

Respondent ID: 29326017

Black Box Planning on behalf of Bromford Housing Group and Edward Ware Homes

Hearing Statement

Matter 4: Conserving and enhancing the natural and historic environment

1. This Hearing Statement has been prepared on behalf of Bromford Housing Group (Bromford) and Edward Ware Homes (EWH), and should be read alongside the Representations submitted in response to the pre-submission (Reg19) version of the Gloucester City Plan (GCP) in February 2020. It seeks to respond to specific questions set out in the Inspector's Matters, Issues and Questions raised in respect of Matter 4, where relevant to concerns held by Bromford and EWH.

Whether the GCP provides a positive framework relating to the historic environment consistent with Paragraph 185 of the Framework and Policy SD8, and whether the policies of the GCP are effective, justified, and consistent with its objective?

2. **41. Site specific matters will be addressed in Matter 10. However, as a broader issues, has the Council appropriately considered the historic environment in its allocation of sites and its policies?**
3. This issue closely aligns with the comments made in respect of Matter 1 and the inconsistent approach adopted in assessing SALA sites, including in respect of heritage considerations, and then how this transpires into the assessment set out in the Sustainability Appraisal.
4. There remain a number of unknown impacts arising from allocations generally, in the context of heritage considerations set out in the SA. In assessing the allocations against the sustainability topics, the SA identifies 7 of the site allocations as having unknown impacts on the historic environment (SA Objective 9). This is in spite of the sensitive environment in which many of them are located. More detailed assessment of these sites is required as part of the allocations themselves, but given the intensive approach to developing these sites there will be likely tension with Policy D1.
5. The extent of unknown assumptions which remain in respect of the allocations will impact the effectiveness of the GCP.
6. **42. Is the GCP, and are the generic and site specific policies within the GCP justified by up-to-date evidence relating to the historic environment, including heritage assets most at risk through neglect, decay or other threats?**

7. It is unclear how the evidence base has directed the approach to site specific policies within the GCP and how these will relate to Policy D1 (in the context of designated assets). The published evidence base includes the Gloucester Heritage Strategy 2019-29, the associated Background Paper which sets out the extent of engagement, the Conservation Area Appraisals, the Buildings at Risk Register, Listed Buildings Schedule and a series of Historic Environment Assessments for SALA Sites.
8. The SA recognises¹ that there remain a number of unknowns in the context of the historic environment, but these have been 'mitigated' by way of requirement for further assessment to ensure that there are no significant negative effects.
9. None of the Site Allocations appear to have been the subject of the Historic Environment Assessments for the SALA Sites, which were prepared to varying degrees to undertake a finer grain assessment of the potential heritage related issues on a site specific basis. In some cases, the SALA recommended that such an assessment be undertaken for sites which went on to be allocated, such as SA15. The outcome of this is that sites which have been subject to detailed assessment have been discounted from allocation, but sites where there is a likelihood of heritage impact have been allocated and similar assessments required moving forward on a project level basis.
10. The SA of Site Allocations – Summary (Table 6.4) identifies neutral effects for all Site Allocations, with uncertainty of effects in the case of 7 allocations. It is difficult to reconcile, in the context of the evidence base, how this conclusion has been reached and also how those sites with uncertain effects can be consistent with D1.
11. **43. Does the wording of the policies accurately reflect the Council's statutory duties? Is there any ambiguity and inconsistency between policies D1, D2 and D3 and paragraph 189-202 of the Framework? If so, how could this be resolved?**
12. Bromford and EWH support the importance of conserving and, where possible, enhancing the character of the historic environment. The statutory obligations to do so are in line with the approach adopted in the NPPF which adopts a practical and proportionate approach of balancing impacts with any benefits which may arise. In the context of listed buildings, the duty at Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (PLBCAA) is a duty to consider the desirability. This is an issue which emphasises the importance of the historic environment (and the designation of assets) but it also enables such consideration to be weighed in the planning balance, recognising that in doing so that great weight should be given to any harm to the significance of an asset (the two stage balancing exercise).

¹ Sustainability Appraisal Paragraph 6.68

13. In practice, there may be benefits associated with proposals affecting designated assets which in turn have an impact on their significance, for example, undertaking physical works which better reveal the asset and secure its long term vitality. The historic environment cannot be preserved unchanged. Policy D1 does not recognise this balanced and proportionate approach but, instead, reads as a binary assessment of development in the context of the asset. This is also in conflict with the positive approach to assessment and consideration of the historic environment set out at JCS SD8, which is more reflective of, and consistent with, the approach in the NPPF.
14. **46. Do the policies of the GCP give a clear indication of how a decision maker should react to a development proposal, with reference to the historic environment?**
15. The wording of D1 reads as a defensive remit for the decision maker to resist development within the historic environment rather than a positive tool for change. As set out above, this is prescribed because it fails to present a balanced approach of assessment, benefit and impact as set out in the NPPF and the statutory duties set out in the PLBCAA, particularly to have regard to the desirability to preserving listed buildings or their setting (Section 66) and preserving or enhancing the character or appearance of a conservation area (Section 72).