

# Policy Evidence Report

## Policy 18: Historic Environment

**Hertfordshire Minerals and Waste  
Local Plan 2040**

**Hertfordshire County Council**



Supporting Regulation 22(c)(iii)(iv)

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**For information about this document please contact:**

Minerals and Waste Planning Policy  
Spatial Planning Unit  
Hertfordshire County Council  
Tel: +(44) 01992 556227  
Email: [MineralsandWaste@hertfordshire.gov.uk](mailto:MineralsandWaste@hertfordshire.gov.uk)  
[hertfordshire.gov.uk/mwlp](http://hertfordshire.gov.uk/mwlp)

Spatial Planning Unit CHN216  
Hertfordshire County Council  
County Hall  
Hertford  
SG13 8DN

If you require assistance interpreting or translating this document, please contact 0300 123 4040.

# 1. Introduction

- 1.1. Hertfordshire County Council is reviewing its adopted Minerals Local Plan, Waste Local Plan and supporting documents. These comprise the following documents (with adoption date):
  - Minerals Local Plan Review (March 2007)
  - Minerals Consultation Areas SPD (November 2007)
  - Waste Core Strategy and Development Management Policies DPD (November 2012)
  - Waste Site Allocations DPD (July 2014)
  - Employment Land Areas of Search SPD (November 2015)
- 1.2. The documents listed above are to be replaced by a single Minerals and Waste Local Plan (MWLP) covering the period to 2040. The new MWLP will set the overall spatial framework and development management policies for sustainable minerals and waste management development in Hertfordshire.
- 1.3. This Policy Evidence Report provides a context and justification for the creation of Policy 18: Historic Environment in the emerging Minerals and Waste Local Plan.

## 2. National Policy Context

- 2.1. The National Planning Policy Framework (NPPF 2021) and National Planning Practice Guidance (PPG) provide the basis of national planning policy.
- 2.2. The following points within the NPPF relate to Policy 18:
  - Paragraph 189 – ‘Heritage assets range from sites and buildings of local historic value to those of the highest significance, ... These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.’
  - Paragraph 190 states that plans should set out a positive strategy to conserve the historic environment which ‘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.’

- Paragraph 194 – ‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.’
- Paragraph 195 – ‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.’
- Paragraph 199 – ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’
- Paragraph 206 – ‘Local planning authorities 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.’

2.3. The PPG includes a number of relevant sections:

- ‘The principal issues that mineral planning authorities should address ... include: archaeological and heritage features ... ‘

*Paragraph: 013 Reference ID: 27-013-20140306*

- ‘The planning system controls the development and use of land in the public interest and ... this includes ensuring that new development is appropriate for its location – taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution.’

*Paragraph: 012 Reference ID: 27-012-20140306*

2.4. The National Planning Policy for Waste (NPPW) sets out a locational criteria (Appendix B) to be used in the preparation of local plans and determining of planning applications. The criteria includes: ‘e. conserving the historic environment Considerations will include the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting.’

### **3. Local Context**

3.1. Hertfordshire’s environment contains an interesting variety of archaeology, buildings and structures, areas of historic landscape, conservation areas and historic parks and gardens (including Registered Parks and Gardens).

- 3.2. There are around 180 Scheduled Monuments throughout the county with certain concentrations around historic towns in the north, such as St Albans, and along communication routes, such as the Lee Valley. There are a significant number of Listed Buildings with concentrations in the county's historic towns such as Hertford and St Albans.
- 3.3. There are 110 Grade I, 477 Grade II\* and 7,491 Grade II listed buildings. There are 46 Registered Parks and Gardens of special historic interest in Hertfordshire, as listed by Historic England and these include 2 Grade I, 10 Grade II\* and 34 Grade II parks and gardens.
- 3.4. As well as all of the known heritage assets, there are many non-designated heritage assets and archaeology sites in Hertfordshire. They may be of equal significance and must be considered during waste planning and development to ensure these areas and assets are safeguarded.

## 4. Minerals & Waste Local Plan Policy

- 4.1. Prior to the publication of the emerging MWLP, the Council was preparing separate Minerals and Waste Plans, which were at differing stages of production. The emerging Minerals Local Plan (MLP) was published for a Regulation 19 Proposed Submission consultation in 2019, and the emerging Waste Local Plan (WLP) was published for a Regulation 18 Draft Plan consultation in 2021. These emerging Plans have now been brought together into a single MWLP. The Policy which this Evidence Report relates to has been formulated from one or more relevant policies in those previous emerging Plans, and takes into account the representations received at those previous stages of consultation.

### Proposed Submission Minerals Local Plan 2019

- 4.2. The Proposed Submission Minerals Local Plan was published for a ten week Regulation 19 consultation from 14 January 2019 to 22 March 2019. This document included Policy 15: Historic Environment. The policy read as follows:

#### **Policy 15: Historic Environment**

Proposals for mineral extraction, associated development and reclamation will be permitted where it can be demonstrated that the proposal will protect, conserve and where appropriate enhance the historic environment.

Proposals will be required to describe the significance of any heritage assets affected by the proposals, including any contribution made by their setting, integrity and distinctiveness and the level of the impact within an appropriate desk-based assessment

and, where necessary, a field evaluation, which is linked to a Landscape and Visual Impact Assessment where necessary. The assessment should use relevant historic, archaeological, environmental, the Historic Environment Record and appropriate expertise, where necessary, and inform mitigation measures proportionate to the affected heritage assets' importance.

