



Publication Draft Colchester Local Plan: Section Two

Statement of Common Ground with Historic England

March 2021

1. Purpose

The purpose of this Statement of Common Ground is to identify areas of common ground and any unresolved issues in relation to the representations made by Historic England to the Colchester Publication Draft Local Plan Section 2.

2. Background

Historic England submitted representations to the Colchester Publication Draft Local Plan (June 2017) relating to the historic environment and a number of site allocations.

A Statement of Common Ground between the North Essex Authorities and Historic England has been prepared in relation to the Section 1 Shared Strategic Plan.

3. Summary of Agreed Position

Historic England has been engaged throughout the plan-making process. This Statement identifies where areas of agreement have been reached, including revised wording to policies and/or supporting text. The table in section 6 summarises Historic England's representations and the agreement reached between Colchester Borough Council and Historic England. This Statement also identifies unresolved issues in section 5. Areas of support are summarised in the next section.

4. Areas of support

Historic England submitted representations of support, as summarised below:

- a) We welcome the inclusion of the reference to the setting of important heritage assets in criterion (i) of policy DM9 (representation number 6984).
- b) We welcome the inclusion within policy DM7 of the requirement that re-use of historic farm buildings should maintain and enhance the historic environment (representation number 6983).
- c) We support the inclusion of the sentence in (c) of policy DM6 that there is a presumption that heritage assets will be retained rather than replaced and welcome the clarification in paragraph 15.28 (representation number 6982).
- d) We welcome the inclusion of the reference, in paragraph 14.188 (which supports policy SS11), to the listed buildings and the need for them to be protected and enhanced as part of any development proposal. As the neighbourhood plan and the site allocations are developed, consideration of these heritage assets and their setting is required in order to determine appropriate locations and densities for growth (representation number 6977).
- e) We welcome the reference, in paragraph 14.148 (which supports policy SS4), to the need to protect the setting of any listed buildings close to the Queensbury Avenue site (representation number 6971).
- f) We welcome the identification of the proximity of grade II Hill House, Martyn's Croft and Brook Hall to the proposed allocation in the supporting text (of policy

SS3). We welcome reference in policy SS3 to good design and landscaping (representation number 6970).

- g) We welcome the inclusion of references to the protection of Wivenhoe House in paragraph 14.71 (which supports policy EC1) and the reference to the same and the Registered Park and Garden in policy EC1 (representation number 6964).
- h) Historic England welcome a specific policy within the plan for the AONB (policy ENV4) linked to its special qualities and the inclusion of our recommended amendment to the second paragraph we requested at the Preferred Options stage (representation number 6958).
- i) Historic England welcome the reference to 'heritage assets' in policy ENV2 and the change to the wording in paragraph 13.16 (representation number 6957).

5. Unresolved issues

- a) Historic England considers that paragraph 12.11 should be amended to refer to both landscape and historic character rather than growth being considered appropriate to landscape character. In Table SG1 reference is made to settlements preparing Neighbourhood Plans. As currently drafted, this identification of Neighbourhood Plans will become out of date during the lifetime of the Local Plan. HE suggest that this should be clarified. (representation number 6950)

The LPA do not consider that a modification to the Local Plan is necessary. Paragraph 12.11 is part of a series of paragraphs, which explain and justify the spatial strategy, which is set out in policy SG1. Paragraph 12.11 explains that growth planned for in the Borough's Sustainable Settlements is considered "appropriate to the size of the settlement, local landscape character, other constraints, identified need and the availability of infrastructure". Whilst the historic environment was considered in relation to the assessment and identification of allocations, this paragraph relates to the process of establishing the scale of growth suitable for each Sustainable Settlement, not specific allocations.

It is acknowledged that the list of Neighbourhood Plans will become out of date during the plan period. However, it is important to list the emerging and made Neighbourhood Plans. The relevant site specific policies make reference to the relevant Neighbourhood Plan and any housing requirement and/or allocations. The Authority Monitoring Report will provide an annual update on the status of Neighbourhood Plans and report any new Neighbourhood Planning groups.

