



Historic England

Planning Policy
Regeneration, Culture, Environment & Transformation
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Date

7 April 2017

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Dear Sir / Madam

Medway Council Local Plan 2012-2035

Thank you for your email of 17 January 2017 inviting comments on the above document.


As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process and welcomes the opportunity to comment upon this key planning document.

Historic England's comments are set out detail below.

Historic England would strongly advise that the Council's own conservation staff are closely involved throughout the preparation of the Local Plan, as they are often best placed to advise on local historic environment issues and priorities, sources of data and, consideration of the options relating to the historic environment, in particular the requirement to set out a positive strategy for the conservation and enjoyment of the historic environment (NPPF para 126).

These comments are based on the information provided by you at this time and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently arise from this or later versions of the plan and which may, in our view, have adverse effects on the historic environment.

Yours sincerely


Alan Byrne

Historic Environment Planning Adviser

The following comments reflect the format and sequence of the draft Local Plan and largely follow the order set out in the document.

Section 1 Introduction – Historic England supports the purpose of the draft Medway Local Plan to achieve sustainable development (in para 1.1), not least in meeting the environmental obligation to contributing to protecting and enhancing the natural, **built and historic environment** (para 1.3). As noted in para 1.4 this would include avoiding or restricting development that would have a harmful impact on the, inter alia, historic environment and heritage assets; this would be in accordance with NPPF 157 bullet seven.

However, the Local Plan is expected to go further than this by providing a positive strategy for conserving and enjoying the historic environment and, in particular, to address the needs of heritage at risk (NPPF para 126). More detailed comment on this is set out below.

Para 1.8 of the draft Plan relates to evidence gathering and the provision of an evidence base. In our letter of 29 February 2016 in response to the Issues and Options Consultation document we set out in some detail guidance on preparing an evidence base for the historic environment that would support appropriate policies in the Local Plan. We are disappointed that there is, at this stage, limited indication that such an evidence base is in place or is being prepared given the lack of reference to such in the list of evidence documents in para 1.8, and on the Evidence Base page of the Medway Plan website. Providing a list of listed buildings and conservation areas and a link to a map of heritage assets is insufficient as an evidence base and does not meet the requirement of NPPF para 169 to have “up-to-date evidence about the historic environment... and use it to assess the significance of heritage assets and the contribution they make..”. Without this evidence it is unlikely that the policies in the plan can be demonstrated to be robust and well-founded, and the Local Plan may be found to be unsound at Examination.

We broadly welcome the Vision for Medway set out on page 15 in Section 2: Medway 2035 - Vision and Strategic Objectives for the Local Plan, particularly the positive references to the historic environment, heritage assets, character and distinctiveness. The achievement of the Vision and the ambition that underpins it will depend on ensuring there are robust policies in place for protecting and enhancing these attributes while also providing appropriate opportunities for regeneration and growth.

In our view, para 2.35 is key in establishing the direction of travel for regeneration and growth in Medway, putting the focus clearly on directing development to sustainable locations while ensuring local character is respected. We understand, however, that achieving such a balance is not straight forward and expect to see policies in the Local Plan that will ensure that the requirement to protect and enhance the historic environment are not subsumed by the policies that promote growth and development.

As a point of principle Historic England would support the priority use of vacant and underused brownfield land for new development as set out in the discussion on delivering sustainable development options in Section 3 Delivering Sustainable Development – Options. This is an objective of government policy as set out in NPPF. This may not be entirely without implications for the historic environment, however, as much of this land may have historical and archaeological value, e.g. as evidence of former industrial or military uses, that may be of such significance that it would need to be safeguarded. It is important, therefore, that there is

a good understanding of the land and sites identified for development to allow for these significances to be taken into account in planning and designing future uses for them. This is where a robust historic environment evidence base will be essential to inform the choices that are made for building appropriate and sustainable forms of development.

