
From: Simmonds, Ross <
Sent: 07 April 2015 11:21
To: Local Plan Review
Subject: Mid Devon Proposed Submission Doc April 6 2015
Attachments: Mid Devon Proposed Submission Doc April 6 2015.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir
Please find attached the comments of Historic England to the Mid Devon Local Plan review.
Regards

Ross Simmonds

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Historic England

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Our ref: HDP 5365
Your ref:
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6 April 2015

Dear Sir

re: **Local Plan review Proposed Submission and CIL Draft Charging schedule for Mid Devon**

Thank you for the opportunity to comment upon this important document.

On the whole we note that the plan appears to be aiming for a holistic approach in order to achieve sustainable development in line with the NPPF, "*Economic, social and environmental improvement should be sought jointly and simultaneously*¹. We often encourage heritage issues to be reflected in all facets of the plan, including housing, transport, retail, design and allocation policies. There are however one or two omissions relating to the historic environment and we outline these below. Any site allocation and the implications should be informed by and provide a direct response to the Historic Environment to ensure a positive and proactive strategy for the conservation and enjoyment of the historic environment (NPPF para.126) and we are unsure if this is the case.

Our comments are made in order to help you achieve a sound plan.

Page	Section	Sound/ Unsound	Comments	Suggested Change
30	Policy S1	sound	We support this policy.	
47	Policy S9	unsound	We support the principal behind this policy however it should include registered Parks and	Amend to read: "... scheduled monuments,

¹ NPPF para 8



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			Gardens and Battlefields to be clear about definitions.	<i>Registered Parks and Gardens and Battlefields and local heritage assets."</i>
49	Policy S10	Unsound	We support the principal behind this policy however it should include clear reference to the role of the historic environment.	Amend bullet point a) to read: "....vitality, viability and historic character, including...."
58	Policy S14	Unsound	<ul style="list-style-type: none"> • Development outside of a settlements, farm diversification and new build or conversion of existing buildings could harm the significance of the historic asset or the setting either at a wider historic landscape scale or down to particular buildings or farmsteads. This is a specific issue in rural Devon. What do architects need to know before designing a barn conversion? • Traditional farm buildings contribute to local character and connect people to the landscape around them but they are often under threat of redundancy and loss. Most traditional farm buildings are 19th century and are not listed. • Following on from the extension of Permitted Development rights to allow the conversion of farm buildings to residential use, new advice has been published by Historic England for owners and their architects on how to successfully change buildings while retaining historic character and significance. • The building's functional relationship with the land, and understanding the extent to which they have changed, is key to identifying constraints and 	Amend to provide additional bullet point " <i>there is no harm to historic assets and their settings and where appropriate enhancement opportunities are taken.</i> "



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			<p>opportunities for future change that capitalise on their distinctive quality.</p> <ul style="list-style-type: none"> Solutions can be in line with the National Planning Policy Framework's emphasis on locally-sensitive good design as 'a key aspect of sustainable development' and the Farrell Review's emphasis on 'making the ordinary better' through recognition of 'the wider context of what is already there' and how to integrate new development into their historic setting and context. <p>English Heritage (now Historic England) has produced a number of pieces of research to support the careful and appropriate management of change to such issues. It would be useful to cite this and better recognise the change issues in the policy. http://historicengland.org.uk/advice/caring-for-heritage/rural-heritage/farm-buildings/</p> <p>As a result, the plan does not comply with the requirements of the NPPF:-</p> <ul style="list-style-type: none"> It does not provide any certainty about how applications on planning proposals will be determined [NPPF Paragraph 17]. It is not clear how the presumption in favour of sustainable development will be applied locally [NPPF Paragraph 15]. It does not provide clear policies on what will or will not be permitted or provide a clear indication of how a 	



