

Response by NEA's to Historic England's further Hearing Statement

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Matter 8: Sustainability Appraisal Historic England, Hearing Statement December 2019

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Does the Additional Sustainability Appraisal [ASA] adequately address the shortcomings in the submitted SA that were identified in my post-hearing letter to the NEAs of 8 June 2018 [IED011]?

1.1 The NEAs believe that the Inspector's letter (paragraph 122) did not specifically identify any shortcomings in the evidence base concerning the Historic Environment as interpreted by Historic England (HE). Whilst HE's position has indeed been consistent throughout the process in their belief that the evidence base is deficient based on the methodology set out in their 2015 guidance (HE Advice Note 3), the NEAs believe that there is sufficient evidence to undertake an appropriate SA. The ASA was based on the best evidence that was available from the relevant HER and on a consistent basis for all strategic sites and at a level of detail considered proportionate to the strategic nature of the Plan. The approach taken by the ASA is summarised and justified at paras. 8.12.8-8.12.10 of the NEA's Dec 2019 Matter 8 Further Hearing Statement.

Does the ASA justify the selection of the preferred spatial strategy option for the Section 1 Plan?

1.2 The NEA's position has been consistent in that the ASA is founded on an appropriate level of evidence for the strategic level of assessment undertaken at this stage of the plan process. The disposition and quantity of future land-uses within those areas of search identified in Section 1 have yet to be determined through the preparation of DPDs. The Plan is clear that the DPD will provide the framework for the subsequent development of detailed masterplans and other design and planning guidance, and the DPD is expected to be in place prior to any planning application coming forward. The NEA recognise that work must be informed by a Heritage Impact Assessment, and consider that the DPD is the appropriate stage for such work to be undertaken.

1.3 The garden communities all include a large percentage of land that is intended to remain undeveloped as open space, and this is evidenced in the Viability Assessment Appendices (June 2019) that set out the assumptions made for each community area. This evidence confirms that the intended open space comprises: 34.9% of the West of Braintree GC (239 ha), 36.1% of the Colchester-Braintree borders GC (422 ha) and 34.2% of Tendring-Colchester GC (145 ha). This provides generous potential scope for effective mitigation through considerate layouts with in excess of one third of each site allocated to open space. This fact in concert with the HER evidence base of designated assets means that there is confidence that there is sufficient scope to avoid any substantial harm to heritage assets, and that through the DPDs the heritage impacts will be assessed in more detail to ensure that impacts are no greater

than less than substantial harm and adequately justified by the public benefits of the development

in conformity with para.196 of the Framework.

1.4 The programming of such further impact assessment appears to be the matter of dispute. Whilst HE sought to see the comprehensive HIA work undertaken for each asset in advance of the identification of sites, the HER evidence is considered proportionate evidence to support the ASA as any adverse impacts are capable of mitigation through the preparation of DPD's fully informed by HIA on an asset by asset basis. The NEA's do not consider that HIA at this level of granularity adds essential resilience to the ASA process given the scale of the sites under consideration. The completion of a detailed HIA on an asset by asset basis at this stage in the process would require the application of hypothetical changes to the setting of each asset. Such assumptions on a worst-case scenario, based on the precautionary principle, would in reality add little value to the ASA based entirely upon such assumptions.

1.5 Historic England also assert that that some of the baseline heritage data is inaccurate/incomplete (para 2.23). The NEA's believe this is factually incorrect. For example, HE cite the example of Saling Grove. Historic England state that references to Saling Grove Registered Park and Garden in Great Saling (in relation to the West of Braintree NEAGC1) do not appear to take account of the full extent of the RPG following the amendments to the listing in 2018 to include The Lawn to the south of the house. This is incorrect as the amended footprint of the Registered Park and Garden extends up to the northern boundary of site NEAGC1. This is reflected in the ASA which states in para. 3.1203 to Appendix 5 that "the Saling Grove (Grade II) Listed Park and Garden is immediately to the north of the site boundary". No change is required to the ASA as accurate data has been employed throughout.

Is the Stage 2 appraisal of spatial strategy options based on sound and adequate evidence?

1.6 The NEA's believe that the ASA ranking of the options has been undertaken objectively and based on proportionate evidence reflecting the potential for adverse impacts (in the absence of appropriate mitigation) to occur. The conclusions drawn by HE at paragraph 2.26 of their further statement actually reinforces the reasoning applied by the NEA's insofar as the actual impact on the significance of the assemblages of heritage assets is to a large extent dependent at a granular level on the detailed form of development; beyond a wider acceptance that changes to the wider environment in which assets are experienced is potentially inescapable with the inevitable change in the

character of each area from an arable landscape with farmsteads to settled areas with intervening public open spaces and amenity land. To a large extent the actual impacts will be dependent on the masterplanning of these areas informed by detailed HIA's intentionally planned to minimise any hypothetical adverse impacts through design mitigation. The NEAs restate that the appraisal of spatial strategy options is based on sound, adequate and proportionate evidence from the HER.

Does the ASA provide all the information required by Schedule 2 of the *Environmental Assessment of Plans and Programmes Regulations 2004* (as amended), including identifying:

(b) measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment?

1.7 The NEAs' position is clear that the ASA is fully compliant with Schedule 2 of the 2004 Regulations. The scale of the allocations and generous percentage of open space is such that it can be asserted with confidence that there is scope to accommodate the built form whilst minimising any harm to the historic environment. Prevention and mitigation of any adverse impacts on the historic environment would only at best be hypothetical had an HIA been undertaken on an asset by asset basis at the very early stage in the plan process as promoted by HE. Any measures suggested would have been purely theoretical whereas the process advocated by the NEAs guarantees meaningful impact management whereby the actual DPDs are founded upon and shaped by this objective and facilitated by the high percentage of open space in each GC.

Conclusions

1.8 The NEAs restate that the process adopted satisfies the NPF tests for soundness. The evidence base for the historic environment is proportionate and robust with a strategy to effectively mitigate any potential adverse impacts through the production of DPDs founded on HIA's. The additional Hearing Statement submitted by HE does not raise any fundamentally new issues but rehearses matters raised previously which the NEAs believe that they have addressed in their Dec 2019 Matter 8 Further Hearing Statement.