

# Cotswold District Local Plan 2018 – 2031 Update

## Town and Country Planning (Local Planning) Regulations 2012

### Regulation 18 “Issues and Options” consultation/participation

#### Evidence Paper: Historic Environment

#### 1. Local Plan Objectives

Through the use of appropriate planning policies in the development management process: a. Conserve and enhance the high quality, local distinctiveness and diversity of the natural and historic environment.

b. Ensure that new development is of high quality and sustainable design, which reflects local character and distinctiveness, is appropriately sited, and provides attractive and inclusive environments.

#### 2. NPPF, NPPG and other material considerations

##### 2.1 NPPF requires that local planning authorities:

- set out in their plans a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy 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.(185)
- maintain or have access to a historic environment record.(187)
- make information about the historic environment, gathered as part of policy-making or development management, publicly accessible (188)
- 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. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

2.2 At paragraphs 189 - 199 NPPF sets out relatively detailed development management policy relating to proposals affecting heritage assets.

2.3 **Historic England** has issued guidance relating to the [historic environment in local plans](#) The guidance includes advice relating to the preparation of strategies referred to at NPPF

185 (pp 3-5). Although the guidance was published in 2015 and relates to an earlier version of the NPPF it is still linked to in the HE website. HE has published an [assessment](#) of the effect of the 2019 version of the NPPF on the guidance (no substantive change).

2.4 [Cotswold District Council's Corporate Strategy](#) has no aims or actions relating specifically to the historic environment.

### 3. Background evidence and Sustainability Appraisal – setting out the issues

3.1 The [Sustainability Appraisal \(SA\) Scoping Report](#) says that the key sustainability issues for this topic area are:

- ensuring that heritage assets are managed and maintained appropriately;
- managing change which protects and enhances the historic environment for future generations while meeting the needs of current occupiers and users, for example the move from retail uses;
- using the historic environment as an “inspiration” for the design of new developments;
- relatively few non-ecclesiastical listed buildings are deemed to be at risk; however, it is still crucial that these are addressed (Scheduled Ancient Monuments);
- the need to consider the impacts of climate change on the historic environment;
- within the Council there is an increase in interest regarding how the historic environment can deliver on the climate change agenda;
- the impact of the proposed change affecting Use Class E - allowing change to Class C3 (dwelling houses) as permitted development - although it should be noted that listed buildings and buildings within Scheduled Monuments are not affected by this change.

3.2 The SA Scoping Report recommends that action may be required (amber) to address:

- insufficient data and evidence to ascertain whether the Local Plan policies are achieving their objectives (i.e. monitoring required).
- managing the impacts of climate change on heritage assets.
- new ways to repurpose historic retail premises.

### 4. Current Local Plan policy

4.1 Relevant Local Plan policies are:

- EN1 Built, Natural and Historic Environment
- EN2 Design of the Built and Natural Environment
- EN4 The Wider Natural and Historic Landscape
- EN10 Historic Environment: Designated Heritage Assets
- EN11 Historic Environment: Designated Heritage Assets - Conservation Areas
- EN12 Historic Environment: Non-designated Heritage Assets
- EN13 Historic Environment: The Conversion of Non-Domestic Historic Buildings

4.2 The [Local Plan Review](#) has assessed these policies. It has identified EN2, EN12 and EN13 as requiring update. Policy EN2 relates to the Cotswold Design Code and is the subject of a

separate Topic Paper. Policies EN12 and EN13 require minor modification to bring them into full conformity with the current iteration of the NPPF.

- 4.3 The findings of the Local Plan Review have been reassessed having particular regard to the potential impacts on heritage assets of mitigating and adapting to the climate change emergency. Any mitigation and adaptation measures - such as the installation of renewable energy infrastructure - plainly need to be implemented with appropriate care. It is considered that a new policy is required that addresses this. The details are set out in the following section.

## 5. Potential Policy Responses

- 5.1 The requirements of NPPF paragraph 185 and the Historic England (HE) guidance on preparation of strategies for the conservation and enjoyment of the historic environment are fairly clear. Although it refers in several places to the Council's "Historic Environment Strategy", the Local Plan does not set out a "positive strategy" in the form recommended by the HE guidance.