Page	Section	Sound/ Unsound	Comments	Suggested Change
			decision-maker should react to a proposal [NPPF Paragraph 154].	
69	Policy TIV3	Unsound	<ul style="list-style-type: none"> We welcome the principal behind the policy outlined in the opening of the first paragraph. However, the policy does not provide clear policies on what will or will not be permitted or provide a clear indication of how a decision-maker should react to a proposal [NPPF Paragraph 154]. It does not provide any certainty about how applications on planning proposals will be determined [NPPF Paragraph 17]. It is not clear how the presumption in favour of sustainable development will be applied locally [NPPF Paragraph 15]. Paragraph 3.26 recognises in more detail the heritage assets and those issues relating to the proposed site allocation. And recommend in using this wording to provide certainty to the applicant and decision maker. 	Amend criterion g) to better include te points in paragraph 3.26.
75	PolicyTIV 7	sound	<ul style="list-style-type: none"> We support this policy. 	
76	PolicyTIV 8	sound	<ul style="list-style-type: none"> We support this policy. 	
78	Policy TIV12	sound	<ul style="list-style-type: none"> We support this policy. 	
79	Policy TIV13	Sound	<ul style="list-style-type: none"> We support this policy. 	
80	Policy TIV14	sound	<ul style="list-style-type: none"> We support this policy. 	
85-92	Policy CU1-CU6	unsound	<ul style="list-style-type: none"> We are aware that parts of this site were allocated in the previous local plan, 	(a) An Historic Environment Appraisal needs to



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			<p>nonetheless, with the advent of the NPPF we have concerns about the process and use of the evidence base.</p> <ul style="list-style-type: none"> <li data-bbox="671 389 1098 1048">• The evidence should identify a clear understanding of the significance of the heritage assets and their settings, necessary to develop proposals which avoid or minimise harm to the historic environment, in this case the Roman fort on St Andrew's hill and numerous listed buildings, such as Little Rull. This will in turn inform the decision making process as to whether the site accommodate the level of development proposed without harm to the historic environment. <li data-bbox="671 1122 1098 1921">• This is a general point, that the evidence and guidance in the DPD should be provided to inform decisions. Planning Policy Guidance is clear that such "studies can reveal alternative development options, for example more sensitive designs or different orientations, that will deliver public benefits in a more sustainable and appropriate way." (PPG, Paragraph 019). This then needs to be more explicitly presented in the allocation on this site, to ensure the site is appropriate for development, that there is no harm to the historic environment, to provide clarity to applicants and 	<p>reassess the likely impact which the development of this area might have upon the Roman fort on St Andrew's hill and numerous listed buildings.</p> <p>(b) If the Historic Environment Appraisal concludes that harm will result from this allocation, then the plan needs to set out ways in which this harm might be mitigated.</p> <p>(c) If, as a result of the mitigation, it is likely that there will still be harm to elements which contribute to the significance of this area, then the plan will need to justify this allocation in term of NPPF Paragraphs 133 and 134.</p>



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			<p>ensure delivery.</p> <ul style="list-style-type: none"> The Landscape and Visual Appraisal Strategic Site Options 2014, references historic assets and evidence, but it clearly does not consider these assets, stating "The setting of listed buildings and structures is of importance in the planning process and the extent of those settings and the effect of development on them should be assessed by specialist consultants, again as part of a planning application." On this last point we disagree. The work should be undertaken before allocation, to determine the level of harm and whether the site is appropriate at all. In any event we can see no evidence that suggests and understanding of heritage and its setting. The evidence base should ideally be used to inform whether allocation is appropriate and what if any design options are necessary to mitigate less than substantial harm. 	
113	Policy CRE1	unsound	<p>The proposed allocation largely subsumes the grade II listed Wellparks farm complex and dramatically changes its rural setting.</p> <p>There is a requirement in the 1990 Act that "<i>special regard</i>" should be had to the desirability of preserving Listed Buildings or their setting or any features of</p>	(a) The Historic Environment Appraisal needs to reassess the likely impact which the development of this area might have upon the Conservation Area.

