for Grade I and Grade II* listed structures. A HAR Register for structures nationally listed at Grade II and locally listed structures would need to be identified and administered locally and we fully support and encourage this. As written, the positive intention to maintain a local HAR register may be read as relating to locally listed structures only at the expense of Grade II listed buildings and this would benefit from a clarification. With this adjustment, we are confident that this strategic policy sets out a positive strategy for conservation of the historic environment.

We note that the site specific policies (Policies SP14 to SP19) make reference to the heritage assets in the immediate location and we support this approach. We will also expect the wider historic environment to be given due regard in line with other heritage related policies within the local plan when development schemes come forward.

Policy SP16 (Site NS1 – North of Stevenage)

The district of North Herts encompasses land immediately to the north of Stevenage Borough Council and the important regional town of Stevenage. Assessment of any impact on the historic environment must be comprehensive and should not stop at the artificial limitations of administrative boundaries. As such, the impact of any development at this site must be particularly careful to address the setting and significance of the historic environment south of the district boundary within Stevenage.

Stevenage has two Grade I listed structures; both of which abut the open landscape north of the town which lies partially within Stevenage Borough Council's jurisdiction and partly within North Hertfordshire together with seven other listed buildings. Both the seventeenth-century country house of Rook's Nest (the inspiration for EM Forster's Howard's End) and the twelfth-century Church of St Nicholas have strong associations with their surrounding landscape, a large part of which is designated as the St Nicholas' and Rectory Conservation Area. A large part of the historic landscape should be considered to be the setting for these historic buildings contributing to their significance.

In response to the Stevenage District Plan, Historic England has objected to the allocation of this area for housing, directly abutting and linked to the housing allocation site NS1 within East Herts district, to the south of Graveley. As this site is to be taken forward, the policy wording should acknowledge the significance of the surrounding historic landscape and relate it directly to both Grade I listed Rook's Nest and the Grade I listed Church of St Nicholas and, significantly, the open landscape within Stevenage.

Historic England recommend that the policy and supporting text should include reference to this wider historic landscape and that in our view, omission of this reference results in a policy does not make appropriate provision for the historic environment.

Development Management Policies

We support the fact that Policy ETC7 (Scattered local shops and services) will allow development where it complements the character of an area.

We welcome reference to opportunities for economic growth and tourism represented by the historic environment as identified in Paragraph 5.40. We request that Policy ETC8 (Tourism) allows for the approval of economic development where it is appropriate with regard to the historic environment. A similar provision would also be welcome in Policy CGB1 (Rural areas beyond the Green Belt). At present, this is not explicitly included as it has been successfully within the wording of Policy ETC7 (Scattered local shops and services), noted above.

Policy CBG4 (Existing rural buildings) deals with extensions to buildings in rural landscapes. Again we would welcome reference to conversion of rural buildings as appropriate only where this is appropriate to the historic environment (whether landscape character or built heritage) amongst other considerations. This is particularly important for rural commissions which are often buildings of some historic merit.

We welcome the references to character and setting within Policy D2 (Housing extensions, replacement dwellings and outbuildings). We note that extensions to a building may be sympathetic to the host building (and therefore appropriate with regard to this policy) but may not be appropriate to a neighbouring building or wider setting. We request that the historic environment is provided for within the policy wording for extensions, to reflect the provision you have made for the historic environment with replacement dwellings within the same policy.

We are pleased to note that the local context of the site is appropriately referenced within Policy HC1 (Community facilities). We welcome the specific provision for landscapes made through Policies NE1 (Landscapes) and NE12 (Renewable and low carbon energy developments).

Historic Environment Policies

We are pleased to see the level of detail that has gone into North Hertfordshire's historic environment policy section. The policies seek to set out a positive strategy for conservation of the historic environment and broadly do so. We offer the following amendments to ensure that the policies capture the wide variety of development proposals that include elements of the historic environment.

Policy HE1 (Designated heritage assets)

We would expect that any scheme of development for a designated heritage asset to be accompanied by a proportionate assessment of the asset's significance to inform decision makers. As such, we request that the words *impacted by the proposal* are removed from Point (i) of the policy as this may be open to interpretation at cost to the historic environment.

In all other respects this policy works well for designated heritage assets. We would like to raise the issue of undesignated and non-designated heritage assets, such as locally listed structures and landscapes, which are excluded from consideration through the use of the word *designated*. These are usually of historic interest for reasons relating to local history, distinctiveness and community value and should be of merit in the consideration of planning applications.

We recommend that either you remove the word *designated* from the policy title and wording to reflect this or equivalent wording is introduced into Policy HE3 (Local heritage) where it relates to non-designated heritage assets.

