Part 1: Issues Raised Through the Preferred Options Consultation

Issue Number	Policy Paragraph	Issue	Officer Response	Proposed Amendment
Introduction	on			
21.1	21.1.1 (now 20.1.1.)	Opening statement should read 'The District is and buried remains of significant <i>archaeological and</i> historic interest.'	Agreed.	Amendment to text (para 20.1.1): The District is fortunate in having a rich and varied historic environment and buried remains of significant archaeological and historic interest.
Heritage A	ssets			
21.2	21.2.1 (now 20.2.1)	The clear statement made in paragraph 21.2.1 concerning the valuable contribution made by heritage assets to the economic and social wellbeing of the District is welcomed.	Support noted and welcomed.	No amendment in response to this issue
21.3	21.2.2 (now 20.2.2)	Figures cited should be updated to reflect the HER records which contain: 'Over 40 Scheduled Sites (43), 550 Areas of Archaeological Significance in the District.' The figures cited in Chapter 2 (2.2.7) should also be revised.	Agreed.	Amendment to text (para 20.2.2): - Over 3040 Scheduled Monuments - Nearly 3,100 Listed Buildings - 42 Conservation Areas - 450550 Areas of Archaeological Significance
21.4	21.2.4 (now 20.2.4)	Add the word 'and' to second sentence: 'The Council will monitor the condition of heritage assets AND publish'	Agreed. It is helpful to add an information box to provide a web link to the Historic England Buildings at Risk Register.	Amendment to text (para 20.2.4): The Council will monitor the condition of heritage assets and publish a heritage at risk register New 'orange box' Further information on the Historic England Buildings at Risk Register is available on the Historic England website at: www.historicengland.org.uk

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21.5	HA1	Add 'designated' to title.	Agreed.	Amendment to policy: HA1 Designated Heritage Assets		
21.6	21.2.5 (now 20.2.5)	The Hertfordshire Historic Environment Record (HER) recommends that it is referenced as the key historic environment source as indicated by NPPF guidance and should be cited as a primary source of information and good practice concerning the identification of heritage assets.	It is agreed that the HER is a source of local knowledge and information. Details to be added to the Plan.	Amendment to text ('orange box' following para 20.2.5): Further information on local heritage assets is available on the Hertfordshire Historic Environment Record website: http://www.hertsdirect.org		
21.7	HA2	If there is a non-designated heritage asset list, it should be referred to here.	No list exists as such. However non- designated heritage assets are being identified through the Conservation Area Appraisal work that the Council is currently undertaking. Additional wording suggested to paragraph 20.2.5.	Amendment to text (para 20.2.5): Non-designated heritage assets are being identified through the Conservation Area Appraisal work that the Council is currently undertaking and in the Historic Parks and Gardens SPD 2007.		
21.8	HA2	NPPF guidance states that undesignated heritage assets are of equivalent significance to designated sites and should be treated in the same way. It is recommended that a further policy statement within HA1 should make this clear, as there are a number in East Herts that are worthy of national designation consideration.	It is considered that HA2 II aims to mitigate any harm to currently non-designated heritage assets. Also 20.2.5 identifies that non-designated assets can be identified by the LPA if they are considered to be of local significance. Therefore it is considered that the existing policies already support the importance of non-designated assets.	No amendment in response to this issue		
Archaeolo	Archaeology					
21.9	21.3.2 (now 20.3.2)	There is a concern that further clarification is necessary on potential Areas of Archaeological Significance (AAS) as it may cause difficulties for EH and HCC. A re-wording is suggested to include this statement: 'AASs are places within the District that are deemed	Agreed in part. Proposed clarification is helpful. The final sentence is however already covered in paragraph 20.3.3.	Amendment to text (para 20.3.1): Areas of Archaeological Significance (AAS) are places within the District that are deemed to be of moderate or high archaeological potential, based on evidence from known heritage assets		