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			<p>special architectural or historic interest which they possess. Consequently, the need to ensure that those elements which contribute to the significance of this building are not harmed should be referred to in local plan.</p> <p>At the time of the application in 2014 the Historic Environment Assessment in relation to the impact of the development on Wellparks, stated that "the farm buildings will be retained and converted to employment use and therefore the impact of the development on the significance of the heritage assets is minimal". We consider that the agricultural surroundings of a historic farmstead can make a significant contribution to its setting, and changes to that setting therefore have the potential to cause considerable harm to overall significance. This view has been substantiated in a number of recent appeal decisions. The fact that a development of this scale will cause harm to the setting and significance of Wellparks seems to us to be an unavoidable conclusion. It is important, then, that the setting of Wellparks is given sufficient weight in developing a scheme for this site. We would suggest that provision is made not to take new buildings to such proximity to Wellparks that the legibility of its original agricultural function is entirely lost.</p> <p>In order to provide the necessary evidence to support the allocation of this area (and to demonstrate that the plan is setting out a positive strategy for</p>	<p>(b) If the Historic Environment Appraisal concludes that harm will result from this allocation, then the plan needs to set out ways in which this harm might be mitigated.</p> <p>(c) If, as a result of the mitigation, it is likely that there will still be harm to elements which contribute to the significance of this area, then the plan will need to justify this allocation in term of NPPF Paragraphs 133 and 134.</p>



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			<p>the conservation of the historic environment as is required by the NPPF), the Historic Environment Appraisal needs to reassess the likely impact which the development of this area might have upon the Conservation Area and listed buildings.</p> <p>If the Historic Environment Appraisal concludes that harm will result from this allocation, then the plan needs to set out ways in which this harm might be mitigated.</p> <p>If, as a result of the mitigation, it is likely that there will still be harm to elements which contribute to the significance of this area, then the plan will need to justify this allocation in term of NPPF Paragraphs 133 and 134.</p>	
114	CRE2	unsound	<p>What is the impact of this proposal on the Registered Park and Garden at Shobroke Park? There is no work in the evidence base that assesses any possible impact.</p> <p>Consequently, the plan needs to set out more explicitly, the reasons why the plan is putting forward an allocation that appears to result in harm to the significance of this Registered Park and Garden and, if allocated, set out the measures by which any harm might be mitigated.</p>	<p>a) A Historic Environment Appraisal needs to assess the likely impact which the development of this area might have upon the park and garden.</p> <p>(b) If the Historic Environment Appraisal concludes that harm will result from this allocation, then the plan needs to set out ways in which this harm might be mitigated.</p> <p>(c) If, as a result of the mitigation, it is likely that there will still be harm to elements which contribute to the</p>



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				significance of this area, then the plan will need to justify this allocation in term of NPPF Paragraphs 133 and 134.
114	CRE3	unsound	<p>What is the impact of this proposal on the Registered Park and Garden at Shobroke Park?</p> <p>The plan needs to set out, more explicitly, the reasons why the plan is putting forward an allocation that appears to result in harm to the significance of this Registered Park and Garden and, if allocated, set out the measures by which any harm might be mitigated.</p>	<p>a) A Historic Environment Appraisal needs to assess the likely impact which the development of this area might have upon the park and garden.</p> <p>(b) If the Historic Environment Appraisal concludes that harm will result from this allocation, then the plan needs to set out ways in which this harm might be mitigated.</p> <p>(c) If, as a result of the mitigation, it is likely that there will still be harm to elements which contribute to the significance of this area, then the plan will need to justify this allocation in term of NPPF Paragraphs 133 and 134.</p>
115	CRE4	Sound	<ul style="list-style-type: none"> We support the policy. 	
115	Policy CRE5	unsound	<p>What is the impact of this proposal on the Registered Park and Garden at Shobroke Park and Creedy Park?</p>	<p>a) The Historic Environment Appraisal needs to assess the likely impact which the</p>