Policy HE2 (Heritage at risk)

We are pleased to note that the Council has set out a specific policy to protect and promote heritage at risk and are satisfied that the aims of this policy will achieve the intentions set out in the supporting text. We strongly recommend that the word *restore* in the policy wording is amended to *conserve* as restoration has a specific meaning in conservation practice and may

demand a more onerous and potentially inappropriate standard of conservation for owners and developers seeking to address heritage at risk.

Policy HE4 (Archaeology)

We are pleased to see that archaeology has been addressed comprehensively within the local plan. To ensure that this policy applies comprehensively to areas of high archaeological potential we seek the following minor wording change:

Permission for development proposals affecting ~~heritage assets with archaeological interest~~ areas of archaeological significance will be granted where

This will ensure that developments that may affect areas of archaeological potential are appropriately considered even in the absence of any heritage asset within the scheme as intended by the wording of Paragraph 12.16 of the supporting text. Without this amendment, schemes that affect areas of archaeological potential but do not include a heritage asset within the scheme itself would not be subject to the policy.

Communities Policies

We are pleased that individual policy guidance for individual settlements contains references to specific heritage assets that should be considered in subsequent development schemes.

We expect that Historic England and the Council will be able to reflect on individual applications as they come forward but setting out specific assets in this way is a positive way of drawing the attention of developers and local residents to primary considerations of the historic environment in each of these locations and we support the approach.

Summary

We welcome the proposed submission document as a well written plan document with a positive commitment to conserving the historic environment. With the minor amendments that we have suggested and the more substantial change relating to Policy SP16 (Site NS1 – North of Stevenage), we will be pleased to support the plan's adoption.

In preparation of all local plan documents, and subsequent decisions, we encourage you to draw on the knowledge of local conservation officers, the county archaeologist and local heritage groups.

Finally, we should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals which may subsequently arise where we consider that these would have an adverse effect upon the historic environment.

If you have any questions with regards to the comments made then please do get back to me. In the meantime, we look forward to continuing to work with you and your colleagues in the preparation of the Local Plan documents.

Sustainability Appraisal

We have briefly reviewed the Sustainability Appraisal and make the following comments. We are concerned that the inter-plan cumulative effects concentrates on the impacts of traffic across the boundary of Stevenage with no consideration given to the cumulative impacts of site allocations to the historic environment (specifically the historic landscape between Stevenage and the village of Graveley, much of which is designated a Conservation Area and forms the setting of many listed buildings including the Grade I Rook's Nest and Grade I Church of St Nicholas. None of the potential cumulative impacts of site allocation and site specific policies (or other policies) are considered under cumulative effects. We are concerned that the Sites AS1, RY1 and NS1 would potentially have detrimental impacts of the surrounding historic landscape. Sites AS1 and RY1 are acknowledged as likely affecting the setting of Scheduled Monuments within the Sustainability Appraisal. No such acknowledgement is made with regard to NS1 and this raises concerns with regard to the methodology.

We are supportive of the monitoring questions that relate to the number of planning applications granted on land of moderate or high sensitivity and the number of planning applications granted contrary to the advice of Historic England. We recommend that this is widened to assess the number of applications that are refused within this landscape or in line with Historic England recommendations as this would better reflect development pressure and plan efficacy. This might be widened out to assess the number of applications that affect designated assets and their settings.

We are pleased to note that one of the objectives of the SA is to preserve and enhance the historic environment (Strategic Objective ENV5). We also note with concern that there is a recognised conflict between promoting town centres and brownfield development and associated impacts in settlements and built heritage setting impacts.

We note with particular concern that an assessment of Policy NS1 states that development would be close to Graveley village and is likely to have a significant impact on views from the village and its distinctiveness as a settlement without appropriate mitigation measures. The assessment identifies a number of nearby designated heritage assets but fails to note the Grade I Rook's Nest and Church of St Nicholas and their wider landscape setting which, in both cases, is an intrinsic part of their significance. This is minimally addressed in the Sustainability Appraisal and correspondingly, is minimally addressed in the Local Plan.

We would welcome a review of these points before Examination in Public.

Appendix B: Agreed proposed modifications to Policy SP16 and supporting text

Proposed additional text is shown in **bold**. Text to be deleted is shown in the form of ~~strike through~~.