- b) The policy as written will soon become out of date. We recommend that the policy is amended to clarify the status of those Neighbourhood Plans in development and be clear as to at what stage they will form part of the

Development Plan for Colchester. The policy should also allow for new Neighbourhood Plans to come forward. (Representation number 6955)

It is acknowledged that the list of Neighbourhood Plans will become out of date during the plan period. However, it is important to list the emerging and made Neighbourhood Plans. The relevant site specific policies make reference to the relevant Neighbourhood Plan and any housing requirement and/or allocations. The Authority Monitoring Report will provide an annual update on the status of Neighbourhood Plans and report any new Neighbourhood Planning groups. Neighbourhood Plans will form part of the development plan once they are made. This does not need to be explained in policy SG8. Policy SG8 does not restrict any new Neighbourhood Plans from coming forward and the LPA has a good track record of supporting neighbourhood planning groups. Indeed, the LPA assisted Boxted and Myland and Braiswick neighbourhood planning groups and these were the first neighbourhood plans to be made in Essex.

- c) We are disappointed to note that this policy has been amended since the Preferred Options Draft Local Plan July 2016 in that the following sentence has been removed: "The Town Centre boasts important historic character which must be protected and enhanced by all development as set out in Policy DM16 Historic Environment and relevant supporting guidance updated as required." Given the significance of the historic environment of Colchester town centre, and the omission of a reference to the historic town centres in policy SG6, we recommend that the sentence is reinstated into Policy TC1.

The Council does not disagree with the significance of the historic character of the Town Centre, but considers that the issue is appropriately covered in other parts of the plan, DM16 in particular, and does not need to be duplicated in the policy wording for TC1.

- d) We welcome the reference in policy EC3 to heritage assets at the East Bay Mill site. We note that the Magdalen Street Development Brief (adopted in February 2014) does refer to the heritage assets on the site, however, we recommend that for clarity reference is made in policy EC3 to requirements for heritage statements under policy DM16 as well as the reference to policy PP1. (Representation number 6966)

The LPA consider that it is not necessary to cross refer to policies PP1 and DM16. Policy PP1 applies to all development proposals and policy DM16 applies to all development likely to affect the historic environment.

- e) We note the policy in the adopted Boxted Neighbourhood Plan relating to the Hill Farm site. However, we suggest that clarity as to the applicability of policy PP1 and DM16 would be useful in policy SS2 (cf. comments for policy PP1 above). (Representation number 6969)

Policy PP1 is relevant to all development proposals. The LPA consider that it would be unnecessary repetition to include the criteria referred to in each of the site specific policies. Policy PP1 will also apply to unallocated sites.

- f) Historic England has made representations in relation to a number of Sustainable Settlement policies that the policy has changed significantly since the Preferred Options Draft Local Plan consultation in July 2016 (representation numbers 6973 to SS6, 6974 to SS7, 6976 to SS9 and 6978 to SS12a). At that time reference was made in site specific policies to the protection of listed buildings and to the potential archaeological significance. However, these references have now been removed and reference to policy PP1, unlike in other site allocations, has not been included.

Rather than repeat criteria relevant to all allocations the LPA has included policy PP1 (Generic Infrastructure and Mitigation Requirements) in the Local Plan. Policy PP1 lists criteria which will be relevant to all development proposals, including sites that are not allocated in the Local Plan. Criteria (v) states that suitable design and screening/landscaping may be required to minimise any negative impact on the surrounding landscape and/or listed buildings, and criteria (vi) relates to potential archaeological significance. Each of the Sustainable Settlement policies begins by stating that “in addition to the infrastructure and mitigation requirements identified in policy PP1...”. This makes it clear that the criteria in policy PP1 is relevant to each allocation.

The Sustainable Settlement policies have been amended however, to acknowledge the affect of development on specific named historic assets. Policies SS1, SS4, SS6, SS7 and SS9 are proposed to be amended with a list of specific historic assets which would be affected by proposed allocations that yet to receive planning permission. This approach reflects that agreed for Section 1, where SP9 Tendring Colchester Borders Garden Community was amended to provide a list of historic assets affected by the Garden Community.

