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5 July 2019

Dear Sir / Madam

**Neighbourhood Planning (General) Regulations 2012: Regulation 14  
Durham City Neighbourhood Plan: Second Pre-Submission Draft, 2019**

Thank you for consulting Historic England on the second pre-submission draft of the above neighbourhood plan. As the public body that advises on England's historic environment, we are pleased to offer our comments.

Historic England is keen to ensure protection of the historic environment is appropriately taken into account in neighbourhood plans. Having reviewed the information provided in the 2019 consultation, I am happy to offer detailed advice on the plan at this stage. We have previously commented on the plan in letters of 16 January 2017 and 18 December 2017, and several meetings including most recently on 15 May 2018. Since then, Historic England has updated and strengthened its advice on neighbourhood plans, including publishing an advice note. Although you are a long way through the process of preparing the plan, it is still appropriate for me to refer to this new national advice as it is relevant to the Regulation 14 stage. I therefore set out below general advice followed by some detailed comments on the draft plan.

**General advice**

We now publish a full advice note on *Neighbourhood Planning & the Historic Environment* (HE Advice Note 11) which can be downloaded here: <https://historicengland.org.uk/images-books/publications/neighbourhood-planning-and-the-historic-environment/>. It should be the first port of call for advice on heritage in neighbourhood plans. Written specifically for those preparing plans, it explains why you should consider the historic environment, and sets out how to gather and use evidence on heritage to help prepare your plan. It also signposts a number of other resources, including how to explore what the community values in your area's heritage. We also have a wealth of neighbourhood planning advice and case studies



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on our website, here:

[http://www.historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/.](http://www.historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/)

The National Planning Policy Framework (NPPF) says neighbourhood plans have the power to develop a shared vision for their area, to shape, direct and help to deliver sustainable development (NPPF para 29). Specifically, this can include detailed policies on conserving and enhancing the historic environment and on design (NPPF para 28). The national Planning Practice Guidance (PPG) is clear that, where relevant, neighbourhood plans should include enough information about heritage to guide planning decisions and to put strategic heritage policies into action at a neighbourhood scale.

It is therefore important that your plan identifies heritage assets in the area, and includes a positive strategy to safeguard those elements that contribute to their significance. This will ensure they can be appropriately conserved and enjoyed now and in the future. This is particularly important due to the high number and high significance of heritage assets in your plan area. For example, policies might address the following:

Considering how the plan's objectives can be achieved by maximising the wider social, cultural, economic and environmental benefits flowing from heritage, eg. regeneration, tourism, learning, leisure, wellbeing and enjoyment.

Locating new development to protect heritage assets and their settings.

Giving detail on the expected scale, density, massing, height, landscape, layout, materials and access of new development.

Offering solutions to heritage assets that are at risk from their condition or vacancy, or are vulnerable to becoming so during the life of the plan, including those on the national and any local Heritage At Risk registers.

Considering how heritage assets can be enhanced.

As well as designated heritage assets (such as listed buildings, scheduled monuments, conservation areas, and registered parks and gardens), your plan is also an important opportunity to include a positive strategy for local heritage assets. Such 'non-designated heritage assets' may include buildings, monuments, sites, places, areas or landscapes that are important to the local community for their heritage value. If identifying these, your plan should include enough information to set out the elements that make them special so they, too, can be appropriately conserved and enjoyed. More information is given in our advice note.

The strategy and policies in your plan should be based on proportionate, robust evidence. For heritage, this might include a characterisation study, historic area assessment or archaeological appraisal, a summary historical narrative, or identifying locally significant buildings, areas and other assets. Rather than just the presence or absence of heritage assets, evidence should focus on what makes them significant





and, where relevant, vulnerable. This helps you to identify the issues and options for your policies to address. More information is given in our advice note.

To help in preparing the plan, your local authority has offered you support, including suitable mapping and providing evidence on heritage assets (eg. from the local Historic Environment Record). You have taken advantage of funding provided by Locality to enable you to hire suitable historic environment expertise, for example to help prepare evidence, develop policy and produce the plan. More information is given in our advice note.

Neighbourhood plans also give you the opportunity to tackle other issues important to the heritage, more on which can be found in our advice note. These include:

- You can make allocations for new development such as housing or commercial uses; these can include small and medium-sized housing sites (NPPF para 69).
- You can designate Local Green Space important to the community, for example because of its historical significance (NPPF paras 99-101).
- You can include design policies to identify the special qualities of the area (or sub-areas) and explain how this should be reflected in development (NPPF paras 125, 127).
- You can identify future actions or aspirations, including those on topics beyond land use and development, setting them out separately in an annex to the plan (PPG para 41-004-20170728).
- Communities with a neighbourhood plan in force can claim 25% of funds raised through the Community Infrastructure Levy (CIL) in their area. Your plan can set out how CIL can be used to fund conservation of relevant heritage assets (eg. transport infrastructure such as historic bridges, or green and social infrastructure such as historic parks and gardens).

