

Statement of Common Ground

Historic England &
Havant Borough Council

June 2019

Representations

This Statement relates to the following representations received in response to the Pre-Submission Draft (Regulation 2019) Havant Borough Local Plan (HBLP) consultation:

Respondent no.	Respondent name	Comment no.
R059	Historic England	C01 - C032

Introduction

This Statement of Common Ground (SoCG) is a jointly agreed statement between Historic England and Havant Borough Council (HBC) in relation to the Pre-Submission Draft Havant Borough Local Plan 2036 (HBLP) and the representations submitted by Historic England (respondent no. R059) in response to that consultation.

This statement sets out the areas of common ground, including issues which Historic England do not wish to pursue during the examination. It also identifies the key areas of uncommon ground which remain between the two parties at submission of the Plan.

Background

Historic England's representations in response at Pre-Submission stage have generally welcomed and supported the content of the Plan. However, there remains areas of disagreement between the Council and Historic England in relation to the development allocation at Campdown (H40) in the absence of a Setting Study to fully assess the impact of development on the significance of heritage assets. Historic England also raise concerns in relation to the reservoir development at Havant Thicket (KP9) given the part loss of the heritage asset. These concerns are set out in detail below.

Alongside its support for various parts of the Plan, Historic England submitted suggestions for possible wording / additions; the proposed agreed changes are set out in Appendix 1. There are a number of other representations submitted by Historic England which are not addressed here, but the Council does not consider these to be contentious.

Since the conclusion of the consultation on the Pre-Submission Draft HBLP 2036, the Council has been working closely with Historic England. The following sections set out the amendments and agreed matters between the Council and Historic England.

Evidence base regarding the historic environment

The historic environment has been considered throughout the preparation of the Havant Borough Local Plan 2036. Specifically, the following studies have drawn upon the evidence about the historic environment:

- **Constraints and Supply Analysis¹** - this study analyses the high-level constraints set out in footnote 6 of the 2019 NPPF, including designated heritage assets. This was the starting point for the overall strategy in the HBLP which confirms there is a finite amount of undeveloped land available for development in the Borough.
- **Summary of Site Screening Work²** – all proposed sites for development were screened for their impact in a number of areas including heritage and archaeology. This informed the 'Site Constraints and Opportunities' and developer requirements throughout the site allocations.

¹ The Housing Constraints and Supply Analysis (December 2017) can be found at: <http://www.havant.gov.uk/localplan/evidence-base>

² Summary of Site Screening Work (January 2019) can be found at: <http://www.havant.gov.uk/localplan/evidence-base>

- **Sustainability Appraisal**³ – a sustainability appraisal was carried out at each stage of plan preparation. The sustainability objectives include specific reference to impact on heritage, and the findings of this analysis fed into the policies and allocations as well as opportunities for successful re-use of assets, particularly those at risk (e.g. Southleigh Park House (H23)).

Development allocations

a. Havant Thicket Reservoir (Policy KP9)

The Havant Thicket Reservoir spans both Havant Borough and East Hampshire District. The reservoir would encompass ‘The Avenue’ of trees which straddles the administrative boundary. A site plan illustrating the allocation’s relationship alongside the full extent of the proposed Havant Thicket Reservoir within East Hampshire District is included at Appendix 2.

The Avenue forms part of the Grade II* listed Leigh Park Registered Park and Garden (RPG), a heritage asset of the highest significance. The Council acknowledges this in the allocation’s Site Constraints and Opportunities and recognises there would likely be a high heritage impact due to the potential loss of part of the heritage asset. This is reflected in the Council’s Summary of Site Screening Work (January 2019):

Site Ref/Title		Heritage	
		Impact (see guidance notes)	Recommendations
KP9	Havant Thicket Reservoir	High	<p>Part of the site lies within the Sir George Staunton Conservation Area which is also a Grade II* listed historic park and garden. Due to the very sensitive nature of the location, historic asset issues may prove to be an overriding constraint to development.</p> <p>Due to the potential of loss of part of the heritage asset the development has the potential to cause substantial harm to the intrinsic character of the conservation area and historic park and garden.</p> <p>It would therefore need to be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss.</p>

Area of Disagreement

Historic England note the avenue of trees that are part of the Grade II* would be lost through the development of the reservoir and consider that the proposed to substantial harm through the part loss of the RPG. It is considered that substantial harm to the heritage asset should be wholly exceptional and can only justified where substantial public benefits outweigh that harm or loss.