6. Areas of common ground

COLCHESTER BOROUGH COUNCIL /HISTORIC ENGLAND AGREED AMENDMENTS TO LOCAL PLAN SECTION TWO

Rep number	Local Plan Section or Policy	Historic England Representation	LPA's agreed response with Historic England
6948	Vision	Support text on distinctive and thriving villages and protecting and enhancing landscape, but should include similar vision for the historic environment. Currently, vision is too Town focused. Objectives should also include more explicit reference to whole Borough's historic environment.	<p>The vision has an urban focus as it is the urban area of Colchester that will see most change over the plan period. Rural Colchester is included in the vision. The vision it to protect and enhance the Borough's villages, beautiful landscapes and coastal areas. It is agreed that reference should be made to heritage assets in the vision and the following modification is agreed to the end of the second paragraph of the vision:</p> <p>“Colchester’s heritage will continue to be a source of pride and community identity and heritage assets will be protected and enhanced.”</p> <p>One of the Places objectives is to promote high quality design and sustain Colchester’s historic character. The following additional reference to heritage assets is agreed to the first objective under Places:</p> <p>“Ensure the unique qualities of different communities and environments, paying particular attention to heritage assets, in the Borough are identified, protected and enhanced....”</p>
6954	SG6	Given the historic nature of many of the town centres across the borough it is considered that an additional criterion should be added to this policy requiring that	<p>The table of Minor Modifications includes the addition of the following criterion to policy SG6:</p> <p>“the proposal protects and enhances the special historic character of the town centres.”</p>

		<p>proposals do not have a detrimental impact on the historic environment. The suggested criterion is:</p> <p>"x) the proposal protects and enhances the special historic character of the town centres."</p>	
6956	ENV1	<p>HE welcomes renaming of chapter and Policy ENV1 to Environment along with references to historic environment. Paragraph 13.12 needs clarifying to explain what is meant by "without harm to the built environment" in respect of the historic environment in its widest sense. This could be done through by adding: "...without harm to the built and historic environment." The historic environment is a non-renewable source. Paragraph 13.14 should set out how the suite of strategic and development management policies deliver the protection of the historic environment beyond policy DM16.</p>	<p>The following modification is agreed to the final sentence of paragraph 13.12: "... without harm to the built and historic environment."</p> <p>The following modification is agreed as an addition to the end of paragraph 13.14: "The Local Plan as a whole protects heritage assets through general and site specific policy criteria, which ensures that the protection of heritage assets is an integral part of every aspect of the Local Plan."</p>
6959	CC1	<p>HE welcome amendment to policy CC1 (vii) following our previous representations, paragraph 13.54 needs clarification to support this change. Attention should be drawn to the types and groups of heritage assets and traditionally built buildings which are exempt from and those where special considerations apply in respect of certain energy efficiency measures. Any policy encouraging energy efficiency should note that the application will be different in relation to certain classes of historic buildings.</p>	<p>The following modification is agreed to the end of the first sentence of paragraph 13.54: "where appropriate", followed by the addition of the following sentence: "Appropriate energy efficiency measures for historic buildings will vary in relation to certain classes of historic buildings."</p>
6960	PP1	<p>HE concerned that where references to heritage assets and archaeological investigation have been removed from site specific policies it is not clear when criteria (v) and (vi) are 'relevant' to these site specific</p>	<p>Policy PP1 is relevant to all development proposals. It would be unnecessary repetition to include the criteria referred to in each of the site specific policies. Policy PP1 will also apply to unallocated sites.</p>

		<p>policies in the terms of policy PP1. Welcome, in principle, the inclusion of criteria for the historic environment in this new policy in criteria (v) and (vi). In criterion (v) we recommend an amendment to delete the reference to "listed buildings" and replace it with "heritage assets" for consistency with the NPPF. Recommend review of criterion (vi) on pre-determination evaluations.</p>	<p>It is agreed that 'listed buildings' in criteria (v) of policy PP1 should be amended to 'heritage assets'.</p>
6962	TC3	<p>Cross-referencing to requirements in PP1 and DM16 required. Relocate text on importance of heritage assets to give it greater prominence. Strengthen wording on heritage assets and their setting at Vineyard Gate, the St Botolph's area, Priory Walk and Britannia and St Runwalds Car Parks.</p>	<p>The table of Minor Modifications includes the addition of the following sentence above Residential Allocations: "Development will need to protect and enhance the character of the conservation area, listed buildings, heritage assets and their setting on and in the vicinity of the site, including where appropriate, the Scheduled Monument (Town Walls);"</p>
6963	TC4	<p>The infrastructure that can accompany transport works in historic areas can have a significant detrimental impact on the setting and character of the area. Insensitively positioned bus shelters, traffic signs and lampposts can easily damage the quality of the area and we therefore ask that a further sentence is added to the policy as follows:</p> <p>"The positioning and size of bus shelters, signs and other highways infrastructure must have regard to the historic character of the area and setting of heritage assets."</p>	<p>The table of Minor Modifications includes the addition of the following to the end of policy TC4: "The positioning and size of bus shelters, signs and other highways infrastructure must have regard to the historic character of the area and setting of heritage assets."</p>
6965	EC2	<p>Our comments on the July 2016 consultation highlighted that Hythe has been a conservation area</p>	<p>The following new paragraph is agreed to be inserted after paragraph 14.75:</p>