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		to be of moderate or high archaeological potential, based on evidence from known heritage assets (buildings, sites, features and finds) held by the HER. This does not mean that areas outside the AASs are without archaeological potential. From time to time alterations to existing AASs, or identification of new AASs will be required based on new data or understanding of significance. Planning Policy does not necessarily prevent new development within AASs. Each application is assessed in the light of its size, position and design to determine the likely level of impact on the historic environment, and what, if any, mitigation is required.'		(buildings, sites, features and finds). Alterations to existing AAS or identification of new AAS may be required based on new data or understanding of significance.
21.10	21.3.2 (now 20.3.2)	It is recommended that the HER be stated as the point of reference for pre-application archaeological advice. And that the HER form part of the definition of the information that to be included in a desk based assessment.	Agreed.	New 'orange box' (following para 20.3.2): The Hertfordshire Historic Environment Record (HER) is a computerised record of Hertfordshire's historic environment. It contains information on historic buildings, archaeological remains, historic sites and military remains. The HER can be used to identify significant historic remains and finds. It also contains information on surveys and archaeological excavations undertaken in Hertfordshire. Further information can be found from their website: http://www.hertsdirect.org
21.11	21.3.2 (now 20.3.2)	It is considered that the following statement should be added to better reflect the NPPF paragraph 169 on heritage assets and the discovery of heritage assets. When applications are submitted for proposals affecting any heritage asset the applicant	It is considered that this requirement has sufficiently been covered in 20.3.2 for areas of archaeological significance and policies HA1 and HA2 deal with designated and	No amendment in response to this issue

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		must clearly explain what the proposal is for and provide sufficient detail to allow for an informed decision to be made.'	non-designated heritage sites.	
21.12	21.3.2 (now 20.3.2)	A statement is welcomed to outline the archaeological interest of a site can be 'actual or potential'. It is however important to stress that 'character, extent and relative quality of a potential archaeological resource' cannot be ascertained without an archaeological field evaluation, since by its very nature, it is buried and invisible. Due to the fact that archaeological remains are predominantly underground, 'If features are present' should be deleted and replaced with: 'A field excavation may also be necessary to define their character, extent and relative quality so that their worth may be assessed in local, regional and national contexts'.	Agreed.	Amendment to text (para 20.3.2): If features are present then a field evaluation may also be necessary to define their character, extent and relative quality so that their worth may be assessed in local, regional and national contexts.
21.13	21.3.3	Recommend the addition of a further requirement within this section which reflects the NPPF guidance, and ensures that funding is secured for the deposition, storage, care and accessibility of archaeological archives, via Section 106 Agreements or Planning Conditions.	It is considered that paragraph 20.3.3 appropriately deals with securing funding for these purposes through either Section 106 Agreements or planning conditions.	No amendment in response to this issue
21.14	21.3.3 (now 20.3.3)	Issues raised around the funding for collecting and storing of archaeological artefacts following excavations taking place on development sites. Many local museums are already overcrowded and concerned that the loss of archaeological remains will be detrimental to the community. Clause 141 from the NPPF has been referred to that states there is a requirement for archives to be deposited in a local museum or depository, therefore it is	It is considered that paragraph 20.3.3 and HA3 II appropriately deals with the recording and publication of potential archaeological remains. However, it is proposed to add additional text to both this paragraph and Policy HA3 to reflect the need to consider storage (and display) as appropriate. Any funding secured through Section 106 Agreements will be dealt with	Amendment to text (para. 20.3.3 and Policy HA3) 21.3.3 This secures excavation and, recording and publication of information prior to development starting and subsequent storage and display of material. Where planning permission is given, conditions may be attached

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		requested that the District Plan identifies that the Section 106 agreement should designate 75% of allocated funds to be paid upon implementation and 25% as contingency depending upon what is found and needs storing. Furthermore, it is requested that museums or depositories are informed at the start of archaeological work to allow time for storage.	on a case by case basis.	Policy HA3 Part II II. Where development is permitted on sites containing archaeological remains, planning permission will be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development and the subsequent storage and display of material.
21.15	HA3	The use of Article 4 Directions regarding the removal of permitted development rights is a useful and an appropriate instrument in the management of heritage assets. Recommend that the LPA includes this measure in the draft Plan	Not agreed. Policies HA1, HA2 and HA4 sets out appropriate arrangements for the management of heritage assets	No amendment in response to this issue
21.16	HA3 II	This should include the provision for the preservation and enhancement of features of known archaeological interest, the appropriate archaeological investigation of such remains prior to development, and the analysis and publication of the results of such investigations.	It is considered that paragraph 20.3.3 and HA3 II appropriately deals with this.	No amendment in response to this issue
Conservat	tion Areas			
21.17	21.4 (now 20.4)	Section 21.4 should make clear that landscape can also be a heritage asset.	Paragraph 20.2.1 sets out that heritage assets include buildings, monuments, sites, places, areas or landscapes.	No amendment in response to this issue
21.18	21.4.2 (now 20.4.2)	21.4.2 could be amended to 'The special interest of an area can derive from a combination of characteristics, such as the historic street pattern, traditional or notable building styles, or landscape features.'	Agreed.	Amendment to text (para 20.4.2): The special interest of an area can derive from a combination of characteristics, such as the historic street pattern, and traditional or notable building styles, or landscape features.

