



Colchester Borough Council

**Independent Examination – Section 2 Colchester
Borough Local Plan 2017-2033**

Hearing Statement – Local Planning Authority

Main Matter 16 – Historic Environment Policies

April 2021

Main Matter 16 – Policy DM16 – Historic Environment

Is the Historic Environment policy justified by appropriate available evidence, having regard to national guidance, and local context, and CLP 1?

- 16.1 Yes, the Historic Environment policy, DM16, is justified by appropriate available evidence, having regard to national guidance, local context, and CLP1, particularly policy SP6. Policy DM16 is consistent with Section 12 ‘Conserving and enhancing the historic environment’ of the 2012 NPPF. Further to paragraph 126, the policy sets out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.
- 16.2 Evidence on the Borough’s rich historic environment is contained in the 2009 Historic Environment Characterisation report (ref [EBC 4.66](#)). The Council’s selection process for allocations in the plan took account of the historic environment in the criteria included in both the Sustainability Appraisal ([CBC2.2](#)) and Strategic Housing Land Availability Assessment ([EBC 2.17](#)).
- 16.3 Adopted Section 1 Policy SP6, Place Shaping Principles, requires that all new development should, inter alia:
- “Respond positively to local character and context to preserve and enhance the quality of existing communities and their environs; and
 - Protect and enhance assets of historical or natural value.”

Policy DM16 follows on from these objectives and provides clear criteria to guide consideration of the historic environment aspects of development proposals, as noted in the next question in this Matter 16 statement.

- 16.4 Input from Historic England to the Section 1 examination process resulted in modifications to the plan to strengthen the requirement for Heritage Impact Assessment work to underpin the Development Plan Document and guide planning for the Garden Community at Tendring Colchester Borders. Colchester and Tendring Councils have accordingly now commissioned consultants (Turleys) who are close to completing a Heritage Impact Assessment which covers both the Garden Community and the Section 2 allocations for each of the two authorities. The report will be added to the Council’s Evidence Base when completed. The work follows the methodology prescribed by Historic England in its Advice Note 3 on The Historic Environment and Site Allocations in Local Plans. Each of the allocations in the Place Policies section will therefore be supported by a comprehensive analysis of the significance, sensitivity and

importance of relevant heritage assets. This addresses the point made in NPPF para 132 that the more important the asset, the greater the weight that should be afforded. Any recommended minor modifications arising from this will be put forward during the Examination if required.

- 16.5 The representation from Historic England (HE) proposes minor modifications to Section 2 which have been largely accepted by the Council, as demonstrated in the Statement of Common Ground agreed between the two bodies (to be available on the Examination Statement of Common Ground webpage). This includes three minor wording changes to Policy DM16 required for clarity. The SoCG also includes minor modifications for other policies which have been agreed by both parties. Areas of uncommon ground are limited to issues of how the list of Neighbourhood Plans is kept current, the extent to which mentioning the historic nature of the Town Centre needs to be made in the Plan, and the Council's preference for a generic policy covering some infrastructure and mitigation issues (PP1) rather than repetition of these requirements in each policy. No areas of uncommon ground on policy DM16 remain between the two bodies.

Does policy DM16 provide clear direction as to how a decision maker should react to a development proposal?

- 16.6 Yes, policy DM16 provides clear direction as to how a decision maker should react to a development proposal in its provision of criteria for evaluating proposals involving heritage assets. In the first instance, any proposal leading to substantial harm or total loss of significance to a heritage asset must demonstrate that exceptional circumstances apply where the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
- 16.7 Policy DM16 then provides clear requirements concerning the need to conserve and enhance the significance of heritage assets, and where appropriate to remove features that undermine the historic environment. The policy outlines the Council's commitment to safeguard the historic environment by designating Conservation Areas and Local Lists; by ensuring the preservation and enhancement of Listed Buildings, Scheduled Monuments, and Historic Parks and Gardens; and by ensuring that sites of archaeological interest will be clearly identified and protected.
- 16.8 To achieve this conservation and enhancement, policy DM16 requires the submission of Heritage Statements and/or Archaeological Evaluations which will

ensure a comprehensive assessment of heritage and archaeological resources and consequential agreement on any required enhancement and/or mitigation measures.

- 16.9 As noted above, the Council has accepted the three minor wording changes proposed by Historic England and these are included in the Schedule of Proposed Modifications (to be available on the Examination Statement of Common Ground webpage). No further modifications are considered to be required.