		at risk for a number of years. We welcome reference in paragraph 14.75 and the policy to the need to secure viable re-use of heritage assets. However, more articulation in the supporting text about the historic character of the area and buildings, why they are at risk and how they can support the regeneration of the area would make policy EC2 (iv) clearer.	“The Hythe Conservation Area includes the historic port of the Hythe, the medieval church of St Leonard’s and a number of listed buildings, in addition to later infill and some modern regeneration. Development proposals must ensure that it responds to the distinctive historic character. Every opportunity should be taken to enhance heritage assets and reinforce the significance of the Hythe Conservation Area.”
6967	WC1	We reiterate our comments at the previous consultation stage that though Stanway has an established economic role and has seen much new development, there remain a number of listed buildings in the area whose setting and continued beneficial use should be considered as the area is identified for growth.	It is agreed that following sentence should be added to paragraph 14.94 after the third sentence: “There are a number of listed buildings in the area whose setting and continued beneficial use should be considered as the area continues to develop.”
6968	WC3	We welcome the reference in policy WC3 to the scheduled monument but note that current terminology is scheduled monument rather than scheduled ancient monument and recommend a small amendment to bring it in line with the NPPF.	It is agreed that reference to ‘Scheduled Ancient Monument’ should be amended to ‘Scheduled Monument’ .
6972	SS5	The emerging Eight Ash Green Neighbourhood Plan preferred location for growth could potentially impact on the setting of grade II listed building (Fiddler’s Farmhouse). As the Neighbourhood Plan and the site allocations are developed consideration of this heritage asset and its setting is required in order to determine appropriate locations and densities for growth.	The Eight Ash Green Neighbourhood Plan group was made aware of this representation as reflected in the now adopted Neighbourhood Plan for Eight Ash Green.
6973	SS6	Reinstate reference to specific listed buildings in relation to the protection of listed buildings and to the potential archaeological significance	Add criteria iv) Conserve, and where appropriate, enhance the significance of heritage assets (including any

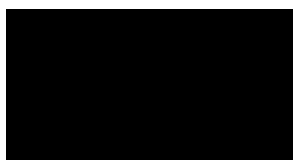
			contribution made by their settings). Designated heritage assets close to the site include the Grade II Plummers Farmhouse, Grade II Thrifts Cottage and Plummers Green Monument.
6974	SS7	Reinstate reference to specific listed buildings in relation to the protection of listed buildings and to the potential archaeological significance	Modify criteria (iv) of School Lane allocation: Development will safeguard the setting of the Church of England School building as a grade 2 listed building and other heritage assets on The Causeway must conserve, and where appropriate, enhance the significance of heritage assets (including any contribution made by their settings). Designated heritage assets close to the site include the Grade II Church of England School, School House and Oak Cottage.
6975	SS8	We welcome the reference in paragraph 14.173 and the policy to the need to safeguard the setting of the adjacent conservation area and listed building (Rectory Cottage). However, the policy currently is worded on the basis of minimising negative impacts rather than requiring positive action from the development. We suggest the policy is amended as follows: "ii) Suitable design and screening/landscaping to maintain and, where possible, enhance the character and setting of the adjacent Conservation Area and listed building (Rectory Cottage)."	It is agreed that criteria (ii) of policy SS8 (in relation to Land on Brook Road) is amended as follows: "ii) Suitable design and screening/landscaping to maintain and, where possible, enhance the character and setting of minimise any negative impact on the adjacent Conservation Area and listed building (Rectory Cottage)."
6976	SS9	Reinstate reference to specific listed buildings in relation to the protection of listed buildings and to the potential archaeological significance	<i>Amend Wick Road text –</i> (ii) Development must conserve, and where appropriate, enhance the significance of heritage assets (including any contribution made by their settings). Designated heritage assets close to the sites include the Grade II New House.