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21.19	21.4.5 (now 20.4.5)	Typo 'Conservation Area' not 'Conservations Area'.	Agreed.	Amendment to text (para 20.4.5): Within the plan period consideration will be given to further areas which may merit designation as Conservations Areas
21.20	HA4	Issue raised concerning existing development in Conservation Areas. HA4 conforms to the Conservation Area Appraisal, it is suggested that the policy should include a caveat at the end of HA4, to state: 'unless proposals can justify a departure from the Appraisal based on detailed evidence and evaluation.' The Conservation Area Appraisal is argued to be too prohibitive of development in existing development where open spaces, views and vistas are protected against further/future development. This is written in particular about Bishop's Stortford College.	This issue is raised with reference to a particular site. It is however considered entirely reasonable to require conformity with relevant Conservation Area Appraisals. No change is therefore proposed in response to this issue.	No amendment in response to this issue
21.21	HA4	Policy HA4 is supported as it seeks to maintain the importance of retaining the historical character and setting of such areas.	Support noted and welcomed.	No amendment in response to this issue
21.22	HA4	Concern that the terms 'preserve' meaning no change and 'enhance' meaning change, conflict with NPPF guidance where 'conserve' is used meaning to protect from harm. A suggested re-wording is provided: "New development or extensions and alterations to existing buildings in Conservation Areas will be permitted provided that they conserve or enhance the character or appearance of the area, or better reveal its significance."	'Preserve' rather than 'conserve' is considered to be the correct term. This policy, and the approach set out in the NPPF, is about facilitating the right sort of change (preserve and enhance), not keeping things exactly as they currently are (conserve).	No amendment in response to this issue
21.23	HA4	Definition of the word 'setting' in Chapter 21 (now Chapter 20) should be defined and illustrated by the	The definition of 'setting of a historic asset' is set out in the glossary.	No amendment in response to this issue

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		NPPF definition to make it clear how the impact of a development proposal on the setting of a heritage asset and in Conservation Areas will be assessed.		
21.24	HA6	The inclusion of the advertisement policy in Conservation Areas is welcomed.	Support noted and welcomed.	No amendment in response to this issue
21.25	HA6 (b)	Comment that illumination should be externally illuminated only.	Agreed.	Amendment to policy (b) Are preferably non-illuminated or does not contribute to an escalation of shopfront lighting along the street scene. Where illumination is proposed-as necessary it should be discreet in size and of a minimum level it should be external illumination which is discreet in size and of a minimum level. Internal illumination of shop signage will not be permitted;
Historic Pa	arks and Garde	ens		
21.26	21.6.1	The Nun's Triangle in Ware, adjoining the A10 is designated under an area tree preservation and as an historic park & garden. This has not been properly maintained by the owners over some time and as correctly stated in the DDP at 21.6.1 this should not inhibit the desire to retain the amenity, managed properly for the benefit of the community.	Noted.	No amendment in response to this issue
21.27	HA8	A more assertive statement should be made to identify those historic parks and gardens are retained and not available for development.	HA8 is clear that development proposals that materially harm the special historic character, appearance or setting of sites listed on the Historic England 'Register of Historic Parks and Gardens' will not be permitted. The same level of protection also	No amendment in response to this issue

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			applies to other locally important sites.	
21.28	HA8	Support the inclusion of Policy HA8, concerning the protection of both nationally important and locally important historic parks and gardens.	Support noted and welcomed.	No amendment in response to this issue

Part 2: Other Proposed Amendments

Policy/ Paragraph Number	Issue	Proposed Amendment
	In April 2015, English Heritage was rebranded as Historic England. The organisation title and web addresses therefore need to be updated throughout the chapter.	English Heritage to be replaced by <u>Historic England</u> . www.englishheritage.gov.uk to be replaced by www.historicengland.org.uk.
20.1.1	Opening statement should include reference to 'monuments'.	The District isincludes landscapes, sites, monuments, buildings and townscapes
20.2.1	Paragraph should refer to special interest and remove the ambiguous reference to 'a degree of' significance.	Heritage assets make a valuable contribution to the areas economic and social wellbeing. Heritage assets include a-buildings, monuments, sites, places, areas or landscapes positively identified as having special interest and a degree of significance that meriting merits consideration in planning decisions.
20.2.2	Paragraph should refer to 'special interest' and significance and specify that there are over 4,000 individual addresses that are listed, which would include other built features within these buildings such as walls and landscape structures for example.	The District Council recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their <u>special interest and</u> significance. Heritage assets in East Herts include: • Nearly 3,100 Listed Buildings (which comprise over 4,000 individual listed features)
20.2.4	This paragraph needs to emphasise that neglect may result in an asset falling not just into disrepair, but also to a condition that cannot be recovered from.	The long-term management of heritage assets is essential and where inadequate measures are taken to maintain heritage assets such neglect may result in an asset falling into disrepair, which could result in irreparable damage to or the loss of the asset.