The possible requirement to go beyond reuse of brownfield land and to develop on greenfield sites is noted (para 3.9); given the assessed need for development and the ambitious growth projection for Medway some development outside the urban cores will be very likely. Once again, the need to fully understand the implications this may have for the historic environment, such as impact on heritage assets and their settings, changes to existing character and, intrusions on views and open spaces should underpin any decisions on which sites to allocate and how they should be developed. While natural and landscape designations as possible constraints are identified (para 3.11) it is not clear that the same weight would be given to protecting historical assets, such as scheduled monument and registered parks and gardens, when suitable land is allocated for development; we think this should be made clear.

The points above are relevant to all four 'Scenarios' for strategic development set out in pages 22-27 of the draft Plan. Historic England would not, at this stage, wish to identify what it considered a preferred scenario because not all the implications for the historic environment could be fully understood. It is likely, in our view, that each one will have effects on the heritage and character of Medway and the scale and extent of these would need to be assessed prior to a preferred option being selected. We would anticipate greater potential for harmful impacts from development outside the main urban areas and on the Hoo Peninsula, which has a unique and extensive heritage of great significance (ref. *The Hoo Peninsula Landscape* report (HE, 2015) - <https://content.historicengland.org.uk/images-books/publications/hoo-peninsula-landscape/hoo-peninsula-landscape.pdf/>.)

In general terms, maximising urban regeneration would allow a focus on the City Industrial Estate and could be an opportunity to ameliorate the poor current state of this site and its intrusion into views of the River Medway from Rochester and, in particular, the relationship with the Historic Dockyard opposite the site in Chatham.

Several of the scenarios include expansion at Hoo St Werburgh, which although not a Conservation Area and with few listed buildings, has archaeological significance from the possibility of a Saxon nunnery in the area (ref. *Hoo Peninsula Landscape Study* for context). A detailed character assessment for Hoo St Werburgh was not undertaken as part of the Hoo Peninsula study but this should be carried out as part of the evidence base for the plan if the option of significant development at this location is likely to be pursued.

A potential new settlement at Lodge Hill has been considered for some time and HE's views on it are well known to the Council. Depending on the outcome of the appeal in early 2018 then there could be more pressure on the Hoo Peninsula to take more alternative development if it cannot be accommodated in the main urban areas; if this scenario becomes a likely one we would wish to see a comprehensive assessment of the effects on the character of the Hoo villages and landscape.

The process of refining the scenarios and identifying the most appropriate sites to develop may be helped, in terms of understanding the relevance of the historic environment by

reference to *The Historic Environment and Site Allocations in Local Plans - Historic England Advice Note 3* - <https://content.historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/heag074-he-and-site-allocation-local-plans.pdf/>.

This advice note sets out some guidance on the site selection process which needs to be detailed enough to:

- Support the inclusion of appropriate sites for development or regeneration (including those which could enhance the historic environment), or;
- Justify the omission of a site where there is identified harm, and;
- Set out clear criteria for sites that are acceptable in principle, within which they can be appropriately developed in terms of impact on heritage assets, for example, its size, design, or density.

It is important to understand the significances of any heritage assets that would be affected by a potential site allocation. This involves more than identifying known heritage assets within a given distance, but rather a more holistic process which seeks to understand their significance and value. Whilst a useful starting point, a focus on distance or visibility alone as a gauge of impact is not appropriate. Site allocations which include a heritage asset (for example a site within a Conservation Area or potential World Heritage Site) may offer opportunities for enhancement or tackling heritage at risk, while conversely, an allocation at a considerable distance away from a heritage asset may cause harm to its significance, reducing the suitability of the site allocation in sustainable development terms.

The NPPF sets out in various different places a number of requirements for Local Plans in respect of the historic environment. The need for a robust evidence base has been mentioned above, but Local Plans also need to set out a positive and clear strategy for the conservation, enjoyment and enhancement of the historic environment (NPPF, Paragraphs 126 and 157), and contain strategic policies to deliver the conservation and enhancement of the historic environment (NPPF, Paragraph 156).

