



ENGLISH HERITAGE
SOUTH EAST

FAREHAM LOCAL PLAN PART 2

EXAMINATION IN PUBLIC

ISSUE 2: THE EXISTING SETTLEMENTS (DSP2- DSP6)

TUESDAY 11TH NOVEMBER 2014

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available*



1. Introduction

- 1.1 The Fareham Core Strategy was adopted in August 2011 and therefore pre-dates the publication of the National Planning Policy Framework (NPPF) in March 2012. The Core Strategy therefore relies on PPS5, as explained in paragraph 6.18 of the Core Strategy.
- 1.2 PPS5, however, been superseded by the NPPF, which sets out a number of requirements for local plans in respect of the historic environment in addition to the general requirement for local plans to take the NPPF into account (paragraph 2) and be consistent with NPPF principles (paragraph 151).
- 1.3 It therefore falls to the Development Sites and Policies DPD to ensure that these requirements are met in order for the Local Plan to be consistent with the NPPF and meet the corresponding “test” of soundness.
- 1.4 Paragraph 2 of the NPPF 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).
- 1.5 The NPPF contains a number of clear and specific requirements as regards local plans and the historic environment as set out in our representation on Policy DSP 6 of the Local Plan Part 2.
- 1.6 English Heritage considers that the Submitted Local Plan Part 2 fails to fully satisfy all those requirements and therefore fails to be consistent with national policy as set out in the National Planning Policy Framework in respect of the historic environment. We have explained our reasons for this conclusion in our representations on the Local Plan Part 2.
- 1.7 The Council has discussed our concerns with us (meeting 4th August 2014). Following that meeting, the Council suggested some possible changes to the Plan to alleviate those concerns (see the appendix to this Statement). These possible changes, if formally proposed by the Council and, if necessary, accepted by the Inspector, would overcome some, but not all, of our concerns.

- 2. Is the Council's commitment to the conservation and enhancement of the historic environment of the Borough based on appropriate evidence and clearly demonstrated in LP2?**
- 2.1 Paragraph 169 requires local planning authorities to have *"up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment"*.
- 2.2 The consultation draft of English Heritage's Historic Environment Good Practice Advice In Planning Note 1: The Historic Environment in Local Plans identifies a number of potential sources of evidence and suggests that information is collated within a Heritage Topic Paper (or a Heritage Strategy).
- 2.3 English Heritage can find no reference to a Heritage Topic /Background Paper for the historic environment on the Council's website or in the Local Plan Part 2, so English Heritage has to therefore assume that there is not one (in contrast, Gosport Borough Council, a neighbouring authority, has both a Design and Built Heritage Background Paper and a Townscape Assessment).
- 2.4 The Sustainability Appraisal Scoping Report contains baseline information on the historic environment, but is a bit light on the Key Issues for the historic environment and fails to identify gaps in the baseline information e.g. an up to date grade II buildings at risk survey.
- 2.5 There is some indication in paragraphs 3.26 to 3.38 of the Local Plan Part 2 of what the comprises the Council's historic environment evidence base – the statutory list of buildings of special architectural or historic interest, conservation area character appraisals, the Hampshire Archaeology and Historic Buildings record and the Hampshire Register of Historic Parks and Gardens. However, there is no mention of English Heritage's Heritage at Risk Register.
- 2.5 There is little recognition in the Submission Local Plan Part 2 of the contribution that the historic environment and the heritage assets therein make to the quality of life for residents in the Borough or to its economy in terms of attractiveness to new businesses and visitors, and no recognition of any historic environment issues. Without these links, the DPD does not really demonstrate in English Heritage's view, how that evidence base has been used to assess the significance of heritage assets and the contribution they make to the Borough and how it has informed the policies and proposals of the Plan.
- 2.6 The Council's suggested addition to paragraph 5.55 (see the appendix to this Statement) would, if added, only partially alleviate this particular concern.

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3. Has it identified the historic assets within the Borough, including those at risk?

- 3.1 English Heritage is satisfied that the Council has identified the historic (heritage) assets within the Borough in paragraphs 3.30 – 3.37 and Tables 1a and 1b of the Submission Local Plan Part 2 (with the exception of the designated wreck of the *Grace Dieu*).
- 3.2 However, paragraph 126 of the NPPF states “*Local planning authorities should 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*”.
- 3.3 Paragraph 3.27 of the Submission Local Plan Part 2 states that “*The Council will pursue a positive strategy for the conservation and enjoyment of the historic environment to include.....monitoring of buildings at risk of neglect and decay*”.
- 3.4 However, simply monitoring buildings at risk of neglect and decay is inadequate as part of the positive strategy required by paragraph 126 of the NPPF. All heritage assets (not just buildings) at risk should be considered and the Council should set out what it will actually do to ensure that any assets identified as being at risk are brought back into viable and sensitive use.
- 3.5 (The 2013 English Heritage Heritage at Risk Register identifies three heritage assets currently at risk in the Borough: Fort Fareham, Titchfield Abbey and fishponds – “stables”, and St Mary’s Church, Castle Street, Portchester Castle. It should be remembered the Register does not include Grade II buildings or parks and gardens at risk, and other assets may become at risk during the life of the Plan).
- 3.5 In our representations on the Local Plan Part 2 we suggested the following text:
- “monitoring of buildings or other heritage assets at risk through neglect, decay or other threats, proactively seeking solutions for assets at risk through discussions with owners and willingness to consider positively development schemes that would ensure the repair and maintenance of the asset, and, as a last resort, using its statutory powers”.*
- 3.6 English Heritage is therefore pleased that the Council has suggested this as a possible change to alleviate our concerns (see the appendix to this Statement). If this change was made, it would overcome our objection.

