

Policy Evidence Report

Policy 18: Historic Environment

**Hertfordshire Minerals and Waste
Local Plan 2040**

Hertfordshire County Council



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1. Introduction

- 1.1. Hertfordshire County Council is reviewing its adopted Minerals Local Plan, Waste Local Plan and supporting documents. These comprise the following documents (with adoption date):
- Minerals Local Plan Review (March 2007)
 - Minerals Consultation Areas SPD (November 2007)
 - Waste Core Strategy and Development Management Policies DPD (November 2012)
 - Waste Site Allocations DPD (July 2014)
 - Employment Land Areas of Search SPD (November 2015)
- 1.2. The documents listed above are to be replaced by a single Minerals and Waste Local Plan (MWLP) covering the period to 2040. The new MWLP sets the overall spatial framework and development management policies for sustainable minerals and waste management development in Hertfordshire.
- 1.3. This Policy Evidence Report provides a context and justification for the creation of Policy 18: Historic Environment in the emerging Minerals and Waste Local Plan. It also contains a reasoning for the changes made to the policy between the Draft Plan publication and the Proposed Submission Plan publication.

2. National Policy Context

- 2.1. The National Planning Policy Framework (NPPF 2023) and National Planning Practice Guidance (PPG) provide the basis of national planning policy.
- 2.2. The following points within the NPPF relate to Policy 18:
- Paragraph 195 – *‘Heritage assets range from sites and buildings of local historic value to those of the highest significance, ... These assets are an irreplaceable resource, and should 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.’*
 - Paragraph 196 states that plans should set out a positive strategy to conserve the historic environment which *‘should take into account:*
 - a) *the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*
 - b) *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
 - c) *the desirability of new development making a positive contribution to local character and distinctiveness; and*

- d) *opportunities to draw on the contribution made by the historic environment to the character of a place.'*
- Paragraph 200 – *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.'*
- Paragraph 201 – *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*
- Paragraph 205 – *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
- Paragraph 212 – *'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.'*

2.3. The PPG includes a number of relevant sections:

- *'The principal issues that mineral planning authorities should address ... include: archaeological and heritage features ... '*
Paragraph: 013 Reference ID: 27-013-20140306
- *'The planning system controls the development and use of land in the public interest and ... this includes ensuring that new development is appropriate for its location – taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution.'*
Paragraph: 012 Reference ID: 27-012-20140306

2.4. The National Planning Policy for Waste (NPPW) sets out a locational criteria (Appendix B) to be used in the preparation of local plans and determining of planning applications. The criteria includes: *'e. conserving the historic environment Considerations will include the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting.'*

3. Local Context

3.1. Hertfordshire's environment contains an interesting variety of archaeology, buildings and structures, areas of historic landscape, conservation areas and historic parks and gardens (including Registered Parks and Gardens).

- 3.2. There are around 180 Scheduled Monuments throughout the county with certain concentrations around historic towns in the north, such as St Albans, and along communication routes, such as the Lee Valley. There are a significant number of Listed Buildings with concentrations in the county's historic towns such as Hertford and St Albans.
- 3.3. There are 110 Grade I, 477 Grade II* and 7,491 Grade II listed buildings. There are 46 Registered Parks and Gardens of special historic interest in Hertfordshire, as listed by Historic England and these include 2 Grade I, 10 Grade II* and 34 Grade II parks and gardens.
- 3.4. As well as all of the known heritage assets, there are many non-designated heritage assets and archaeology sites in Hertfordshire. They may be of equal significance and must be considered during waste planning and development to ensure these areas and assets are safeguarded.

4. Minerals & Waste Local Plan Policy

- 4.1. The Draft Minerals and Waste Local Plan was published for a Regulation 18 public consultation from 22 July to 30 September 2022. During the consultation period, members of the public, industry and other bodies were invited to comment on the policies within the Plan. This report shows the draft policy as published within the Draft Plan document, along with the main issues raised and the council's response to them.

Minerals and Waste Local Plan Draft Plan 2022

- 4.2. The Regulation 18 Draft Plan document included Policy 18: Historic Environment. The policy read as follows:

Policy 18: Historic Environment

Development proposals will be supported where it can be demonstrated that they will protect, conserve and, where appropriate, enhance the historic environment.