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			<p>The landscape assessment only considers Creedy Park but in any event is inadequate in terms of assessment of impacts and mitigation.</p> <p>Consequently, the plan needs to set out, more explicitly, the reasons why the plan is putting forward an allocation that appears to result in harm to the significance of this Registered Park and Garden and, if allocated, set out the measures by which any harm might be mitigated.</p>	<p>development of this area might have upon the park and garden.</p> <p>(b) If the Historic Environment Appraisal concludes that harm will result from this allocation, then the plan needs to set out ways in which this harm might be mitigated.</p> <p>(c) If, as a result of the mitigation, it is likely that there will still be harm to elements which contribute to the significance of this area, then the plan will need to justify this allocation in term of NPPF Paragraphs 133 and 134.</p>
119	CRE10	unsound	<p>The proposed allocation largely subsumes the grade II listed Wellparks farm complex and dramatically changes its rural setting.</p> <p>There is a requirement in the 1990 Act that "<i>special regard</i>" should be had to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess. Consequently, the need to ensure that those elements which contribute to the significance of this building are not harmed should be referred to in local plan.</p> <p>If the Historic Environment Appraisal concludes that harm</p>	<p>a) The Historic Environment Appraisal needs to assess the likely impact which the development of this area might have upon the listed buildings at Wellpark and Downe House park and garden.</p> <p>(b) If the Historic Environment Appraisal concludes that harm will result from this allocation, then the plan needs to set out ways in which this harm might be mitigated.</p>



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			<p>will result from this allocation, then the plan needs to set out ways in which this harm might be mitigated.</p> <p>If, as a result of the mitigation, it is likely that there will still be harm to elements which contribute to the significance of this area, then the plan will need to justify this allocation in term of NPPF Paragraphs 133 and 134.</p>	<p>(c) If, as a result of the mitigation, it is likely that there will still be harm to elements which contribute to the significance of this area, then the plan will need to justify this allocation in term of NPPF Paragraphs 133 and 134.</p>
123	BA1	unsound	<p>This area is within the eastern edge of the Bampton Conservation Area.</p> <p>The Bampton Conservation Area Appraisal (2005) identifies "an old orchard site can still be identified to the rear of north side of Luke Street, although only a few trees remain." "The important public and private areas of open space and gardens, together with TPO and other significant individual and groups of trees, are shown on Plan 6" and within which this site is identified as an area containing important trees.</p> <p>Its development would appear to harm several elements which contribute to the character of the Conservation Area. The Sustainability Appraisal appears to think there is no impact with a score of 0/? The sustainability Appraisals appears to have not considered the available evidence. There appears to be an inconsistency between the Conservation Area Character Appraisal and the Sustainability Appraisal.</p> <p>In order to provide the necessary evidence to support the allocation of this area (and to</p>	<p>(a) The Historic Environment Appraisal needs to reassess the likely impact which the development of this area might have upon the Conservation Area.</p> <p>(b) If a Historic Environment Appraisal concludes that harm will result from this allocation, then the plan needs to set out ways in which this harm might be mitigated.</p> <p>(c) If, as a result of the mitigation, it is likely that there will still be harm to elements which contribute to the significance of this area, then the plan will need to justify this allocation in term of NPPF Paragraphs 133 and 134.</p>



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			<p>demonstrate that the plan is setting out a positive strategy for the conservation of the historic environment as is required by the NPPF), a Historic Environment Appraisal needs to reassess the likely impact which the development of this area might have upon the Conservation Area.</p> <p>If the Historic Environment Appraisal concludes that harm will result from this allocation, then the plan needs to set out ways in which this harm might be mitigated.</p> <p>If, as a result of the mitigation, it is likely that there will still be harm to elements which contribute to the significance of this area, then the plan will need to justify this allocation in term of NPPF Paragraphs 133 and 134.</p>	
126	Policy CH1	unsound	<p>The proposed allocation has the potential to harm the setting of the grade 1 St James church and the conservation area, creating changes to its rural setting.</p> <p>There is a requirement in the 1990 Act that "<i>special regard</i>" should be had to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess. Consequently, the need to ensure that those elements which contribute to the significance of this building are not harmed should be referred to in evidence and local plan.</p> <p>A Historic Environment Appraisal should be undertaken and if it concludes that harm will</p>	<p>a) The Historic Environment Appraisal needs to reassess the likely impact which the development of this area might have upon the Conservation Area.</p> <p>(b) If a Historic Environment Appraisal concludes that harm will result from this allocation, then the plan needs to set out ways in which this harm might be mitigated based on an understanding of significance.</p> <p>(c) If, as a result of</p>

