



Historic England

NORTH EAST OFFICE

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Our ref: PL00055362

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Dear Mrs Dillon

**Durham City Neighbourhood Plan
Regulation 14 Consultation and Strategic Environmental Assessment Report**

Thank you for consulting Historic England on the pre-submission draft of the Durham City Neighbourhood Plan, and the associated Strategic Environment Assessment / Sustainability Appraisal report. As the public body that champion's England's historic environment, we are pleased to offer our comments at this stage.

Pre-submission draft Neighbourhood Plan

The scope and detail of the plan shows the importance which the community give to the good planning of their city, and I would like to congratulate the forum on the work which has gone in to producing this revised draft of the plan. However, some points which we previously commented on (dated 16 January 2017) have yet to be addressed. I set out comments relating to policies and paragraphs primarily in the parts of the plan relating to heritage.

Overall, I remain concerned that the plan is not yet in accordance with higher level policy and that some aspects are underdeveloped or their role in the plan misunderstood. I am concerned that some policies are not sufficiently clear and concise, nor add sufficient local value to higher level policy.

Policies S1 and S2. I am concerned that the main sentence of both policies only requires proposals to 'promote' the criteria set out. This is a less onerous requirement than 'satisfy' or 'fulfil', which I recommend using instead. The revised wording of Policy S1 point 7 still does not reflect our recommendation at the last stage. Following our previous comments, the word 'significance' is still missing (a very important concept which underpins the NPPF's approach to historic environment management) and the wording in brackets in the policy ambiguously includes some types of heritage assets but excludes others. It would be better to read, for example: "Protection and enhancement of the significance of designated and non-designated heritage assets, including significance derived from their setting, as well as of character, local distinctiveness, views, tranquillity and the contribution made to sense of place". You could name the different types of heritage asset (see the NPPF's definitions) in the supporting text. In Policy S2, I am surprised you have deleted point 2 from the



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previous draft because the issue of views, setting and skyline is so important in your plan area. My revised wording for point 7 in Policy S1 might provide similar protection (you will note I included the word 'views' in that).

As before, in general, the 'Beautiful & Historic City (a) Heritage' theme is well conceived with good introductory narratives and sound objectives. Use of the words 'preserve' and 'preservation' is difficult because, although they appear in the legislation, they are generally not used these days in favour of 'conserve' and 'conservation', which signify a more positive approach to managing change in the historic environment (by balancing significance and harm) rather than signifying prevention of change. 'Protect' can be acceptable in some contexts, but it is a more vague word. As 'conservation' is defined in the NPPF it brings certainty to your plan so I recommend you use it in most instances.

4.29. I am still concerned you only mention some types of heritage asset, for example excluding listed buildings and scheduled monuments. It would be better to use the catch-all term heritage asset than to only name some of them, or you could use a phrase such as "designated heritage assets including...". It would also be wise to include archaeological in the list of words you use to describe the interest of non-designated heritage assets. I suggest you do not want to inadvertently weaken the protection to some types of asset over another.

4.30. A typo in the first sentence should read "... gives details of designated heritage assets in...". In our last comments, we said you should set out how the lists of non-designated heritage assets have been prepared; if the lists are only those included in the adopted conservation area character appraisals, then a statement to that effect should be added to avoid confusion. As suggested in our last comments (and once discrepancies are resolved), you should add a sentence to these appendices to say that the information is correct at the time of publishing, that designations and register entries can change, and that further heritage at risk and non-designated heritage assets might be identified in the future.

4.34 and 4.35. You are aware that the World Heritage Site is not a local designation, so the first sentence could be re-worded to say "As well as national and international designations such as the World Heritage Site, the value of Durham's heritage is acknowledged by the designation made locally of the Durham City Conservation Area...". I am pleased there is reference to high level Historic England documents in these paragraphs.

Policy H1. I am pleased you have reflected on our previous comments in this section. However, the criteria given in (b) are insufficient to manage development, excluding, for example, location and height. In H1.3, when discussing views, I recommend including "across" or "through" the World Heritage Site as well as "from and to".





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4.38. As the WHS setting is not a designation in itself, the first sentence should be changed to “Identification of an inner and outer setting...”

Policy H2.1. If this is referring to the forthcoming conservation area management plan to be published (alongside the existing character appraisal), then I am concerned the policy is referring to a document that does not yet exist, leaving it largely meaningless. If you are referring to the character appraisal itself, then this would need further clarification to essentially translate some of the content of that document into policy (see below re Policy H3).

