



Historic England

Forward Planning
Mid Devon District Council
Phoenix House
Tiverton
EX16 6PP

Our ref: PL00660223 /
HD/P5182/06

By email

07 February 2020

Dear Sir or Madam

Re: Proposed Main and Additional Modifications to the Mid Devon District Council Local Plan Review

Thank you for consulting Historic England about the Proposed Modifications to the Mid Devon District Council Local Plan. We have the following comments to make on the suggested changes to the Plan, which build upon our comments on the Proposed Submission version of the Local Plan review (2015) and our good practice advice in [The Historic Environment in Local Plans](#) (GPA 1 2015).

General Comments

We welcome the preparation of the Heritage Environment Appraisal of Proposed Allocations (December 2016) and the consequential changes that have been made to some allocations, including their policies and/or supporting text. This work has given the Local Plan a better historic environment evidence base.

We note the proposed changes to **Policy DM25 (Development affecting heritage assets)** in the associated **Main Modification (MM51)** in response to the Inspector's post-hearing advice note (ID12). However, we remain concerned about the soundness of this policy and our detailed comments relate to this Main Modification and policy alone.

Detailed Comments

MM51 proposes a number of changes to **Policy DM25** in order to comply with statute and the National Planning Policy Framework 2012 (NPPF 2012), as well as to remove reference to Historic England guidance. Historic England considers that further amendments are required in order to make this policy sound in terms of consistency with national policy in the NPPF 2012.

The current proposed content and wording of Policy DM25 does not provide a positive strategy for the conservation and enjoyment of the historic environment as required by paragraph 126 of the NPPF 2012 or address local circumstances. While criterion (a) includes a presumption in favour of the preservation or enhancement of designated heritage assets and their settings, Policy DM25 lacks:



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- a criterion or criteria to require development proposals to avoid or minimise harm or loss to the significance of heritage assets (given they are an irreplaceable resource) and for clear and convincing justification to be provided for any remaining harm or loss (see paragraphs 129 and 132 of the NPPF 2012), together with proposals for mitigation, offsetting and/or recording (as per paragraph 141 of the NPPF 2012). This is essential to ensure that great weight is given to the conservation of heritage assets in decision taking (as per paragraph 132 of NPPF 2012), which has been lost due to the proposed wording of criteria b), c), and to a lesser extent d);
- a criterion in relation to the conservation of non-designated heritage assets and the need to weigh their significance against the scale of any harm or loss in determining applications (as required by paragraph 135 of the NPPF 2012); and
- a criterion to encourage the conservation of heritage assets (designated and non-designated) that are at risk through neglect, decay or other threats including proposals where enabling development would secure their future conservation (as required by paragraphs 126 and 140 of the NPPF 2012).

It is suggested that new criteria are introduced into Policy DM25 to address these matters.

Criterion b) has been altered to focus on the significance of heritage assets in accordance with the NPPF. However, this criterion only requires significance to be considered (amongst) other matters, including opportunities for enhancement. This falls far short of the NPPF 2012's requirements for great weight to be given to the conservation of designated heritage assets with greater weight to be afforded to more important assets (as per paragraph 132 of NPPF 2012). This criterion also does not convey the substantial harm or loss of designated heritage assets should be either wholly exceptional or exceptional depending on their significance (as per paragraph 132 of NPPF 2012). Further amendments to criteria b) are suggested to clarify to the NPPF 2012's requirements in relation to the conservation of heritage assets.

Criteria c) and d) of Policy DM25 have been changed to reflect the wording of paragraph 133 of NPPF 2012. However, the re-worded criterion c) is missing the alternative tests in this paragraph, although these are summarised in the supporting text at 4.80. While unnecessary duplication of policies, including those in the NPPF, is advised against in paragraph 16 of NPPF 2012, it is suggested that criterion c) is reworded to include reference to these alternative tests in order to avoid confusion and to be consistent with the NPPF.

Criterion e) of Policy DM25 has been amended to require assessments of any impacts on the setting and thereby the significance of heritage asset(s) from developers. However, Historic England considers this requirement should be broadened beyond development within the settings of heritage assets to require statements or assessments (as appropriate) for any development proposals affecting heritage assets, e.g. statements of heritage significance, archaeological desk-based assessments, heritage impact assessments. Historic England has published advice notes that may assist, e.g. [Managing Significance in Decision-Taking in the Historic Environment](#) and [Statements of Heritage Significance](#).

Finally it is suggested that the new and amended criteria in Policy DM25 are re-ordered to provide a more logical order.



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If you have any queries about any of the matters raised or consider that a meeting would be helpful, please do not hesitate to contact me.

Yours faithfully



Rebecca Harfield
Historic Environment Planning Adviser (South West)



Direct Dial: 