Policy/ Paragraph Number	Issue	Proposed Amendment
20.2.4	This paragraph needs to clarify that the Council will publish a local heritage at risk register in addition to the national register.	The Council will monitor the condition of heritage assets and publish a local heritage at risk register alongside the national register published annually by English Heritage. Regular monitoring is necessary in order to prevent the decline in condition of the District's heritage assets.
Policy HA1,	The word 'deliberate' should be deleted – all neglect is deliberate by default.	III. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset will not be taken into account in any decision.
20.2.5	It would also be helpful to refer to the Historic Parks and Gardens SPD as this contains information on non-designated assets.	Non-designated heritage assets are being identified through the Conservation Area Appraisal work that the Council is currently undertaking, and in the Historic Parks and Gardens SPD 2007 (or as amended).
Policy HA3	Part I should require applicants to consult with the Hertfordshire Historic Environment Unit.	I. Where a site has the potential to include heritage assets with archaeological interest (whether scheduled or unscheduled), applicants should consult with the Hertfordshire Historic Environment Unit to submit an appropriate desk assessment and, where necessary, the results of a field evaluation prior to the submission of an application.
20.4.2	More detail should be added to this paragraph to explain that Conservation Areas are about more than just buildings.	The special interest of an area can derive from a combination of many characteristics, such as the historic street pattern, traditional or notable building styles, or landscape features. Important to all Conservation Areas is the visual 'quality of place' they possess. This aspect principally results from the way in which the buildings and public and private spaces relate to each other, together with the inherent quality of the buildings, and-other structures , landscapes and the public realm.
20.4.3 – 20.4.6	Section re-written to ensure a more positive approach is taken.	21.3.4 The District Council has commenced a programme of Conservation Area appraisal work to identify and document what factors are considered to make up the special character of these areas. These documents also include management proposals to ensure the continued enhancement of these areas.
		21.4.4 In order to protect their special environment, stricter controls over demolition, works to trees and new development apply within Conservation Areas. These controls are not intended as a hindrance to change, but as a positive management tool to safeguard the character of the area as a whole.
		21.4.5 The district's Conservation Areas are identified on the Policies Map. Within the plan period consideration will be given to further areas which may merit designation as Conservations Areas and to the review of existing Conservation Area boundaries.

Policy/	Issue	Proposed Amendment
Paragraph Number		
		20.4.3 The Council's Conservation Areas are identified on the Policies Map. In order to protect
		their special interest, stricter controls over demolition, works to trees and new development apply
		within Conservation Areas. These controls are not intended as a hindrance to change, but as a
		positive management tool to safeguard the character or appearance of the conservation area.
		20.4.4 The District Council has an ongoing programme of review of its existing and potential
		Conservation Areas to identify and document which factors are considered to make up the special
		interest, character or appearance of these areas. The resultant Conservation Area Character
		Appraisals also include Conservation Area Management Proposals. Management Proposals are a
		statutory requirement of s.71 of the 1990 Act. They will put forward policy and project initiatives
		designed to address the threats and opportunities identified in the Character Appraisal and thereby
		more effectively preserve and enhance the character and appearance of the Conservation Area.
		20.4.5 Evidence from Conservation Area Character Appraisals and local groups indicate that a
		number of Conservation Areas are suffering from the gradual erosion of traditional features,
		materials and details in both the public and private realm and that this is undermining their special
		interest. A more proactive approach is needed to halt and reverse this trend and to reinstate these
		features as part of works to preserve and enhance the character and appearance of Conservation
		Areas.
		20.4.6 Where appropriate, Article 4 directions will be made that bring specific permitted
		development rights within the planning system. This will be used to prevent the further loss of
		significant historic features and to seek to secure the restoration of features already lost. Thus, in
		time, the erosion of the Conservation Area's special interest will be halted and reversed and the
		area will be better preserved and enhanced.
Policy HA4,	Minor alterations to the wording to to add special	I. New development, extensions and alterations to existing buildings in Conservation Areas will be
1	interest as a consideration.	permitted provided that they preserve or enhance the established special interest, character or
		appearance of the area. Development proposals outside a Conservation Area which affect its
		setting will be considered likewise
Policy HA4,	The policy should ensure local character is reinforced,	(b) Use materials and adopt design details which reinforce local character and are traditional to the
(b)	not just the use of local materials and design.	area.
Policy HA4,	Part (c) should clarify what is meant by being	(c) Be sympathetic of a scale, proportion, form, height, design and overall character to that accords
(c)	sympathetic in scale etc.	with and complements the surrounding area;

