

Consultation comments on policy HE5 – Mitigation and avoiding the loss of heritage assets (designated and non-designated)

- Support - 13
- Neither support of object - 1
- Object – 5

The changes to the supporting text and the Local Plan policies have not only been informed by the responses to the Regulation 18 consultation but they have also taken on board any additional feedback that has come out of discussions/meetings with statutory consultees and members in order to improve the clarity and understanding of the contents of the Local Plan.

Comments that support policy HE5 – mitigation and avoiding the loss of heritage assets		
Respondent number	Comment	Officer comment
ANON-KSAR-N8MP-M	<p>[This response should be read in conjunction with the full copies of the 'North Whiteley Representations to the Winchester Local Plan Regulation 18 representations OBO Crest Nicholson' representations, which includes the relevant figures and appendices, with tables correctly formatted]</p> <p>Paragraph 189 of the Framework seeks to conserve and enhance the historic environment and sets out that heritage assets are an irreplaceable resource that should be conserved so they can be enjoyed for their contribution to the quality of life or existing and future generations. Winchester has a rich and diverse historic environment that provides a valuable contribution to its identity and culture. Strategic Policy HE1 confirms the Plan will protect the district's designated and non-designated heritage assets in accordance with the Framework and Policies HE2-HE14 set out the approach through which this will be achieved.</p> <p>Crest Nicholson is broadly supportive of the aims of these Policies and notes the development proposal for land in the North Whiteley MDA is not located in close proximity to any designated or non-designated heritage assets and the allocation of further growth in this location will therefore reduce development pressure on the district's historic environment.</p>	<p>Comments noted</p> <p>Recommended response: no change</p>

<p>BHLF- KSAR-N8ZJ- U</p>	<p>Policy HE5 states that the local planning authority will not permit the loss of whole or part of a heritage asset without being satisfied that all reasonable steps to ensure that new development and any mitigation will proceed after the losses have occurred. Whilst this is supported, the policy should also sign post the reader to Policy HE9 which comments on the potential for change of use to listed buildings which should be amended to include non-designated Heritage assets.</p>	<p>Comments noted.</p> <p>Officer response: The Local Plan is to be read as a whole document and many policies link or overlap one another. The introduction clearly states that to understand the policies and the local Plan as a whole that you need to read all the policies and therefore there isn't the need to signpost to all relevant policies.</p> <p>Recommended Response: No change.</p>
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<p>Comments that object to policy HE5 – mitigation and avoid the loss of heritage assets</p>		
<p>Respondent number</p>	<p>Comment</p>	<p>Officer comment</p>
<p>ANON- KSAR- NKXV-R</p>	<p>This feels very much weaker than the original policy DM29 which states: The loss of designated heritage assets will only be permitted in exceptional circumstances or in the case of higher grade heritage assets in wholly exceptional circumstances.</p> <p>The policy goes on to talk about heritage assets "or their setting" (which is often the reason why a heritage asset has been designated. This is missing from this policy.</p> <p>This policy appears to be much weaker than the heritage related policy wording in the latest NPPF and I believe it should be reviewed to more closely reflect the national policy.</p>	<p>Comments noted and welcomed</p> <p>Officer response: The content of Policy DM29 is reflected in policies HE1, HE2, HE3, HE4 and HE5. Policy HE3 reiterates the NPPF requirements. Policy HE3 has been amended in discussion with Historic England.</p>

		<p>Recommended Response: No change.</p>
<p>ANON-KSAR-NKJ1-5</p>	<p>Winchester College objects to policy HE5 which as worded applies equally to all heritage assets and does not distinguish between designated and non-designated heritage assets. This is not in accordance with NPPF (2021) and National Planning Practice Guidance which makes clear the difference between designated and non-designated heritage assets and that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF paragraph 203).</p>	<p>Comments noted and welcomed</p> <p>Officer response: Policy HE5 reflects the Council's present and planned approach to manage the loss of heritage assets and any consequent mitigation which may be necessary. It sets out our aspiration to limit the loss of any heritage assets wherever possible. It does not preclude our obligations under the NPPF, but adds a specific local issue, to ensure that new development does take place as planned where it involves the loss of a heritage asset, to ensure that such loss is justified. The principal application of this policy will be to archaeological issues (where in the NPPF, presently non-designated archaeological remains can be of equivalent importance to designated archaeological remains (i.e. scheduled monuments), but HE5 will occasionally apply to historic buildings.</p>

