



# READING LOCAL PLAN EXAMINATION IN PUBLIC

**Issue 5: *Are the policies for the Built Environment justified, deliverable and consistent with national policy?***

**1. *Historic Environment policies (Q1 from Matters and Issues)***

- ***Statement of Common Ground and outstanding matters with Historic England***
- ***Schedule of changes from pre-submission draft (No.12 EN2 wording)***

## 1. Introduction

- 1.1 Historic England is the public body that looks after England's historic environment and champions historic places, helping people understand, value and care for them. Historic England is a statutory consultee on local plans.
- 1.2 Paragraph 2 of the National Planning Policy Framework (2012) states that the Framework "*must be taken into account in the preparation of local plans*". Paragraph 151 requires Local Plans to be "*consistent with the principles and policies set out in this Framework*". One of the four "tests" of soundness is that the plan should be consistent with national policy (paragraph 182).
- 1.3 The National Planning Policy Framework contains a number of requirements as regards local plans and the historic environment. Historic England submitted a total of 105 individual representations at the Regulation 19 stage of the Local Plan, reflecting our consideration of whether the Local Plan is consistent with those requirements.
- 1.4 The majority of our representations are expressions of support for references to the historic environment or heritage assets in the Plan. We also suggested corrections, clarifications and improvements to some of the policies and supporting text.
- 1.5 We considered the Plan not to be consistent with the National Planning Policy Framework in five respects:
  - the historic environment evidence base for the Plan;
  - the heading for sub-section 4.2;
  - Policy EN2;
  - the lack of any detailed development management policies providing guidance to developers and decision-makers how an application should be determined; and
  - Policy CR13a Reading Prison
- 1.6 This Statement covers the first four of these; we have prepared a separate Statement of Policy CR13a.

## 2. Historic England's Representations

### Historic environment evidence base

- 2.1 Paragraphs 158 and 169 of the National Planning Policy Framework require local plans to be based on adequate, up-to-date and relevant evidence about the historic environment.
- 2.2 We have previously noted that the Council's Technical Studies and Background Documents webpage did not identify any historic environment evidence.
- 2.3 We are aware of the Council's series of Conservation Area Character Appraisals, the Culture and Heritage Strategy 2015-2030 and the Berkshire Historic Environment Record. However, we are not clear if the Council has other historic environment evidence (e.g. an extensive urban survey of Reading or other townscape or characterisation study, an urban archaeological database, a list of locally important heritage assets or a survey of grade II buildings at risk).
- 2.4 Historic England's advice on the historic environment in local plans (Good Practice Advice Note: 1: "The Historic Environment in Local Plans) suggests that "*It may be helpful to collate this information within a Heritage Topic Paper to draw together the evidence prepared and the subsequent implications and actions required.*"
- 2.5 We note and welcome, in principle, the Council's Heritage Background Paper. However, we note that this is dated March 2018 which would indicate that it has been written (possibly in response to our comment) to retrofit the Plan rather than having been prepared to guide the Plan's production (as would its absence from the Technical Studies and Background Documents webpage). It also contains a number of errors which may suggest that it was written in haste.
- 2.6 We welcome the references to the Conservation Area Appraisals, Draft Heritage Statement, National Heritage List for England and the Berkshire Historic Environment Record in the Paper.
- 2.7 However, we note that the Paper identifies gaps in the evidence base for the Plan i.e. the outdated archaeological survey ("*as the last archaeological survey of the historic town centre was carried out in 1978, the true extent of buried archaeological remains in Reading is not known*").

- 2.8 We also note the lack of a survey of Grade II listed buildings to see if any are at risk of neglect, decay or other threats: *“There is no information available on the condition of Reading’s listed buildings, as no borough-wide buildings-at-risk or condition surveys have ever been undertaken”* (which is not entirely accurate as Historic England monitors the condition of Grade I and Grade II\* listed buildings).
- 2.9 We expect the Council to have an adequate, up-to-date and relevant historic environment evidence base and to demonstrate in the Local Plan how that historic evidence base has informed and influenced the Plan’s policies and site allocations. As it stands, we cannot be confident that this is the case, and therefore we cannot be confident that the Plan is justified and consistent with national policy.