Policy/ Paragraph Number	Issue	Proposed Amendment
Policy HA4, (e)	Part (e) should be changed to ensure the correct title is used for Conservation Area Character Appraisals, and to refer to special interest along with significance.	Conform to any 'Conservation Area <u>Character</u> Appraisals' prepared by the District Council and safeguard all aspects which contribute to the area's <u>special interest and</u> significance, including important views and green spaces.
Policy HA4, new (f)	Policy amended to reflect amendments to paragraphs 20.4.3 – 20.4.6.	(f) Where development proposals derive from Conservation Area Management Proposals the duty to preserve and enhance will be applied. Development proposals, including minor development under an Article 4 direction, will be expected to 'preserve' surviving architectural features identified as being significant to the character or appearance of the area or, where previously lost, to 'enhance' that character and appearance through the authentic restoration of those lost features.
Policy HA4,	Criterion amended to ensure a more proactive/positive approach is taken.	II. Consent Permission for the demolition of buildings and structure within a Conservation Area will only be granted if the building or structure it makes no positive contribution to the character of the Conservation Area and the replacement is of good design and satisfies the above requirements of this policy.
20.4.7	This paragraph needs to refer to the gradual erosion of quality and character through unsympathetic frontages, and the resultant downgrading of the environment which will reduce the visitor experience. Subsequent amendments also required to Policy HA5 and Policy HA6. Reference also added to conditions being imposed to control the hours of lighting where appropriate.	In the district's town centres, frontages to shops and commercial premises play a key role in defining the character and quality of the Conservation Areas. The Council is therefore keen to ensure that a high quality environment is maintained, consistent with commercial and economic considerations. The introduction of unsympathetic advertisements can compromise the quality of the environment and may downgrade the image and reduce the footfall in an area. Signage and lighting must therefore be sensitive to the character of these areas and not contribute to an escalation of competitive signage and levels of illumination along the street. For example, poster boarding or large fascia and internal illumination are seldom—not appropriate in Conservation Areas. It may be necessary for conditions to be imposed on the hours and luminosity of lighting in order to reduce harm to residential amenity.
		Policy HA5, I
		Proposals for <u>a</u> new shop front or commercial premise frontage or alterations to existing ones will be permitted where the proposed design <u>follows historic shopfront design</u> , is sympathetic to the scale, proportions, character <u>design details</u> and materials of the structure, <u>or</u> adjoining buildings and the <u>street scene in general</u> <u>character and appearance of the Conservation Area</u> .
		Policy HA6, (a), (b), (c), (d)
		Where express consent is required within Conservation Areas the District Council will only accept

Policy/ Paragraph	Issue	Proposed Amendment
Number		
		advertisements where they:
		 (a) Are either painted or individually lettered in a suitable material of an appropriate proportionate size and design in relation to the building or fascia upon which they are to be displayed; (b) Are preferably non-illuminated or does not contribute to an escalation of shopfront lighting along the street scene. Where illumination is proposed as necessary it should be external illumination which is discreet in size and of a minimum level. Internal illumination of shop signage will not should never be permitted; (c) Are of a traditional fascia or hanging type; and (d) Are of an a traditional and appropriate size to the architecture of the host building necessary to convey their message.
Policy HA5,	Natural surveillance is also strengthened by passive surveillance.	III. Security features should be designed in a sensitive manner which respects the overall character of the frontage and location, facilitates natural/passive surveillance and maintains an attractive street scene
20.5.3	When seeking new uses for listed buildings these need to be a sustainable use as well as an appropriate one.	Listed buildings of special architectural or historic interest must be sensitively repaired and improved, using traditional materials and techniques. Appropriate and sustainable new uses should be found for them in order to secure their future survival
Policy HA7,	To be consistent with other policies, this should say 'preserved and enhanced.'	III. Proposals that affect the setting of a Listed Building will only be permitted where the setting of the building is preserved and enhanced.