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			<p>result from this allocation, then the plan needs to set out ways in which this harm might be mitigated.</p> <p>If, as a result of the mitigation, it is likely that there will still be harm to elements which contribute to the significance of this area, then the plan will need to justify this allocation in term of NPPF Paragraphs 133 and 134.</p>	<p>the mitigation, it is likely that there will still be harm to elements which contribute to the significance of this area, then the plan will need to justify this allocation in term of NPPF Paragraphs 133 and 134.</p>
135	Policy SA1	unsound	<p>This site is within and adjoins the eastern edge of the Sandford Conservation Area and in close proximity to the Grade II Park house. There is no conservation appraisal and the SA considers "The western boundary of the site abuts the curtilage of a listed building. The western part of the site also falls within Sandford Conservation Area and will impact views towards Sandford and the historic core around St Swithun's Church, overall a negative effect is considered."</p> <p>Consequently, the plan needs to set out, more explicitly, the reasons why the plan is putting forward an allocation which appears to result in harm to the significance of this Conservation Area and, if allocated, set out the measures by which any harm to the issue identified might be mitigated.</p> <p>In order to provide the necessary evidence to support the allocation of this area (and to demonstrate that the plan is setting out a positive strategy for the conservation of the historic environment as is required by the NPPF), a Historic</p>	<p>a) A Historic Environment Appraisal needs to reassess the likely impact which the development of this area might have upon the Conservation Area.</p> <p>(b) If a Historic Environment Appraisal concludes that harm will result from this allocation, then the plan needs to set out ways in which this harm might be mitigated based on an understanding of significance.</p> <p>(c) If, as a result of the mitigation, it is likely that there will still be harm to elements which contribute to the significance of this area, then the plan will need to justify this allocation in term of NPPF Paragraphs 133</p>



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			<p>Environment Appraisal needs to reassess the likely impact which the development of this area might have upon the Conservation Area.</p> <p>If the Historic Environment Appraisal concludes that harm to significance and setting of the assets will result from this allocation, then the plan needs to set out ways in which this harm might be mitigated. We note that there is mitigation provided but this does not appear to be evidentially based to address the significance but a rather arbitrary approach.</p> <p>If, as a result of the mitigation, it is likely that there will still be harm to elements which contribute to the significance of this area, then the plan will need to justify this allocation in term of NPPF Paragraphs 133 and 134.</p>	and 134.
141	Policy DM2	sound	We support this policy.	
154	Policy DM9	unsound	<ul style="list-style-type: none"> • Conversion of existing buildings can harm the significance of an historic asset or the setting either at a wider historic landscape scale or down to particular buildings or farmsteads. This is a specific issue in rural Devon. • Traditional farm buildings contribute to local character and connect people to the landscape around them but they are often under threat of redundancy and loss. Most traditional farm buildings are 19th century and are not listed but can be locally significant. • Following on from the extension of Permitted Development rights to allow the 	Amend to provide additional bullet point " <i>there is no harm to historic assets and their settings and where appropriate enhancement opportunities are taken.</i>



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			<p>conversion of farm buildings to residential use, new advice has been published by Historic England for owners and their architects on how to successfully change buildings while retaining historic character and significance.</p> <ul style="list-style-type: none"> The building's functional relationship with the land, and understanding the extent to which they have changed, is key to identifying constraints and opportunities for future change that capitalise on their distinctive quality. Solutions can be in line with the National Planning Policy Framework's emphasis on locally-sensitive good design as 'a key aspect of sustainable development' and the Farrell Review's emphasis on 'making the ordinary better' through recognition of 'the wider context of what is already there' and how to integrate new development into their historic setting and context. <p>Historic England has produced a number of pieces of research to support the careful and appropriate management of change to such issues. It would be useful to cite this and better recognise the change issues in the policy. http://historicengland.org.uk/advice/caring-for-heritage/rural-heritage/farm-buildings/</p>	
4172	Policy DM25	Unsound	As drafted, Policy DM25 provides only some assistance to those making decisions on applications likely to affect such assets as to what considerations should be taken into account in reaching a decision about the	Delete Policy DM25 and replace with:- <i>"Proposals for development should protect and, where appropriate,</i>