The county council will expect developers to record the evidence and make any archives and subsequent assessment publicly accessible to promote the understanding of the heritage asset.

- 4.3. During the Regulation 19 consultation, 3 representations were made in relation to this policy however only one representation directly related to this policy wording. The main points of these are summarised below:
- a) The policy should include a requirement to demonstrate the benefits weighted against the impacts to the historic environment.
  - b) It was raised that Preferred Area 1 is contrary to this policy due to the cultural and heritage significance at the site.
- 4.4. The county council's response to the representations received is stated below:
- a) In determining a planning application for minerals development, the Planning Authority will consider all of the positive and negative impacts of the development.
  - b) Since the policy was drafted, a full Heritage Impact Assessment (HIA) has been carried out for Preferred Area 1 (the Briggens Estate). Policy 2: Meeting Sand and Gravel Needs has taken account of the findings of the HIA.

## **Draft Waste Local Plan 2021**

- 4.5. The Draft Waste Local Plan was published for a ten week Regulation 18 consultation from 11 January 2021 to 19 March 2021. This document included Non-strategic Policy 14: Historic Environment. The policy read as follows:

### **Non-strategic Policy 14: Historic Environment**

Waste development proposals will be permitted where it can be demonstrated that the proposal will protect, conserve and, where appropriate, enhance the historic environment in Hertfordshire.

Proposals will be required to describe the significance of any heritage assets affected by the proposal, including any contribution made by their setting, integrity and distinctiveness, and the level of impact within an appropriate desk-based assessment and, where necessary, a field evaluation, which will be linked to a Landscape and Visual Impact Assessment or Landscape Visual Appraisal.

Any assessment should use relevant historic, archaeological, environmental sources, the Historic Environment Record and appropriate expertise and inform mitigation measures proportionate to the affected heritage assets' importance. The county council expects developers to record evidence and make any archives and subsequent assessments publicly accessible to promote the understanding of the heritage asset.

4.6. During the consultation on the Draft Waste Local Plan, this policy received 7 representations. There was support for the inclusion of this policy. The points raised are summarised below:

- a) The policy should be strengthened to create a requirement rather than an expectation for the publicising of records and assessments.
- b) The policy should require 3D structural recording to assist with identifying heritage assets.
- c) The policy paragraphs are too long and require splitting or shortening.
- d) The policy should replace the word 'conserve' with 'preserve' to align with national policy.
- e) The policy should be expanded to include reference to results of archaeological investigations.
- f) The policy should be expanded to note that special consideration will be given to heritage assets reflecting the distinctiveness and character of the county.
- g) The tests of harm outlined in the NPPF should be included within this policy.
- h) It is suggested that this policy should be strategic.
- i) It is suggested that the policy specifically refer to the significance of designated and non-designated heritage assets (and any contribution made to that significance by setting).
- j) The requirement to undertake appropriate site assessments must be considered on a site-by-site basis. It is suggested that more flexibility needs to be built into these policies to take account of site-by-site circumstances.

4.7. The county council's response to the above representations is as follows:

- a) The Council agrees that it would be beneficial for the results of any heritage assessment to be made publicly available, the policy has been amended to reflect this.
- b) Structural recording is not always necessary and therefore any requirement for this should be dealt on a case by case basis.
- c) The paragraphs in the policy have been split to aid ease of reading.
- d) The NPPF states that planning authorities should plan for the 'conservation and enhancement' of the historic environment, therefore the wording aligns with national policy.
- e) The policy requires the use of archaeological sources to inform assessments and mitigation measures. This evidence is then expected to be publicised.
- f) Assets and their setting will be assessed on their merits, with the accompanying Heritage Statement (HS) setting out their particular significance. There is no

need to give special consideration in the policy wording to assets of wider 'county level' significance, as any HS should pick this up.

- g) The tests outlined in the NPPF are used for each individual application to judge its suitability and therefore are not included within the policy.
- h) The policies in the plan are now all considered to be strategic, therefore this change has not been made.
- i) The Policy has been amended to equally apply to non-designated heritage assets and their setting
- j) The policy does not require an assessment when a proposal does not have the potential to impact a heritage asset. An assessment investigating heritage would be dealt with at the application stage, however, the historic environment is an important principle that must be considered by all proposals.

## **5. Alternative Reasonable Options**

5.1. The following alternative options have been considered (and fully assessed in the Sustainability Appraisal Report):

- Option 1 –A policy which supports proposals where it can be demonstrated that they will protect, conserve and, where appropriate, enhance the historic environment, requiring an assessment of impact
- Option 2 – Similar to Option 1 but with the requirement of a full Heritage Statement and where necessary, archaeological investigations (preferred)
- Option 3 – A similar policy to Option 1, with less restrictive considerations required of the historic environment

## **6. Conclusion**

6.1. This Policy Evidence Report demonstrates the justification for the inclusion of this policy in the emerging Minerals and Waste Local Plan Draft Plan. It summarises the national policy context and local context, along with the main issues raised through previous consultation and how the council has addressed those issues.

6.2. Any representations received on this policy at the Regulation 18 consultation stage will be carefully considered by the county council and used to inform any changes to the policy wording as appropriate.

6.3. This Policy Evidence Report was written to support the Draft Plan (Regulation 18) consultation. The next iteration of this report, to be published in support of the Proposed Submission (Regulation 19) version of the Plan, will summarise the main issues arising from the Regulation 18 consultation and will form part of the Regulation 22 statement, as set out by the Town and Country Planning (Local Planning) (England) Regulations 2012.