- 5.2 A topic paper produced by the Council in 2014 sets out a "positive strategy for the historic environment of the District -

- To ensure that the historic environment continues to contribute to the special character, identity and quality of life of the District.
- To ensure the conservation and enhancement of the historic environment of the District for future generations, including both designated and undesignated heritage assets, their settings and the wider historic landscape.
- To ensure that the interplay of the built and natural environment, which is key to the special character of the District is fully understood and considered.
- To increase public understanding, awareness and enjoyment of and access to our heritage for both residents and visitors
- To support the vital tourist economy of the District, for which heritage is a key element.
- To ensure that the historic environment is used as a key driver and focus for inward investment, regeneration and redevelopment, particularly within our historic market towns.
- To explore ways in which new developments can be successfully integrated with the existing historic environment
- To create and support strong partnerships between public, private and voluntary sectors
- To support organisations applying for funding and maximise the opportunities for external funding to benefit the historic environment.
- To ensure that heritage assets and their settings as well as the wider historic environment are appropriately managed and maintained, whether in public or private ownership.
- To encourage wider community involvement in the historic environment, for example through neighbourhood planning"

- 5.3 Comparing this with the detailed HE guidance (issued in 2015) there are several differences. The fundamental one is that the CDC HE Strategy is primarily a set of aims and objectives

that do not, in themselves, constitute a strategy (which would address *how* those aims and objectives are to be implemented). While it is not entirely wide of the mark, the CDC strategy as stated does not overtly engage and integrate the historic environment into the Local Plan in the pro-active way the HE guidance envisages:

- **Building a strong, competitive economy** – How might the plan conserve and enhance the quality of the historic environment in order to encourage tourism, help create successful places for businesses to locate and attract inward investment? What opportunities are there for heritage-led regeneration?
- **Ensuring the vitality of town centres** – What role can the historic environment play in increasing the vitality and attractiveness of town and village centres?
- **Supporting a prosperous rural economy** – What opportunities does the reuse or adaptation of traditional buildings provide for supporting the rural economy or providing homes for local people? What potential is there for new heritage-led tourism initiatives?
- **Promoting sustainable transport** – How might new roads and other transport infrastructure be delivered in a manner which also conserves the historic environment of the area? Could the introduction of sustainable transport initiatives offer related opportunities for heritage through improving street/ traffic management or public realm enhancement at the same time?
- **Delivering a wide choice of high quality homes** – How might the plan encourage adaptive reuse of historic buildings? How might new residential developments best be integrated into historic areas?
- **Requiring good design** – How might the defining characteristics of each part of the plan area be reinforced in the approach to design?
- **Meeting the challenge of climate change, flooding and coastal change** – How might flood prevention measures be provided which also safeguard the heritage assets in the area? How might the strategy for renewable energy developments and associated infrastructure reduce the potential harm to the historic environment? A key challenge will be to balance the societal benefits of conserving heritage assets against the increasingly severe impacts of unchecked climate change.
- **Conserving and enhancing the natural environment** – How might the plan best identify, protect and enhance important historic landscapes? What contribution might the strategy for improving the Green Infrastructure network also make to the enhancement of the area's heritage assets? The key challenge will be to balance the conservation of heritage assets against the increasingly severe impacts of unchecked climate change.

5.4 The CDC HE Strategy pre-dates the Historic England guidance. At the time the CDC HE Strategy was being prepared there was no clear guidance on what “a positive strategy for the conservation and enjoyment of the historic environment” actually entailed. It is an ambiguous phrase that allows considerable latitude for interpretation. So although it would be unfair to

label the CDC HE Strategy as “wrong” within the context of its preparation, subsequently issued guidance has placed a different emphasis and interpretation on the NPPF requirement.