			<p>appropriateness of the development proposals.</p> <p>As a result, Policy DM25 does not comply with the requirements of the NPPF:-</p> <ul style="list-style-type: none"> • It does not provide any certainty about how applications on planning proposals will be determined [NPPF Paragraph 17]. • It is not clear how the presumption in favour of sustainable development will be applied locally [NPPF Paragraph 15]. • It does not provide clear policies on what will or will not be permitted or provide a clear indication of how a decision-maker should react to a proposal [NPPF Paragraph 154]. 	<p><i>enhance or better reveal those elements which contribute to the significance of the District's heritage assets:-</i></p> <p><i>Conservation Areas</i></p> <ul style="list-style-type: none"> • <i>Proposals affecting a Conservation Area should preserve or enhance those elements that have been identified in the respective Conservation Area Appraisal as making a positive contribution to their special character or appearance.</i> • <i>Demolition or other substantial loss to the significance of a building or feature that contributes positively to the conservation area will be permitted only where this harm is outweighed by the public benefits of the proposal.</i> • <i>Development which would result in harm to a public or</i>
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				<p><i>private open space that contributes positively to the character of a conservation area will be permitted only where this harm is outweighed by the public benefits of the proposal.</i></p> <p><i>Historic Parks and Gardens</i></p> <ul style="list-style-type: none"> <i>Proposals affecting a Historic Park and Garden should ensure that development does not detract from the enjoyment, layout, design, character, appearance or setting of that landscape, cause harm to key views from or towards these landscapes or, where appropriate, prejudice their future restoration;</i> <p><i>Scheduled Monuments and other archaeological remains</i></p> <ul style="list-style-type: none"> <i>Development which would</i>
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				<p>result in harm to the significance of a Scheduled Monument or other nationally-important archaeological site will not be permitted.</p> <ul style="list-style-type: none"> The preservation of other of archaeological sites will be an important consideration. When development affecting such sites is acceptable in principle, the Council will seek to ensure mitigation of damage through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development <p>Listed Buildings</p> <ul style="list-style-type: none"> Listed Buildings and their settings will be preserved and,
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				<p><i>where appropriate, enhanced. Loss of any significance should be minimised, and will be permitted only where any harm is justified by the public benefits of the proposal.</i></p> <ul style="list-style-type: none"> <i>The total or substantial demolition of a listed building will be permitted only in exceptional circumstances.</i> <p><i>Non-designated heritage assets</i></p> <ul style="list-style-type: none"> <i>Development which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will only be permitted where the public benefits of the development would outweigh the harm.</i> <p><i>Schemes which will help ensure a sustainable future for the District's</i></p>
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				<i>heritage assets, especially those identified as being at greatest risk of loss or decay, will be supported</i>
175	Policy DM26	Unsound	Many heritage assets form part of either the Green Infrastructure network (such as Historic Parks and Gardens) or the Green Infrastructure contributes to their setting. There should be a requirement that green infrastructure protects and enhances the heritage assets of the district. It can be an opportunity to mitigate development that might otherwise harm historic assets.	That green infrastructure “to help protect and enhance the heritage assets.” <i>Alternatively the policy could be clear about where it should be applied on specific sites.</i>

Junction 27 of the M5

We realise the scheme is not being progressed in this plan review but wished to reiterate our concerns and doubts about whether the evidence is in place to support a future allocation. We have highlighted a number of concerns about the scheme at Junction 27 and its effects upon the historic environment.

The visual impacts of this possible allocation upon the historic assets and their settings are of particular concern. The assets in question are the Registered Park and Garden of Bidewell, the Conservation Area at Uffculme and a number of highly graded historic assets that sit within both these designations, the Grade I Bridewell Park, the Grade II* Chapel and Stables. Has work been undertaken to determine what harm might be caused? If they have not already been undertaken a heritage impact assessment of this site is essential. Within the assessment we would expect you to consider the significance of these historic assets, and their settings, which could be impacted upon by this allocation and if there is harm. If harm is caused any assessment should then consider if mitigation is possible. Finally, if harm cannot be mitigated, what public benefit might there be?