In H2.2, you have addressed some of our previous comments though not all, eg. still omitting ‘setting’ from the first phrase. I see you have acted on my previous comment to address the NPPF’s historic environment policies, however inclusion of ‘substantial’ as the only test here is more onerous than set by the NPPF, which has a lower level test (in para 134) for harm that is deemed less than substantial. Simplifying the clause would help rather than adding another clause to it. This is a detailed point but it’s one which is likely to prevent the policy from being in accordance with the NPPF.

The conservation area character appraisals are good evidence to add value to existing policy, which is why I am puzzled by removal of the individual character area policies and a reduction in the scope and content of the replacement policy (Policy H3). Although I did not comment on these policies last time, you could use them to add depth to what development should achieve to be acceptable in particular locations, such as the individual character areas. A comparator neighbourhood plan for this is that for Odiham & North Warnborough, which rephrases conservation area analysis into policies to guide developers and decision-makers on how to apply higher level policy area by area. I welcome inclusion of a need to demonstrate how development will respond to local character, but you could add area-specific depth to this using the evidence you have gathered. I welcome the addition of H3.5 as a way of encouraging strong supporting information to justify development.

I have a similar concern about the limited scope and purpose of Policy H4. In addition, in H4.1, I think “setting” is the wrong choice of word as this implies the policy would only control what is outside the ‘neighbourhoods outside the conservation areas’ rather than the content of these neighbourhoods.

Policy H5 has not moved forward sufficiently since our last comments; it still essentially re-writes higher level policy rather than adding local value to it. It has become less clear; the whole policy no longer applies to all designated heritage assets, which at least the main thrust of the policy should do even if some later clauses in it apply only to specific types of designated heritage asset (eg. parks and gardens). Some of the policy’s wording would not comply with the NPPF, so whilst the spirit of what you want to achieve is good, it does need to be re-worded to be sound, for example by making it clear that development would be supported provided it was in



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accordance with other statutory, local and neighbourhood plan policies as well as the requirements set out in the policy. To do this, it should add something more than what the NPPF says - currently H5.1 and 5.2 are essentially re-writing paragraphs 132-134 of the NPPF in a more strict way; I was concerned about this last time I commented (then Policy H8). Instead of re-interpreting higher level policies, you should aim to add detail to it that is relevant to your plan's objectives for the historic environment and other topics. You have started to tackle this with the topic of heritage at risk, which is welcome, but I would suggest other issues for this type of policy in your plan will be protection of fabric and setting. Your evidence gathering has shown a great time-depth and intactness to the designated assets in the plan area, so this policy could set out how you would like to protect that. As it stands, Policy H5 remains very weak.

Policy H6. I am pleased some of the ambiguous terms have been removed from this policy, but as I commented last time (then Policy H9), I am concerned that it re-writes rather than adds local clarity to the NPPF's paragraph on non-designated heritage assets.

Strategic Environmental Assessment / Sustainability Appraisal

I am pleased that most of our previous comments (dated 14 July 2017) on the Scoping Report have been addressed, yet there remain concerns. I am broadly happy with the probing questions you identified in the final Scoping Report, but their application and the options identified are problematic. This is of concern, not least because the issue of the historic environment was a key trigger for the need for SEA. Your SEA process for heritage is based on an option which is of concern: option (b) is to make more "prescriptive" and "stringent" policies than existing higher level policies. This is unlikely to be acceptable because, as has been set out above, policies which are more stringent than existing higher level policy mean the plan is unlikely to be in accordance with the NPPF. Rather than in the degree of prescription your policies provide, options should be found in the detail of how higher level policy is applied. Neighbourhood planning is about adding local detailed policy in a way which tackles issues found in the evidence gathered. SEA ensures these will meet the sustainability objectives identified. I am concerned that the premise for the assessment itself is therefore flawed in identifying and choosing an inappropriate option. I am also concerned that the assessment process does not appear to have identified any adverse impacts from the plan's policies, which on the face of it appears unlikely. As a result, this means that mitigation (referred to in your report as fine-tuning) appears weak. This is apparent in Policy H4 which the SEA report says was introduced as a result of SEA fine-tuning; as set out above this policy is weak.

I hope that measures can be taken to amend the plan and the SEA, including as set out above, before it is submitted to the Council. I look forward to the next steps of the process and would be happy to contribute further as you move forward.

Yours sincerely,



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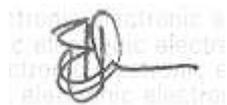
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