5.5 When the current Local Plan was examined in 2017/2018 its approach to the Historic Environment was not found to be unsound. HE did not attend the hearings. Secondly, the task at hand is to update the Local Plan to bring it into line with key changes in national policy and to take account of other material planning considerations affecting the Plan since its adoption in 2018. While it is acknowledged that the adopted Local Plan does not set out a “positive strategy” precisely as envisaged in the HE guidance, it is also the case that to integrate such an approach into the Local Plan would entail its deconstruction and rebuilding to ensure that a strategy of that nature was properly embedded. A strategy of that nature is not something that can simply be “bolted on”. Having regard to this and to the need to acquire the necessary supporting evidence - for which there is no allocated budget - it is considered that this is a matter for a subsequent full review of the Local Plan rather than this partial update.

5.6 The HE issues identified in the Local Plan Review are relatively minor and easily remedied in the update:

*Policy EN12 Historic Environment: Non-designated Heritage Assets*

5.7 The policy states that “Proposals for demolition or total loss of a non-designated heritage asset will be subject to a balanced assessment ...”. NPPF (para 203) states that: “... a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

*Policy EN13 Historic Environment: The Conversion of Non-Domestic Historic Buildings*

5.8 The phrase ‘proportionate to the significance of the asset’ does not accord with NPPF para 202 in respect of less than substantial harm to designated heritage assets and the need to weigh impact against public benefits.

*“Proposals to extend or alter heritage assets that have been converted, will be permitted where it can be demonstrated that the proposed works would preserve the significance of the asset (including its form and features), its setting and/or the character or the appearance of the surrounding landscape in a manner that is proportionate to the significance of the asset.”* Cotswold District Local Plan Policy EN13 (clause 2).

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”* NPPF paragraph 202

5.9 Having regard to the Climate Change and Ecological Emergencies declared by the council, the following issues need to be incorporated into a new policy:

- when changes are made to heritage assets, the potential impacts of climate change, e.g. increased storm events with higher rainfall, should be fully considered
- when retrofitting heritage assets to increase energy efficiency, including insulation and energy generation the full implications of those changes should be considered,

using a "whole-building" approach. This will ensure that those changes do not have detrimental impacts on the fabric of the building itself. The choice of energy efficiency measures should be guided to ensure that measures that both maximise energy efficiency and minimise any potential impacts on the significance of the heritage asset are prioritised.

- the need for policies to be worded in such a way as to be flexible to incorporate emerging best practice.

Policy Approach	Discussion of impacts, effectiveness etc - justification
<p><b>(A) Preferred Option:</b></p> <p>i) commit to preparing a “positive strategy” for inclusion in the next full review of the Local Plan.</p> <p>ii) Update the existing Plan policies having regard to the Local Plan Review.</p> <p>iii) Prepare new policy to address the safeguarding of heritage assets while mitigating and adapting to the Climate Change Emergency.</p>	<p>This falls short of what is required by the NPPF but is justifiable on the grounds that to properly integrate the strategy would require the metaphorical dismantling of the Local Plan so that the strategy objectives can be woven into the relevant policy areas (rather than just bolted on), consequential effects and viability assessed etc. That amount of work and the evidence needed to support it is disproportionate in relation to a partial update. In any event there is no budget allocation to cover it. The partial update really only needs to address material planning considerations that may threaten the authority of the Local Plan if left unamended. Whilst it is a material planning consideration, on the balance of probabilities the absence of a “positive strategy” is unlikely in itself to threaten the integrity of the Local Plan as a whole given that the Plan was found to be sound upon Examination in 2017/18.</p> <p>This option does acknowledge that the adopted Plan has a shortcoming in this regard and commits the council to addressing it at the appropriate time.</p>
<p><b>(B) Rejected Option:</b> together with parameters ii and iii of the Preferred Option, following HE guidance, prepare a “positive strategy” as required by NPPF.</p>	<p>Preparation of a “positive strategy” in respect of the HE guidance is potentially a major piece of work. Implementation of the strategy will need to be woven into the major policy areas of the Local Plan so that it is truly integrated (which is a key characteristic of what NPPF and the HE guidance requires). It is likely to require considerable evidential back-up, which could be costly and beyond the budget for the Local Plan Update..</p> <p>It does however deliver on the NPPF requirement and therefore ensures the Local Plan is sound in that regard.</p>