We have already stated that any site allocation and the implications of the retail proposal should be informed by and provide a direct response to the Historic Environment to ensure a positive and proactive strategy for the conservation and enjoyment of the historic environment (NPPF para.126) and we are unsure if this is the case.

We were also unsure how this proposal will improve economic performance, in both town and rural areas, or deliver more sustainable patterns of development. What is the likely impact upon the historic towns of Uffculme, Sampford Peverell and Ayshford? We also doubted the scheme would promote the health of the historic towns and village centres in terms of their vitality and viability. Any retail impact assessment should certainly consider this but again appears to be lacking.

Community Infrastructure Levy



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Funding infrastructure

There is a wide definition of CIL in terms of what may be required. The Localism Act allows CIL to be used for the maintenance and on-going costs associated with a range of heritage assets including, for example, transport infrastructure such as historic bridges, green and social infrastructure such as historic parks and gardens, civic spaces and public places.

Historic England therefore encourage you, as the CIL charging authority, to consider identifying the ways in which CIL, and S106 agreements can be used to implement the District's Strategy and Local Plan, its policies and proposals relating to the conservation of Mid Devon's historic environment, heritage assets and their setting. This will help you to satisfy national planning policy (NPPF paragraphs 6, 126 and 157).

It should be recognised that successful development may be dependent on historic places/spaces to provide the essential character, the social infrastructure, culture, community focus, amenity, recreation or leisure opportunities required to ensure thriving sustainable communities. Due to the increased demands on these heritage assets from new development, how might the CIL contribute to their upkeep and condition? For example, might the conservation areas at Tiverton or Cullompton benefit from public realm work or the Roman Fort and environs benefit from CIL investment?

We therefore recommend the Regulation 123 list refers to the conservation and enhancement of Mid Devon's historic townscape, heritage assets and/ or their settings to support the funding of appropriate initiatives. If these projects are known they can be explicitly referred to.

Without prejudice to the above, development specific planning obligations and S106 will continue to offer opportunities for funding improvements to and the mitigation of adverse impacts on the historic environment, such as archaeological investigations, access and interpretation, and the repair and reuse of buildings or other heritage assets. You may wish to clarify this matter in your schedule.

Discretionary Relief for Exceptional Circumstances

The Regulations emphasise the need to strike an appropriate balance between the opportunities of funding infrastructure from the levy and the potential effects that may arise through increased pressure on the economic viability of development. For example, there could be circumstances where the viability of a scheme designed to secure the reuse and long term viability of a heritage asset is compromised by the requirement for CIL payments.

Vacant or underused heritage assets not only fail to make a full contribution to the District's economy but they also give rise to negative perceptions about an area. This, in turn, can detract from its attractiveness to visitors and inward investment. Consequently, in setting thresholds there needs to be a clear understanding of the potential impact which CIL could have on investment in, and regeneration of, historic areas - particularly those which have been identified as being 'at risk'.

We are therefore encouraging local authorities to assert their right to apply discretionary relief for exceptional circumstances; where development which affects



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heritage assets and their settings and/or their significance, may become unviable if it was subject to CIL.

Paragraph 126 of the NPPF requires that local authorities set out in their Local Plan, a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In relation to CIL, this means ensuring that the conservation of its heritage assets is taken into account when considering the level of the CIL to be imposed so as to safeguard and encourage appropriate and viable uses for the historic environment.

The *CIL Relief Information Document* recommends that the conditions and procedures for CIL relief are set out in a separate statement, defining exceptional circumstances and setting a clear rationale for their use and justification in terms of the public benefit. In this case an example could be where CIL relief would enable the restoration of heritage assets as identified on Historic England's 'Heritage at Risk Register'.

It is now well established that heritage is not an adjunct to a healthy economy, but, especially in Mid Devon, an important component of growth and a source of employment. Consequently Historic England would encourage you to consider how the CIL might fund measures relating to the historic environment in support of infrastructure to deliver sustainable development and sustainable communities.

Accommodating these changes will assist you in achieving a sound plan. I hope you find the above comments useful. A number of our comments call into question the strategy employed by the council. If you would like to discuss these points, please contact me.

Yours faithfully

Ross Simmonds
Principal Historic Places Team



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