A positive strategy in the terms of NPPF paragraphs 9 and 126 is not a passive exercise but requires a plan for the maintenance and use of heritage assets and for the delivery of development including within their setting that will afford appropriate protection for the asset(s) and make a positive contribution to local character and distinctiveness.

This strategic approach can inform all aspects of the planning system by recognising and reinforcing the historic significance of places. As part of a sound conservation strategy, policies for local housing, retail and transport, for example, may need to be tailored to achieve the positive improvements in the historic environment that the NPPF expects (NPPF, Paragraph 8). Conservation is not a stand-alone exercise satisfied by stand-alone policies that repeat the NPPF objectives. Consequently, the Medway Local Plan might need to consider the inter-relationship of the objectives for the historic environment with its topic-based policies policy approaches.

Section 4 Housing - delivering a wide choice of high quality homes could to some extent be achieved by encouraging the adaptive reuse of historic buildings. New residential

developments may best be integrated into historic areas if there are design criteria or guidance available in local plan policies.

Section 5 Employment - building a strong, competitive economy could be supported in the draft Plan by specific policies to conserve and enhance the quality of the historic environment in order to encourage heritage-led tourism, help create successful places for businesses to locate and attract inward investment into areas such as Chatham and Rochester. The draft Plan could identify and promote further opportunities for heritage-led regeneration, such as at the Historic Dockyard. In terms of supporting a prosperous rural economy, the reuse or adaptation of traditional buildings provides opportunities for supporting the rural economy or providing homes for local people.

In Section 6 Retail and Town Centres ensuring the vitality and attractiveness of town and village centres can be supported by maintaining the character and distinctiveness of the historic environment so that it becomes a unique selling point that distinguishes a location from others. Rochester has particular qualities in this respect but other centres may equally be able to capitalise on their specific local character and distinctive features.

Conserving and enhancing the natural environment in Section 7 Natural Environment and Green Belt should include specific reference to protecting and enhancing important historic landscapes. As demonstrated by Historic England's *Hoo Peninsula Landscape Study*, the natural and historic built environment are closely bound up and this section could identify what contribution the strategy for improving the Green Infrastructure network could also make to the enhancement of the area's heritage assets.

The policies for Protecting Green Belt land should reflect one of the key purposes of the designation to protect the special character and setting of historic towns and villages and the definition of its boundaries should be tailored to help achieve this. The landscape and character of the Kent Downs AONB is of course special and unique in large part due to the historic land use and activities of the area and the legacy of these in terms of built structures and landscapes should be acknowledged in the Policy Approach to Landscape (p 66).

In this section also, meeting the challenge of flooding and coastal change may require flood prevention measures be provided which could also safeguard the heritage assets in locations such as the Chatham and Rochester riverfronts, and the Hoo Peninsula (e.g. at All Hallows).

It is appropriate to make the connection between existing character with good, new high quality design in Section 8 Built Environment by requiring the defining characteristics of each part of the plan area be reinforced in the approach to designing new development, including housing.

Historic England does, of course, endorse the inclusion of strategic policies for the conservation of the historic environment in the draft Medway Local Plan as the plan will be the starting point for decisions on planning applications, and neighbourhood plans are required to be in general conformity with the strategic policies of the Local Plan (NPPF, Paragraph 184). Consequently, sustainably managing the historic environment is best achieved by identifying clear strategic policies for heritage in order to assist those preparing neighbourhood plans, and those considering the location and form of development.

By promoting sustainable transport in Section 11 Sustainable Transport new roads and other transport infrastructure could be delivered in a manner which also conserves the historic environment of the areas that are affected by them. The introduction of sustainable transport initiatives may offer related opportunities for heritage through improving street/traffic management or public realm enhancement at the same time. Enhanced use of the River Medway offers the potential to reuse or recast historic wharves and piers for a sustainable modern use, and to support tourism development linked to waterfront and other land-based heritage sites, e.g. the Historic Dockyard at Chatham and Upnor Castle.