The heading of sub-section 4.2

- 2.10 Sub-section 4.2 is entitled “Built and Natural Environment”. In our representation on this heading we objected to the omission of “Historic” as not all historic features are “built”.
- 2.11 The National Planning Policy Framework specifically refers to the historic environment (distinguishing it from the built environment in paragraph 7) and provides a definition in the Glossary (*All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora*).
- 2.12 It is therefore clear that “built environment” and “historic environment” are not interchangeable terms, and that the failure of the Plan to identify the historic environment in its own right in this heading is inconsistent with the National Planning Policy Framework.
- 2.13 The Council’s response to this representation is set out in its “Statement of Consultation on the Pre-Submission Local Plan” (LP006): *“No change proposed. The reasoning for the representation is understood, but the historic environment does fall largely (although not entirely) within the ‘built environment’ heading, and it is not considered to necessitate overcomplicating the heading”*.
- 2.14 We do not consider the Council’s reason for not proposing the change to be satisfactory but if *“Built, Historic and Natural Environment”* is really considered to be overcomplicated, the heading could simply be *“The Historic and Natural Environment”*. Therefore our concern remains.

## Policy EN2

- 2.15 In our comments on the Pre-Submission Plan we welcomed and supported, in principle, Policy EN2 Areas of Archaeological Significance. However, we noted that the final paragraph of the policy EN2 (as submitted) is stricter than the National Planning Policy Framework which does allow for there to be harm to scheduled monuments where that harm is outweighed by public benefits commensurate with the level of harm or four particular circumstances all apply (although such harm should be wholly exceptional (and clearly and convincingly justified)). We noted that this could be considered to be a matter of soundness.
- 2.16 We therefore welcomed Minor Change 12 which recognised that harm to scheduled monuments and other nationally important archaeological remains and their settings could be outweighed by clear and convincing public benefits. We have confirmed that this Minor Change addresses our concern in our Statement of Common Ground with the Council (see section 3 of this Statement).

## The lack of any detailed development management policies

- 2.17 Paragraph 154 of the National Planning Policy Framework states, in part;
- “Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.”*
- 2.18 We consider that the Reading Local Plan should provide more of “a clear indication of how a decision maker should react to a development proposal”, as required by paragraph 154.
- 2.19 We made the same point when commenting (as English Heritage) on the Chichester Key Policies DPD. The Inspector that examined that DPD concluded;
- “English Heritage has expressed concerns that Policy 47 does not provide a robust framework to enable the Council to manage applications for development that would affect a heritage asset. It is also argued that the Plan does not draw attention to the full range of tools that the Council will use to protect heritage assets. The Council and English Heritage have worked collaboratively to prepare a range of additions and amendments to the text and the policy and these are set out in modifications MM100, MM101, MM102, MM103, MM104 and MM105. Subject to these modifications I am*

*satisfied that the Plan includes an effective strategy to ensure that the district's heritage assets can be protected and which is consistent with the NPPF."*

2.20 More recently, we worked with West Oxfordshire District Council and CPRE Oxfordshire, at the invitation of the Inspector examining the West Oxfordshire Local Plan 2031, to revise Policy EH7 in the submitted Plan to address this same point. As a consequence of that work, the Council suggested Further Main Modifications to the submitted Plan in the form of additional policies EH8, EH9, EH10, EH11, EH12, EH13 and EH14 setting out criteria for the assessment of development proposals affecting conservation areas, listed buildings, traditional buildings, historic landscape character, registered historic parks and gardens, scheduled monuments and other nationally important archaeological remains and non-designated heritage assets.

2.21 The report of the Inspector that conducted the Examination in Public was published on 24<sup>th</sup> August 2018. As regards Policy EH7, the Inspector opined:

*"Policy EH7 (Historic Environment), as originally submitted, was criticised as being inconsistent with national policy whilst at the same time providing inadequate locally specific detailed policy guidance. I share these concerns and, thus, for the plan to be justified, effective and consistent with national policy MM5, MM35, MM36, MM37, MM38, MM39, MM40, MM41, MM42 and MM43 are necessary.....In conclusion, subject to the above-mentioned modifications, the plan's policies in respect of environmental and heritage assets are positively-prepared, justified, effective and consistent with national policy".*

2.22 The Council's response to our representation on this matter is *"Noted. No change needed. It is considered that details regarding the important elements and characteristics of listed buildings and registered historic parks and gardens are detailed in the Historic England listing for each asset. Policy EN1 requires that development proposals seek to conserve or enhance 'historic features, areas of historic importance and other elements of the historic environment'".*

2.23 It is interesting that the Council's Historic Environment Background Paper's conclusions on relying on Policy EN1 for Conservation Areas in the absence of a specific policy for conservation areas (Policy EN3): *"This alternative would rely on EN1 and would grant cursory protection to Conservation Areas as a type heritage asset, but fails to highlight specific issues in Conservation Areas. A separate policy draws attention to an important issue....."*

- 2.24 The Background Paper does not consider whether or not there should be separate policies for listed buildings and/or historic parks and gardens at all, even though Policy EN1 does not highlight specific issues with these types of heritage assets.
- 2.25 It is incorrect to say that “*details regarding the important elements and characteristics of listed buildings and registered historic parks and gardens are detailed in the Historic England listing for each asset*”. The list descriptions were originally intended simply to enable identification of the asset, not to explain what was important or significant about it. Therefore our concern remains.