			Amend School Road text- Criteria (iii) to read A design and layout which protects and enhances the listed building including their setting including suitable screening/landscaping. Development must conserve, and where appropriate, enhance the significance of heritage assets (including any contribution made by their settings). Designated heritage assets close to the sites include the Grade II School Farmhouse.
6979	SS12b	We recommend that 'historic assets' referred to in policy SS12b (ii) is replaced with 'heritage assets' for consistency with the NPPF.	It is agreed that 'historic assets' referred to in policy SS12b (ii) is amended to ' heritage assets '.
6980	SS16	We note that whilst we were consulted on the SEA for Wivenhoe's Neighbourhood Plan we cannot find any record of being consulted on the Neighbourhood Plan itself. We note from a review of documents on their website that that the neighbourhood plan has now reached the examination. Given the allocation bordering the grade II 14, 15 and 16 Colchester Road, we recommend that policy SS16 is updated to ensure that the policy provisions in respect of heritage assets are not diminished in respect of this allocation.	The Wivenhoe Neighbourhood Plan was 'made' in May 2019 and includes a section and policies on heritage and townscape.
6981	DM5	Welcome reference to Colchester's 'rich historic environment'. We reiterate our concerns raised at the Preferred Options Draft Local Plan consultation in July 2016 in that whilst the policy covers a wide range of different development types and locations, we would suggest that the policy could not only require	The table of Minor Modifications includes the amendment of the first paragraph of policy DM5 as follows: "... will be supported in suitable locations subject to minimising impact on, and demonstrating how the

		development to "...minimise their impact on neighbouring areas..." but also ensure that consideration is given to how such developments could make a positive contribution	development could make a positive contribution to neighbouring areas".
6985	DM13	We welcome the inclusion of criterion (v) in this part of the policy to prevent the loss of buildings which make a positive contribution to a rural conservation area. In considering paragraph 135 of the NPPF, and following on from our previous advice, we suggest that a positively worded criterion be considered: "There is a presumption in favour of retaining properties considered to be heritage assets and/or properties which positively contribute to the character of a rural conservation area..."	The table of Minor Modifications includes the addition of the following text under criterion (v) of policy DM13: "Note: There is a presumption in favour of retaining properties considered to be heritage assets and/or properties which positively contribute to the character of a rural conservation area."
6987	DM16	HE welcomes local policy on historic environment subject to minor wording changes provided. Recommend a small amendment in first paragraph to omit 'adversely affects' from sentence reading (including development that adversely affects in the setting of heritage assets)...". In paragraph two we would recommend that small amendment is made: "...or better reveal the significance of the heritage asset, in the first instance, unless there are not identifiable opportunities available where possible." Delete in the first instance, unless there are not identifiable opportunities available. Clarify character appraisals are an example of methods to identify historic assets. Include cross references to ENV1 and PP1. Additional issues, no specific wording provided - Widen commitment to locally significant heritage assets. Consider heritage at risk.	The table of Minor Modifications includes the following amendment to the first paragraph of policy DM16: "... Development that will lead to substantial harm to or total loss of significance of a listed building, conservation area, historic park or garden or important archaeological remains (including development that adversely affects in the setting of heritage assets)... The following amendment to the second paragraph of policy DM16: "...or better reveal the significance of the heritage asset, in the first instance, unless there are not identifiable opportunities available where possible." The following amendment to the penultimate sentence of the second paragraph of policy DM16:

			“In instances where existing features have a negative impact on the historic environment, as identified through character appraisals, (or other method of identification of historic assets) , the LPA...”
6988	DM25	<p>HE disappointed that the effects on heritage assets, particularly nationally designated assets, is not considered by the policy. The policy covers a wide range of renewable energy generation from micro-generation and solar panels on buildings, solar farms, and on-shore and off shore wind farms. All have significant potential to impact on the significance of heritage assets and consideration of their status, as outlined in policy CC1 above, should be made in both policy DM25 and the supporting text.</p> <p>Consideration of the status of heritage assets, as outlined in policy CC1, should be made in both policy DM25 and the supporting text.</p>	<p>The following amendment is agreed to the seventh paragraph of policy DM25: “Renewable energy schemes with potential for adverse effects on internationally or nationally designated nature conservation sites, sites or nationally designated landscapes (Dedham Vale AONB) and heritage assets, will only be supported in exceptional circumstances,....”</p>

Signed



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