However, the Council recognises that it would not be possible for the reservoir to proceed without avoiding harm to the Avenue. It will however, need be demonstrated that substantial public benefits that outweigh that harm or loss in accordance with paragraph 195 of the NPPF. It is proposed that a new criteria j. is inserted in the policy as follows:

³ Sustainability Appraisals for the Local Plan Housing Statement (2016), Draft Local Plan (2017) and Pre-Submission Havant Borough Local Plan 2036 (2019), together with the SA Scoping Report (2016) can be found at: <http://www.havant.gov.uk/localplan/regulatory-requirements>

“j. It can be shown that substantial harm or loss of part of the Grade II listed Registered Park and Garden cannot be avoided and is necessary to achieve substantial public benefits that outweigh its harm or loss.”*

It will be for Havant Borough Council as local planning authority, in consultation with Historic England to determine whether the part loss of the heritage asset is outweighed by substantial public benefits.

b. Land south of Lower Road (Policy H20)

The Council concurrently consulted on a revised Old Bedhampton Conservation Area Appraisal alongside the Pre-Submission Draft Local Plan which concluded on 29 March 2019. It is agreed that a south westerly extension to the Old Bedhampton Conservation Area to include the site allocation (Policy H20) is not warranted.

Policy H20 includes a number of developer requirements to ensure the impacts on heritage assets are minimised, including the submission of a Heritage Statement (criterion a. i) and Design Code (criterion a. ii). Paragraph 8.32 of the supporting text also sets out a clear expectation that a full detailed planning application is submitted.

Historic England notes and acknowledges that subject to the strict adherence of these requirements, that the impacts on the special interest, character and appearance of the Conservation Area arising from the development would be acceptable.

c. Campdown (Policy H40)

The Pre-Submission Draft HBLP included a disclaimer at the start of the policy which highlighted the Scheduled Ancient Monument was in the process of being re-designated and this may affect the area of the site suitable for housebuilding. Since consultation on the Pre-Submission Draft concluded, the re-designation of the Scheduled Ancient Monument for the buried Roman villa and road (the Roman villa) has been confirmed. The Roman villa is one of three Scheduled Monuments within the vicinity of, and on, the site.

As set out above, the Council has prepared relevant and up-to-date evidence about the historic environment, including heritage and archaeology which have informed the direction of the Strategy and the specific site allocations included in the Plan. The Council note and acknowledge that the presence of the designated heritage assets would determine the scale, layout, design, height, material palette, open space design, and views out of and into any development, but do not consider them to be an overriding constraint to development.

At this stage Historic England raise concerns about this allocation prior to the assessment of the contribution of the setting of these three Scheduled Monuments and the context which they are experienced. On this basis, Historic England are not able to conclude whether the principle of development is acceptable, and therefore that the allocation (Policy H40) is sound.

Secondly, Historic England have also raised concerns that the reference to *“about XX dwellings”* in the policy could be perceived as a minimum target by the developer. In the absence of a Setting Study, Historic England do not agree that it is possible to conclude what area of development is likely to be acceptable in principle.

On this basis, the Council proposes to add explanatory paragraphs at paragraphs 1.1 and 1.12 (set out at Appendix 1) to provide clarity in the interpretation of the site allocation.

Policy H40 includes comprehensive developer requirements reflecting the site-specific constraints and potential scale of any development. At the start of the policy, there is a clear requirement for the developer to agree a Setting Study pre-application stage to ensure that it satisfactorily addresses the impact of development on the significance of the three Scheduled Monuments and appreciation of their significance (criterion a. i):

In addition to the above, the policy clearly indicates that development will only be permitted where:

“i. The extent and significance of the buried Roman Villa, the Roman Road and surrounding heritage assets within and adjacent to the site are identified and assessed...”

The policy identifies are four specific design and layout considerations relevant to the significance of the Scheduled Monuments as follows:

“n. The design and layout: ...

i. Preserves and enhances the buried Roman villa and road, incorporating them as an integral part of the development scheme to secure their long-term management;

ii. Provides open, semi-natural, green space in the north of the site (in accordance with Policy E9) that responds to the presence of the Roman villa and road with appropriate planting, interpretation of archaeology and public art;

iii. Does not cause any harm to the significance of Fort Purbrook (including its “fields of fire” to the north of the fort) and Bevis’ Grave and Early Medieval Cemetery Scheduled Monuments, nor to the appreciation of their significance;

iv. Does not cause any harm to any non-designated archaeological assets on the site;”

These are purposefully set out before other site-specific considerations in recognition of the need to give prominence to the protection of these significant assets in line with the NPPF.