#### Other requirements of the National Planning Policy Framework

- 2.26 Paragraph 126 states of the Framework “*Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment.....*”. Paragraph 157 states “*Crucially, Local Plans should contain a clear strategy for enhancing the natural, built and historic environment*”.
- 2.27 For the avoidance of doubt, Historic England considers that the Plan sets out the required positive and clear strategies and that it is therefore consistent with the Framework (and thus sound) in this respect.
- 2.28 Paragraph 156 states “*Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver the conservation and enhancement of the.....historic environment*”. For the avoidance of doubt, Historic England considers that Policy EN1 fulfils this requirement and that it is therefore justified, effective and consistent with national policy.

### **3. Statement of Common Ground**

- 3.1 As the Inspector will be aware, the Council and Historic England have signed a Statement of Common Ground. In this Historic England confirms that a number of the changes proposed in the Council’s Schedule of Minor Changes prior to Submission address a corresponding number of our comments.
- 3.2 Those changes and the comments addressed are:
- No. 5 – 3.2 Spatial Strategy for Reading, Paragraph 3.2.11
  - No. 10 – 4.2 Built and Natural Environment, Paragraph 4.2.2
  - No. 12 – 4.2 Built and Natural Environment, Policy EN2: Areas of Archaeological Significance

- *No. 13 – 4.2 Built and Natural Environment, Paragraph 4.2.23*
- *No. 47 – 4.7 Other Uses, Policy OU3: Telecommunications Development*
- *No. 54 – 5: Central Reading, Policy CR3: Public Realm in Central Reading*
- *No. 56 – 5: Central Reading, Policy CR10: Tall Buildings*
- *No. 94 – 8: Caversham and Emmer Green, Policy CA1: Sites for Development and Change of Use in Caversham and Emmer Green, CA1f: Rear of 1 & 3 Woodcote Road and 21 St Peter's Hill*
- *No. 97 – 9: East Reading, Paragraph 9.2.1*

3.3 However, the Minor Changes do not address all of our comments. The Statement of Common Ground explains that our comments on the following remain outstanding.

- *Section 1.5 – evidence base*
- *Section 4.2 – section heading*
- *Section 4.2 – lack of policy(ies) setting out the important elements or characteristics of listed buildings and registered historic parts and gardens to which development proposals should have regard and seek to conserve and enhance*
- *Paragraphs 4.2.10 & 4.2.11 – lack of explanation of the difference between designated and non-designated heritage assets*
- *Policies H8 and H9 – recommendation to strengthen policies*
- *Policy CR2 – lack of reference to the historic environment*
- *Policies CR11c, CR12e and CR13c – lack of reference to specific listed buildings*
- *Policy CR13a – concerns about possible residential use*

3.4 Therefore, whilst our concern over Policy EN2 would be addressed by the Minor Changes prior to Submission, our concerns relating to the soundness of the Plan regarding the Evidence Base (Section 1.5), the heading of Sub-section 4.2, the lack of any detailed development management policies and Policy CR13a remain outstanding.



#### **4. Changes Historic England considers necessary to make the Plan sound**

- 4.1 The Council should set out those studies, reports and other sources of information it has used as the historic environment evidence base to underpin the policies and proposals of the local plan.
- 4.2 If that evidence base is not adequate, up-to-date and relevant then the Council should undertake further evidence-gathering to ensure that the policies and proposals of the local plan provide proper protection for the historic environment in accordance with the National Planning Policy Framework.
- 4.3 We consider that the heading for sub-section 4.2 should be retitled “Built, Historic and Natural Environment” or just “Historic and Natural Environment”.
- 4.4 We consider that the Local Plan should contain a more detailed development management policy or policies setting out the important elements or characteristics of designated heritage assets such as listed buildings, scheduled monuments, conservation areas and registered historic parks and gardens to which development proposals should have regard and seek to conserve or enhance.
- 4.6 This policy or policies should include criteria for assessing the potential impact of development proposals on the significance of all those heritage assets. We would be pleased to work with the Council to develop these policies, and we would commend Policies EH7, EH8, EH9, EH11, EH12, EH13 and EH14 of the West Oxfordshire Local Plan 2031 (as recommended by the Inspector that examined the Plan for inclusion in the Plan) or Policies ENV6, ENV7, ENV8, ENV9 and ENV10 of the emerging South Oxfordshire Local Plan 2011-2033, as exemplars of the policy or policies we are advocating.
- 4.7 If these amendments to the Plan were to be made, we would consider these elements of the Plan to be consistent with the National Planning Policy Framework and sound in respect of the historic environment. Our only outstanding concern would then be in respect of Policy CR13a.