Section 12 Minerals, Waste and Energy – the policy approach should address how might any impacts of mineral development on an area’s heritage assets, particularly archaeology, be controlled to acceptable levels, and how minerals extraction may improve archaeological knowledge through approved mineral operations. The plan could identify and safeguard potential sources of local building and roofing stone for historic building repairs and maintenance, supplies of which are increasingly difficult to acquire. Further advice on facilitating the sustainable use of minerals is available in *Mineral Extraction and Archaeology: A Practice Guide* (English Heritage on behalf of the Minerals Historic Environment Forum, 2008) - <https://content.historicengland.org.uk/images-books/publications/mineral-extraction-and-archaeology/mineral-archaeology.pdf/>.

It is important that the approach to energy provision, including the strategy for renewable energy developments and associated infrastructure, identifies and reduces as far as possible the potential harm to the historic environment, whether this is solar panels on individual historic properties or wind farms in the historic environment – you may find the advice on the Renewable Energy pages of the HE website of use in defining the approach to this matter: <https://historicengland.org.uk/advice/planning/infrastructure/renewable-energy/>.



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Date

07 April 2017

Dear Sir / Madam

Medway Local Plan 2012-2035 Sustainability Appraisal Scoping Report

Thank you for your email of 17 January 2017 inviting comments on the Scoping Report for the above strategic environmental assessment.

As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages of the planning process. This includes formulation of local development policy and plans, supplementary planning documents, area and site proposals, and the on-going review of policies and plans.

Historic England is a statutory consultation body in relation to the SEA Directive. However, due to high volume of consultations being received in respect of the Directive, Historic England has prepared generic guidance with regards to our involvement in the various stages of the assessment process. This is attached as an annex to this letter.

This opinion is based on the information provided by you and for the avoidance of doubt does not affect our obligation to advise you on, and potentially object to any specific development proposal which may subsequently arise from this or later versions of the plan which is the subject to consultation, and which may, despite the SEA, have adverse effects on the historic environment.

Yours sincerely


Alan Byrne
Historic Environment Planning Adviser

Sustainability Appraisal and Strategic Environmental Assessment

Historic England Advice Note 8

Scoping

The scoping stage is intended to set the context against which the likely effects of the plan in question can be measured. To do this, it is necessary to identify the scope and level of detail of information to be included in the final SA or SEA report. This should be proportionate to the type, purpose and level of plan under consideration.

The intention is to identify the key characteristics of the area in question, other initiatives likely to be having local impacts and to develop a mechanism to be able to forecast the likely effects of the plan, together with information relating to the current situation in order to assess this. A scoping report usually therefore :

Identifies other relevant policies, plans and programmes and sustainability objectives – this may include various pieces of legislation or international conventions depending on the location in question

- Collects baseline information to establish current situation
- Identifies sustainability issues and problems, including threats and opportunities for the historic environment
- Develops the assessment framework
- Consults the statutory consultation bodies (Environment Agency, Historic England and Natural England) on the scope of the report

These are addressed in turn below.

Review of relevant plans, programmes and policies

The review of related plans, programmes and policies will vary depending on the specific circumstances and the type of plan being assessed in order to be proportionate. Those with content or sections potentially relevant to the historic environment include:

International/European

UNESCO World Heritage Convention

European Landscape Convention

The Convention for the Protection of the Architectural Heritage of Europe

The European Convention on the Protection of Archaeological Heritage

National

Planning (Listed Buildings & Conservation Areas) Act 1990

Ancient Monuments & Archaeological Areas Act 1979

Marine and Coastal Access Act 2009

National Planning Policy Framework

National Policy Statements

Local

Local Plans

Marine Plans

National Park/AONB Management Plans

Heritage/Conservation Strategies

Other Strategies (e.g. cultural or tourism)

Conservation Area Character Appraisals and Management Plans

WHS Management Plans

Baseline information

The establishment of a robust and comprehensive baseline will assist in demonstrating a proportionate evidence base for the plan in question, as well as help to strengthen its case for soundness when subject to examination. Baseline information that describes the current and future likely condition of the historic environment in terms of its significance, sensitivity and capacity to accommodate change can also help identify areas of particular sensitivity to development, sustainability issues, predict and monitor likely effects and in identifying alternative solutions. **Good Practice Advice note 1** contains advice on relevant sources of evidence.