Other Historic England advice that may also be of use includes:

*HE Advice Note 2 - Making Changes to Heritage Assets:*

<https://historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>

*HE Good Practice Advice in Planning 3 - The Setting of Heritage Assets:*

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

*HE Advice Note 3 - Site Allocations in Local Plans (which also applies to neighbourhood plans):*

<https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans>

*HE Advice Note 7 - Local Heritage Listing:*

<https://www.historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7>

You can familiarise yourself with the terminology of historic environment planning



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(such as “historic environment”, “conservation”, “significance”, “heritage asset”, and “setting”) by referring to the glossary in the NPPF. Where relevant, we recommend accurately copying these and other terms across to your plan’s own glossary. You can also familiarise yourself with basic legislative and policy protections that heritage assets in England enjoy by browsing our online Heritage Protection Guide at <https://historicengland.org.uk/advice/hpg/>.

### Detailed comments

The following comments relate mainly to heritage policies on which we have previously commented, but also to some other issues.

- **Policies S1 and S2.** I note the rearrangement of Policies S1 and S2, but also that some of our comments have yet to be tackled. For example, the very important word ‘significance’ is still missing and ‘preservation’ is still being used, albeit alongside the more suitable ‘conservation’. We set out our reasons for suggesting vocabulary changes in our previous letters. This objective of Policy S2 is welcome as a way of mitigating the potential impact of development on the historic environment, but it may need amending to ensure it delivers on the objective of securing a masterplanning approach to key sites ahead of seeking consent.
- **Theme 2a A Beautiful And Historic City: Heritage.** I note the changes which have been made. As before, in general, this themes is well conceived with good introductory narratives and objectives. Vocabulary changes are welcome, as is clarity over designated and non-designated heritage assets in para 4.29.
- **Policy H1.** I am pleased you have gone some way to adding value to higher level policy on the World Heritage Site (WHS) by setting out in clauses (a) to (f) aspects that you expect development proposals to address. You should satisfy yourself that these are the issues you wish to be addressed as, for example, the location of development is still not a factor to be taken in to account; as I previously suggested, this is an unfortunate omission. I am unclear what is meant by ‘decorative schemes’ in (d). Again the wording of this policy may need additional amendments to ensure it meets its objective.
- **Policy H2.** I am pleased you have made some amendments to this policy to reflect higher level requirements, although the wording is now somewhat convoluted. It goes some way to adding value to high level policy by highlighting the issues you expect development proposals to address the protection of significance. More could be done to identify the points included, for example the important views to be protected, the continuous frontages to be retained, the uses which would be appropriate, or the sort of public benefits to be considered when weighing up whether harm or loss would be acceptable. In my December 2017 letter I regretted the loss of detail about the Durham City Conservation area’s character areas and I see that former Policy H3 on character areas has now been entirely omitted. I think this is regrettable particularly as Policy H2 makes no reference to the character areas that are now set out in Appendix A and the policy’s supporting text. Paragraph 125 of the NPPF says





neighbourhood plans can play an important role in identifying the special qualities of the area and explain how this should be reflected in development. Paragraph 041 of the Planning Practice Guidance (PPG) says neighbourhood plan policies should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which they have been prepared. I refer again to the Odiham & North Warnborough plan (see the case study on our website) which successfully tackles area-by-area heritage significance in policy. As previously discussed, I welcome the inclusion in (i) of the opportunity for non-traditional design which is sympathetic to the conservation area's character and appearance.

- **Policy H3 (previously H4).** My concern about the purpose of this policy remains beyond what policy S1 offers, or to distinguish it from the requirements of Policy H2 for the conservation areas.
- **Policy H4 (previously H5).** I note the re-writing of this policy to remove some of the conflicts with high level policy. It now seems to concentrate primarily on using development proposals to tackle existing heritage assets at risk from poor condition or lack of use, and to prevent more assets from becoming so. This is an acceptable approach for such a policy but I am concerned that it is still unresolved. For example, the requirement in the first clause would apply to all heritage assets affected by development, thus requiring applicants to repair assets beyond the scope of their proposals. The sentence about archaeological significance is an assertion rather than a policy against which proposals can be judged. Overall, I think this policy is improving but still needs better focus to add value to higher level policy, to ensure vocabulary and objective are as intended, and to continue to ensure it does not set a higher tests than higher level policy.
- **Elsewhere in the plan,** I welcome that you have identified **Local Green Space** which is important for historical reasons. I welcome the thrust of **Policy E3**, although clauses (e) and (f) may need cross-checking with the wording of H policies above. Whilst I accept the plan should be read as a whole, **Policy D1** could be strengthened by making clearer reference to the need to address impacts on the historic environment (in the same way as clauses in E3 attempt to do). In addition, in clause (b) the meaning of 'style' is unclear and I suggest it is swapped either for 'type' (ie. which sort of dwelling) or 'design' (ie. architecture) depending on the meaning you intend. If the latter, this might conflict with design policies earlier in the plan.

Overall, the main concern now should be to refine the wording of the plan's policies to ensure the objectives can be met as intended.

I am writing a separate letter about the sustainability appraisal which accompanies the draft plan, but I am broadly satisfied that it is helping to influence the plan and, despite some concerns, broadly concludes with my advice above.

Thank you once again for the opportunity to comment. I hope our comments will be





Historic England

useful. Please contact me should you require any clarification.

Yours Sincerely

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