4. Should there be a reference to protecting the historic shipwreck of the Grace Dieu?

- 4.1 The *Grace Dieu* dates from 1418 and is designated under the Protection of Wrecks Act 1973 because of its historical and archaeological importance as one of Henry V's "great ships" and probably one of the largest clinker vessels ever built.
- 4.2 Paragraph 132 of the NPPF confirms that protected wreck sites are designated heritage assets of the highest significance, and that substantial harm to or loss of such wreck sites should be wholly exceptional. Paragraph 133 explains that such harm or loss is only justified if necessary to achieve substantial public benefits (or all of four particular circumstances apply). Paragraph 134 explains that less than substantial harm to the significance of a designated heritage asset (which is still "harm") should be weighed against the public benefits of the proposal.
- 4.2 The Sustainability Appraisal Report of the Local Plan Part 2 identifies the possibility that new/replacement moorings in the River Hamble, as permitted by Policy DSP54 of the Local Plan Part 2, could negatively affect the protected wreck. The Appraisal Report suggests as mitigation that proposals in this area will need to take account of the wreck in the siting, design and method of construction.
- 4.3 However, there is no reference to the *Grace Dieu* either in Policy DSP54 or its supporting text. In order to draw the attention of anyone proposing new moorings in the vicinity of the wreck to its significance and to ensure that that significance is accorded due weight in the assessment of any proposals for new moorings (in accordance with paragraphs 131-134 and 154 of the NPPF), Policy DSP54 should therefore include "or the protected shipwreck of the *Grace Dieu*" after "Solent International Designated Sites".

5. Other matters

- 5.1 In its representations on the Submission Local Plan Part 2, English Heritage expressed a number of concerns with regard to the Plan's conformity with the requirements of the NPPF for Local Plans to set out a "*positive strategy for the conservation and enjoyment of the historic environment*" and contain a "*clear strategy for enhancing the natural, built and historic environment*".

- 5.2 However, as the Inspector has not identified these as matters for discussion at the hearing sessions, English Heritage makes no further comments on these concerns.
- 5.3 However, for the Inspector's benefit, the Council's suggested changes to alleviate our concerns (see the appendix to this Statement) would overcome some of those concerns, but not all, or even the majority. (We have also suggested changes to Policies DSP2, DSP6, DSP18, DSP20, DSP26, DSP27, DSP33, DSP41, DSP45, DSP46 and DSP54, and to paragraph 5.34, in order for the Local Plan to demonstrate the positive and clear strategies required by the NPPF).

6. English Heritage's Requested Modifications

- 6.1 In respect of the historic environment evidence base, clearly it is rather late in the day to prepare a new Topic/Background Paper, but we would like to see greater recognition of the contribution of the historic environment of the town and the heritage assets therein to the Borough, underpinned by robust evidence.
- 6.2 Policy DSP54 should include "or the protected shipwreck of the *Grace Dieu* after "Solent International Designated Sites".
- 6.3 We would like to see the Council's suggested changes to alleviate English Heritage's concerns, as set out in the appendix to this Statement, made, particularly that to paragraph 3.27, but we should make it clear that these do not overcome all our concerns with the compliance of the Local Plan Part 2 with the NPPF and therefore with its soundness.

Changes to the Local Plan Part 2: Development Sites & Policies Plan to alleviate concerns raised by English Heritage

Paragraph or Policy	Change	Reason
3.27	<p>Replace whole 2nd bullet point with:</p> <ul style="list-style-type: none"> • monitoring of buildings or other heritage assets at risk through neglect, decay or other threats, proactively seeking solutions for assets at risk through discussions with owners and willingness to consider positively development schemes that would ensure the repair and maintenance of the asset, and, as a last resort, using its statutory powers; 	To recognise that it is not simply about monitoring buildings at risk, but the Council to ensure that assets are brought back into use where possible.
DSP6	<p>6th Paragraph:</p> <p>The Council will conserve Scheduled Monuments, <u>and archaeological sites that are demonstrably of national significance</u>, by supporting proposals that sustain....</p>	To provide further clarity that this point relates to archaeological sites.
DSP19	<p>First bullet point:</p> <ul style="list-style-type: none"> • The built character <u>and historic significance of the area</u>; 	To provide clarity that the historic environment is a key consideration.
5.55	<p>2nd sentence:</p> <p>The enjoyable character of this area is a result of the uses as much as it is the <u>historic environment</u>, the high quality nature of the architecture and the layout of the street.</p>	To provide clarity that the historic environment is a key consideration.
DSP25	<p>2nd Paragraph:</p> <p>Views into and out of the Waterfront, <u>including those of the listed railway viaduct</u>, should be protected.</p>	To emphasise the point that the listed railway is a key component of views in this area.
DSP32	<p>2nd Paragraph:</p> <p>Proposals will be required to ensure that new buildings are designed <u>to deliver townscape benefits and to front on to Trinity Street and Osborn Road</u>.</p>	To recognise the townscape benefits development in this location should bring.