On this basis, the Council is satisfied that the site allocation policy incorporates developer requirements which provide sufficient assurance that the contribution of the significance of the three Scheduled Monuments will be fully assessed at planning application stage. Furthermore, any harm to the significance of these designated heritage assets will be assessed in line with the requirements of other relevant policies in the Plan, including the historic environment and heritage assets policy (E13) at planning application stage.

Area of Disagreement

Even with minor changes to the policy proposed, Historic England cannot be confident that the significance of these heritage assets can be safeguarded, without the prior assessment of the significance of these heritage assets. As such, there would remain an area of disagreement between the Council and Historic England that the principle of development at Campdown (H40) is sound in the absence of a Setting Study prior to its allocation.

Historic environment and heritage assets policy (E13)

It is proposed to replace the policy wording with the following text:

E13 | Historic environment and heritage assets

Proposals affecting heritage assets

Heritage assets are an irreplaceable resource and consequently great weight will be given to their conservation. Development proposals should, in the first instance, avoid any harm to or loss of the significance of assets and any harm or loss considered unavoidable will require clear and convincing justification, irrespective of the level of that harm.

Accordingly, development proposals will be permitted which:

- a. Protect, conserve and, where possible, enhance the significance, and ability to appreciate that significance, of designated and non-designated heritage assets and the contribution they make to local distinctiveness and sense of place; and
- b. Make sensitive use of heritage assets, especially those at risk, through regeneration and re-use, particularly where redundant or underused buildings are brought into an appropriate use.

Proposals likely to cause 'substantial harm' to the significance of a designated heritage asset

Development proposals that are likely to cause 'substantial harm' to the significance of designated heritage assets (either directly or indirectly, by being within their setting) will only be permitted where either:

- c. Harm is shown to be unavoidable and is minimised and it is clearly and convincingly demonstrated that the proposal is necessary to achieve substantial public benefits that cannot be achieved otherwise, and which would outweigh the harm or loss; or
- d. All of the following circumstances apply:
 - i. The nature of the heritage asset prevents all reasonable uses of the site; and
 - ii. No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - iii. Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - iv. Harm or loss is outweighed by the benefit of bringing the site back into use.

Proposals affecting the significance of a non-designated heritage asset

Development proposals that would have an effect on the significance of a non-designated asset will be determined having regard to the scale of any harm or loss and the significance of the heritage asset.

Proposals for the removal of part or all of a heritage asset

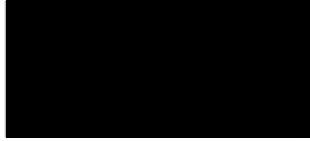
The removal of part or all of a heritage asset will only be permitted where it can be demonstrated that the approved replacement development will take place.

Signatories

This statement has been prepared and agreed by the following organisations

Havant Borough Council

Signature



Simon Jenkins

Director of Regeneration & Place

Date : 21st June 2019

Historic England

Signature



Alan Byrne

Historic Environment Planning Adviser

Date : 24th June 2019

Appendix 1: Schedule of Agreed Proposed Changes

Key:

Text proposed to be deleted is shown as ~~struckthrough~~

New text to be inserted is shown by underlining

Where replacement text is proposed this is clearly indicated

Comment Reference	Paragraph / policy number	Agreed Proposed Change
R059 C03	2.37	Amend second to read: “There are 7 scheduled monuments, <u>one Registered Park and Garden, 250 245</u> listed buildings and 14 conservation areas, all of which contribute towards a rich and varied built form.”
R059 C04	2.44	Replace paragraph with the following text: “Local Plans must plan positively for the development needs of the area including employment, housing, infrastructure and retail. The NPPF sets out that in delivery of sustainable development, Local Plans should contribute to the Government’s policy to significantly boost the supply of new homes.”
R059 C05	3.68 Opportunities and Constraints	Amend the 11 th bullet to read: “ <u>The site lies within the setting of the Grade II Listed Buildings – Norfolk Crescent, the Royal Hotel and the Shades Public House.</u> ”
R059 C11	1.10	Add the following text to the paragraph: “All allocations in this Plan are set out as 'about' rather than minimums or maximums. Depending on the form of development proposed through a planning application, it could be that different numbers of homes are achieved.”
	DR1	Re-name section and title of policy from “Delivery of Sustainable Development” to “Delivering Sustainable Development in Havant Borough.”
	2.44	Replace paragraph with the following text:

Comment Reference	Paragraph / policy number	Agreed Proposed Change
R059 C15	E13 5.140	<p>“The Havant Borough Local Plan 2036 plans positively for the development needs of the Borough, including employment, housing infrastructure and retail. The NPPF sets out that, in delivering sustainable development, local plan should contribute to Government’s policy to significantly boost the supply of new homes. Nonetheless, meeting development needs does not constitute sustainable development unless it fully contributes to all three pillars of sustainable development: economic, environmental and social.”</p> <p>See revised policy wording in main body of statement.</p> <p>Add the following sentence at the end of the paragraph:</p> <p>“Where removal of part or all of a heritage asset has shown to be necessary in line with the requirements of the policy, it should be demonstrated that the approved replacement development will take place by means of an agreed contract.”</p>
R059 C21	Blue text box under H20	Deletion of disclaimer which highlights the review of the Old Bedhampton Conservation Area which has now concluded.
R059 C24	H27	Insert new design and layout requirement as follows:
R059 C26	KP3	<p>“ix. Creates a vista to the Grade II* listed St Mary’s Church through the development and retains views of the church from the public footpaths wherever possible.”</p> <p>At criteria bb. iv. (Beachlands), gg. vi. (West Beach), qq. ix. (Northney Marina), replace the requirement for “Heritage Statement” with “Heritage Impact Assessment” given the recognised archaeological potential of these three sites.</p>
R059 C28	Throughout the Plan KP8	<p>Where archaeological potential is identified within individual site allocations, replace the requirement for “Heritage Statement to including an Archaeological Assessment” with “Heritage Impact Assessment.”</p> <p>At criteria k. vi., replace the requirement for “Heritage Statement” with “Heritage Impact Assessment” given the recognised archaeological potential of this site.</p>
R059 C29	KP9	<p>Insert new criteria j. as follows:</p> <p><i>“j. It can be shown that substantial harm or loss of part of the Grade II* listed Registered Park and Garden cannot be avoided and is necessary to achieve substantial public benefits that outweigh its harm or loss.”</i></p>

Comment Reference	Paragraph / policy number	Agreed Proposed Change
R059 C30	2.23 2.24	<p>Re-number remaining criteria and amend current criteria j. ii. as follows:</p> <p><i>“Compensating for the loss of, and effects on, Sites of Importance for Nature Conservation (SINCs)” the registered park and the conservation area.”</i></p> <p>Amend strategic priority to read “Celebrating Havant’s natural and <u>historic</u> environment, sunny climate and South Downs-Solent location whilst addressing climate change.”</p> <p>Amend paragraph as follows:</p> <p>“New development will be of a high standard of design to reflect the direction that Havant is heading, <u>whilst respecting and enhancing the Borough’s diverse historic environment</u>, and creating a healthy borough where people want to live, work and enjoy themselves. This high quality development will enhance the Borough’s natural assets, <u>celebrate the Borough’s past</u>, and make the most of its location close to both the South Downs National Park and the Solent.”</p>
R059 C32	1.10 1.12 Blue text box under H40 8.75	<p>As set out in the schedule above.</p> <p>Insertion of the following text:</p> <p>“The Plan must be read as a whole. It is purposefully structured with policies regarding infrastructure, the environment, housing quality and the economy at the front of the plan. These policies apply across the Borough. They should be read prior to considering individual allocation policies which are located at the back of the plan.”</p> <p>The remaining text would form a new paragraph.</p> <p>Deletion of blue text box which highlights the review of the Scheduled Ancient Monument designation for the Roman Villa which has now concluded.</p> <p>After the current (extensive) text regarding the historic environment, the ancient monuments and commentary on the approach of development – insert the following text as a new sentence:</p> <p>“This needs to be considered when determining the scale, layout, design, height, material palette, open space design and views out of and into the development.”</p>

Appendix 2: Havant Thicket Reservoir Site Plan