Evidence gathering is a central part of local, marine and neighbourhood plan preparation and formulation, and assembling information on the historic environment for an SEA/SA should not normally entail additional work. Where Councils do not currently have a sound evidence base available relevant to future challenges and opportunities, they may need to consider augmenting this so that the SEA assists the smooth progress of the plan. In assessing the likely effects of the plan and analysing baseline information, there may also be a need to look at this in relation to a wider geographic area and across administrative boundaries. This may be in relation to traffic generation or setting issues, the duty to cooperate for local planning authorities or neighbouring state administrations in the case of marine plans.

Identifying sustainability issues and problems

Consideration of the current condition of heritage assets and any related observable trends can help in drawing conclusions as to the likely environmental trajectory without the plan and how this might change should it be adopted. Additionally, analysis of a range of baseline information appropriate to the type and level of plan can help identify sustainability issues relating to the historic environment. These might include:

- Heritage assets at risk from neglect, decay, or development pressures;

- Areas where there is a threat or likelihood of further significant loss or erosion of landscape/seascape/townscape character or quality, or where development has had or potentially may have significant impact (direct and or indirect) upon the historic environment and/or people's enjoyment of it
- Traffic congestion, air quality, noise pollution and other problems affecting the historic environment
- Conserving and enhancing designated and non-designated heritage assets and the contribution made by their settings

Conversely, there may be some opportunities for the historic environment revealed by the process, such as

- Delivering heritage-led regeneration and supporting the vitality and viability of town centres
- Developing a stronger sense of place and local distinctiveness by informing design
- Promoting the innovative reuse of the existing building stock and addressing heritage at risk
- Promoting heritage based tourism
- Achieving appropriate climate change resilience
- Improving awareness, involvement, and understanding of the historic environment
- Encouraging traditional building and craft skills development and using the historic environment as an educational resource

Developing the SA/SEA framework

The appraisal framework is the method by which the likely effects of the plan on the local area are assessed and measured. It does this through setting out the objectives of the SA/SEA assessment, together with the decision-making criteria and indicators (see paragraphs 2.12 to 2.17) to be used to assess the degree to which the plan is likely to achieve these. In developing the framework, appropriate heritage expertise is valuable in ensuring that the application of the framework to the historic environment is most effective.

The inter-relationship between the historic environment and other areas to be tested by the framework can be reflected in the objectives. Sustainable development (the over-arching principle of the NPPF and the UK MPS) requires an integrated approach and therefore where the historic environment clearly underpins the character, economy or cultural resource of a place, it may warrant inclusion in other objectives such as regeneration, tourism, access to services, quality of life, landscape and townscape. This can be particularly true where there are areas of inter-relationship, for example between the historic environment and economic development.

Additionally, a separate and specific objective relating to the historic environment may help avoid the masking of adverse impacts through blending several topics together in one objective (e.g. historic environment and landscape).

The objectives of the SA/SEA assessment are not fixed by the EU Directive, and are often derived from environmental protection objectives identified in other plans and programmes or from the review of baseline information. The responsible authority can adapt these to take account of local circumstances. Recognising that the number of objectives needs to be manageable, the list below represents a selection where consideration of the historic environment may improve the effectiveness of the framework:

Environmental Objectives

- Protect, enhance and manage the character and appearance of landscapes/seascapes/townscapes, maintaining and strengthening local distinctiveness and sense of place
- Protect, manage and improve local environmental quality
- Achieve high quality sustainable design for buildings, spaces and the public realm

Social Objectives

- Improve and broaden access to the local historic environment
- Provide better opportunities for people to understand local heritage and participate in cultural and leisure activities