Development proposals which affect a heritage asset (both designated and non-designated) and/or its setting must be accompanied by a Heritage Statement, which as a minimum should include:

- a) a description of the significance of any heritage asset affected by the proposal;
- b) details of any contribution made by its setting;
- c) the integrity and distinctiveness of the asset; and
- d) the level of impact on the character and value of the asset.

The Heritage Statement should be informed by an appropriate desk-based assessment and, where necessary, a field evaluation, which will be linked to a Landscape and Visual Impact Assessment or Landscape and Visual Appraisal.

Any assessment should be proportionate to the significance of the asset and should use relevant historic, archaeological and environmental sources, the Historic Environment Record and appropriate expertise, to inform any mitigation measures required. Developers must make the results of any assessments publicly accessible to promote the understanding of the heritage asset.

Development proposals, particularly those relating to mineral extraction, may be required to carry out archaeological investigations to determine the presence or otherwise of buried remains.

- 4.3. During the Regulation 18 consultation, 6 representations were made in relation to this policy. The main issues of these are summarised below:
- a) It is recommended that Policy 18 be reworded, requiring proposals to preserve and where appropriate enhance the historic environment. The change should also be reflected in Appendix 2 paragraph 3.25.
 - b) It is advised that the policy includes provision for appropriate assessment of heritage assets and currently unknown heritage assets.
 - c) The opening paragraph of the supporting text refers only to designated assets, it should cover undesignated assets.
 - d) It would be helpful if it could clarify the special circumstances of minerals extraction for the historic environment.
 - e) It is considered that the policy be expanded to reference post approval controls such as the approval and implementation of a WSI (Written Scheme of Investigation), making it consistent to NPPF (2021) paragraph 205 (now paragraph 211 in NPPF Dec 2023).
 - f) We are pleased to see reference to 'setting' in relation to Listed Buildings at paragraph 5.142, but remind the Council that all heritage assets have settings, so recommend you either add the word 'setting' after all heritage assets listed, or else remove the reference to setting from paragraph 5.142 altogether

4.4. The council's response to the main issues is as follows:

- a) The policy already states that 'development proposals will be supported where it can be demonstrated that they will protect, conserve and, where appropriate, enhance ...'. Wording to Appendix will be amended to reflect this.
- b) The requirement for a Heritage Statement covers both non-designated assets and also requires the use of archaeological sources, thereby addressing unknown heritage assets. The policy also recognises that certain development,

such as mineral extraction, may be required to carry out archaeological investigations. No change therefore required.

- c) Undesignated assets are covered later in the supporting text, no change therefore required.
- d) Some of these are covered in paragraph 5.148 (of the Regulation 18 Plan). It is not possible to list all potential circumstances.
- e) The policy already requires the findings of any assessments to be made public, therefore text relating specifically to Written Schemes of Investigation is not required.
- f) Suggested changes will be made.

5. Alternative Reasonable Options

5.1. The following reasonable alternative options have been considered (and fully assessed in the Sustainability Appraisal Report):

- Option 1 – A policy which supports proposals where it can be demonstrated that they will protect, conserve and, where appropriate, enhance the historic environment, requiring an assessment of impact
- Option 2 – Similar to Option 1 but with the requirement of a full Heritage Statement and where necessary, archaeological investigations (preferred)
- Option 3 – A similar policy to Option 1, with less restrictive considerations required of the historic environment

6. Conclusion

6.1. This Policy Evidence Report demonstrates the justification for the inclusion of this policy in the emerging Minerals and Waste Local Plan Proposed Submission Plan. It summarises the national policy context and local context, along with the main issues raised through previous consultation and how the council has addressed those issues.

6.2. Any representations received on this policy at the Regulation 19 consultation stage will be submitted alongside the Local Plan to the Secretary of State as part of the examination process.

6.3. This Policy Evidence Report was written to support the Proposed Submission Plan (Regulation 19) consultation. This report forms part of the Regulation 22 statement, as set out by the Town and Country Planning (Local Planning) (England) Regulations 2012.