		Recommended response: no change
BHLF-KSAR-N8TG-J	<p>We object to weaker wording, compared to policy DM 29 of the adopted local plan, from: “loss only allowed exceptionally” to “Heritage assets should be conserved appropriate to their significance” especially as responsibility for defining the significance is delegated to applicant. If policy HE5 goes forward it should include the relevant wording from the NPPF.</p> <p>The existing local plan acknowledges (DM31 of LPP") that a local list of heritage assets could be prepared in the future. Such a list would give a greater level of protection to significant unlisted buildings outside conservation areas which might otherwise be lost. We consider that similar wording should be included as part of this policy to keep the aspiration of a local list alive.</p>	<p>Comments noted and welcomed</p> <p>Officer response: The content of Policy DM29 is reflected in policies HE1, HE2, HE3, HE4 and HE5. Policy HE3 reiterates the NPPF requirements. Policy HE3 has been amended in discussion with Historic England</p> <p>Recommended Response: No change.</p>
BHLF-KSAR-N8BQ-A Historic England Link here	<p>The wording needs to be amended in the first section of policy HE5. The current wording does not appear to treat mitigation as measures taken to reduce the level of harm to an acceptable level (if mitigation occurs after the loss has occurred). We suggest wording for consideration to clarify this point. Also, we suggest minor changes to the title of the policy, again to aid clarity. We note there is an IIA recommendation: “Policy HE5 could be strengthened by requiring the recording of significance of a heritage asset that might be harmed to be informed by an assessment undertaken by a qualified heritage expert” and mention that here in case the Council has yet to consider this.</p> <p>Changes to policy text outlined below: Mitigation and avoiding the loss Protecting the significance of heritage assets (designated and non-designated heritage assets) and mitigating unavoidable harm</p> <p>i. The local planning authority will not permit the loss of the whole or part of a heritage asset without being satisfied that the harm is unavoidable, appropriate mitigation measures have been agreed and that all</p>	<p>Comments noted and welcomed</p> <p>Agree to suggested changes and policy altered accordingly which can be seen to the left:</p> <p>New text = bold Removed text = strikethrough</p>

	<p>reasonable steps (such as a legal agreement) have been taken to ensure the new development and any mitigation will proceed after the loss has occurred.</p> <p>ii. The significance of any heritage assets whose significance is harmed (wholly or in part) should be recorded and understanding advanced. This recording should be carried out using appropriate expertise, be proportionate and publicly accessible. As a minimum, it should be provided to the local authority for inclusion in the Winchester Historic Environment Record.</p> <p>Additional text to be included in ‘what are we aiming to achieve?’</p> <p>The loss of any heritage asset will require clear and convincing justification. The greater the significance of the heritage asset, the greater the level of justification will be required. The loss of heritage assets of the highest significance will be wholly exceptional.</p> <p>Changes to Para 8.10</p> <p>Some proposals may necessitate initial archaeological investigation prior to submission in order to inform the design of proposals and to allow the council to fully assess the implications of the development on heritage assets. Early engagement with Historic England and the Council/local archaeological adviser is recommended to inform such investigation. All work required to assess, record, investigate and protect archaeological features and heritage assets, and to publish the findings, should be funded by the developer. Where a site is of particular archaeological interest, provision for public engagement during the site investigations may also be sought.</p>	
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	Recommendations	Officer response
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Comments from SA/HRA	Policy HE5 could be strengthened by requiring the recording of significance of a heritage asset that might be harmed to be informed by an assessment undertaken by a qualified heritage expert.	Policy HE5 now requires that the recording of significance of a heritage asset should be carried out using appropriate expertise.
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Amendments to policy HE5

Amendments to supporting text

Changes to Para 8.10

Some proposals may necessitate initial archaeological investigation prior to submission in order to inform the design of proposals and to allow the council to fully assess the implications of the development on heritage assets. **Early engagement with Historic England and the Council/local archaeological adviser is recommended to inform such investigation.** All work required to assess, record, investigate and protect archaeological features and heritage assets, and to publish the findings, should be funded by the developer. Where a site is of particular archaeological interest, provision for public engagement during the site investigations may also be sought.

Additional to end of ‘what are we aiming to achieve’

The loss of any heritage asset will require clear and convincing justification. The greater the significance of the heritage asset, the greater the level of justification will be required. The loss of heritage assets of the highest significance will be wholly exceptional.

Amendments to Policy HE5

Change the title of the policy

Mitigation and avoiding the loss of heritage assets

Protecting the significance of heritage assets (designated and non-designated heritage assets) and mitigating unavoidable harm

- i. The local planning authority will not permit the loss of the whole or part of a heritage asset without being satisfied that **the harm is unavoidable, appropriate mitigation measures have been agreed, and that** all reasonable steps (such as a

legal agreement) **have been taken** to ensure the new development and any mitigation will proceed after the loss has occurred.

- ii. The significance of any heritage assets whose significance is harmed (wholly or in part) should be recorded and understanding advanced. This recording should be **carried out using appropriate expertise, be** proportionate and publicly accessible. As a minimum, it should be provided to the local authority for inclusion in the Winchester Historic Environment Record.