Economic Objectives

- Foster heritage-led regeneration and address heritage at risk
- Optimise the use of previously developed land, buildings and existing infrastructure
- Promote heritage-led sustainable tourism
- Support the sustainable use of historic farmsteads

Decision-making criteria

The criteria for decision-making will be related to the type and level of plan or programme under consideration, as well as the characteristics and environmental sensitivity of the area in question. Tailoring each SA/SEA in this way will help ensure that key heritage issues are incorporated in the framework and that likely effects on the historic environment are properly assessed. Examples of appropriate criteria include

Environmental: will the policy or proposal

- Conserve and/or enhance heritage assets, their setting and the wider historic environment?
- Contribute to the better management of heritage assets and tackle heritage at risk?
- Improve the quality and condition of the historic environment?
- Respect, maintain and strengthen local character and distinctiveness?

- Promote high quality design?
- Integrate climate change mitigation and adaptation measures into the historic environment sensitively?
- Alter the hydrological conditions of water-dependent heritage assets, including organic remains?

Social: will the policy or proposal

- Increase the social benefit (e.g. education, participation, citizenship, health and well-being) derived from the historic environment?
- Improve the satisfaction of people with their neighbourhoods as places to live?
- Engage communities in identifying culturally important features and areas?
- Provide for increased access to and enjoyment of the historic environment?
- Provide for increased understanding and interpretation of the historic environment?
- Provide new leisure, recreational, or cultural activities?
- Support and widen community uses through shared facilities?

Economic: will the policy or proposal

- Increase the economic benefit derived from the historic environment?
- Promote heritage-led regeneration?
- Lead to the repair and adaptive re-use of a heritage asset and encourage high quality design?
- Make the best use of existing buildings and physical infrastructure?
- Promote heritage based sustainable tourism?
- Ensure that repair and maintenance is sympathetic to local character?
- Help to reduce the number of vacant buildings through adaptive re-use

Indicators and monitoring

The selection of indicators for the historic environment may vary at different stages of the assessment process. State of the environment or contextual indicators are most likely to be useful in informing the baseline analysis. The datasets included in **Heritage Counts** may be useful in looking at the comparative range, importance and condition of heritage assets and

identifying possible objectives, trends and targets. A simple list of the number of designated heritage assets is unlikely to produce the most helpful baseline analysis.

For the later assessment or monitoring of the significant effects of a plan, indicators which will clearly demonstrate the impact(s) of the plan on the historic environment are more likely to be useful in giving an accurate picture of the potential impacts. Factors to bear in mind include ensuring

- the indicators clearly relate to the appraisal process, such as the accompanying objectives/ sub-objectives (decision-making criteria), the baseline for the historic environment, and any identified effects and proposed mitigation measures
- the indicators are appropriate and relevant to the scale of the plan under consideration
- the indicators address positive and negative effects
- consideration is given to cumulative, secondary and combined effects;
- use is made of both qualitative and quantitative data
- the indicators are kept under review as new data sets become available and or new issues are identified
- accompanying targets are included

Selecting indicators which are directly linked to SEA/SA objectives is a complex process but a robust monitoring framework for the historic environment must be included to meet the requirements of SEA/SA in terms of

- identifying any unforeseen adverse effects of implementing the plan and enabling appropriate remedial action to be taken
- testing the accuracy of predictions made in the appraisal and improving future practice;
- determining whether the plan is contributing to the achievement of the desired objectives and targets for the historic environment
- checking the delivery and performance of mitigation measures

SA/SEA is the principal tool for monitoring the effects of the plan in operation. Monitoring is intended to identify unforeseen adverse effects and enable appropriate remedial action as regards the plan's implementation. For identified significant effects on the historic environment consideration could also be given to identifying:

- the criteria or thresholds for remedial action;
- the type of remedial actions that could be taken, for example reviewing the relevant policy or implementing additional mitigation measures; and
- the responsibility for taking the action.

Responsible authorities are required to consult the statutory consultation bodies (including Historic England) on the proposed scope and level of detail of the SEA.