Ref.	Policy / Paragraph	Modification	Reason(s)
p.65	Policy SP16(h)	<p>Sensitive consideration of existing settlements, landscape features and heritage assets including:</p> <ul style="list-style-type: none"> i. Graveley village and Conservation Area; ii. The St Nicholas & Rectory Lane Conservation Area including the Grade I listed St Nicholas Church and Rook's Nest; iii. Chesfield Park; iv. Church of St Etheldreda; and v. Manor Farm. 	For effectiveness. To ensure appropriate consideration and treatment of the historic environment
p.66	Paragraph 4.200	<p>The site is in close proximity to a number of heritage assets. Sensitive design and layout will be required to ensure that any harm to their settings is minimised. Assessment of any impact upon the historic environment must be comprehensive and should not stop at the administrative boundary. To the south-east of the site, the adjoining land within Stevenage Borough is known colloquially as 'Forster Country' in recognition of author EM Forster. His childhood home of Rook's Nest is Grade I listed with a large part of its historic landscape setting protected by a the St Nicholas' and Rectory Lane Conservation Area. This conservation area also contains and provides the setting for a Grade I listed, twelfth century church.</p>	For effectiveness. To ensure appropriate consideration and treatment of the historic environment

Appendix C: NHDC response to Historic England comments on the North Herts Submission Local Plan SA

Historic England comment	NHDC response	Suggested changes to be included in final SA
<p>We are concerned that the inter-plan cumulative effects concentrates on the impacts of traffic across the boundary of Stevenage with no consideration given to the cumulative impacts of site allocations to the historic environment (specifically the historic landscape between Stevenage and the village of Graveley, much of which is designated a Conservation Area and forms the setting of many listed buildings including the Grade 1 Rooks Nest and Grade 1 Church of St Nicholas). None of the potential cumulative impacts of site allocations and site specific policies or other policies are considered under cumulative effects.</p>	<p>It is accepted that the inter-plan cumulative effects should also note the effect on the historic landscape between Stevenage and Graveley.</p>	<p>Include in table 34 in the main SA report the following text in the first row: <i>“The development of the NS1 site and the adjacent site across the border in Stevenage is likely to have a cumulative effect on the historic landscape including the setting of the Gravely Conservation Area and the St Nicholas/Rectory Land Conservation Area (the latter within Stevenage Borough, and containing the Grade 1 Rooks Nest and Grade 1 Church of St Nicholas.)”</i></p>
<p>We are concerned that sites AS1, RY1, and NS1 would potentially have detrimental impacts on the surrounding historic landscape. Sites AS1 and RY1 are acknowledged as likely affecting the setting of scheduled monuments within the sustainability appraisal. No such acknowledgement as made with regard to NS1 and this raises concerns with regard to methodology.</p>	<p>It is agreed that NS1 should be referenced in this discussion.</p>	<p>Reference the potential significant effect of site RY1 on the surrounding historic landscape as follows: Table 35 in the main report – add the following to the end of the discussion on the potential residual effect on the setting of heritage assets: <i>“and impacts on the setting of Conservation Areas (including cross-boundary impacts) relating to site NS1.”</i></p>
<p>We are supportive of the monitoring questions that relate to the number of planning applications granted on land of moderate or high sensitivity and the number of planning applications granted contrary to the advice of historic England. We recommend that this is widened to assess the number of applications that are refused within this landscape or in line with historic England recommendations as this would better reflect development pressure and plan efficacy. This might be widened out to assess the number of applications that affect designated assets and their settings.</p>	<p>It is agreed that it would be useful to include additional indicators to better reflect development pressure.</p>	<p>Include the following additional indicators in table 36 in the main SA report:</p> <ul style="list-style-type: none"> • Number of applications refused within landscapes of moderate or high sensitivity • Number of applications referred to conservation officer / county archaeology / Historic England • Number of applications refused in line with Historic England recommendations.

Historic England comment	NHDC response	Suggested changes to be included in final SA
<p>We are pleased to note that one of the objectives of the SA is to preserve and enhance the historic environment (Strategic Objective Env 5). We also note with concern that there is a recognized conflict between promoting town centres and brownfield development and associated impacts in settlements and built heritage setting impacts.</p>	<p>Noted. In fact ENV5 is a Local Plan objective, but it is also a SA objective (3(c)).</p>	<p>None needed</p>
<p>We note with particular concern that an assessment of Policy NS1 states that development would be close to Graveley Village and is likely to have a significant impact on views from the village and its distinctiveness as a settlement without appropriate mitigation measures. The assessment identifies a number of nearby designated heritage assets but fails to note the Grade 1 Rooks Nest and Church of St Nicholas and their wider landscape setting which in both cases, is an intrinsic part of their significance. This is minimally addressed in the Sustainability Appraisal and correspondingly is minimally addressed in the Local Plan.</p>	<p>It is accepted that the cross-boundary impacts on the St Nicholas/Rectory Lane Conservation Area, and its designated heritage assets should be included in the assessment of site NS1. It is also accepted that impacts on the wider historic landscape should also be identified more clearly.</p>	<p>Update Appendix 6 (summary and appraisal matrix) to specifically reference these impacts. Update Appendix 8 (Mitigation Table – Strategic Sites) to reference these impacts and link with the mitigation provided in Policy SP16.</p>