



Examination of the Winchester District Local Plan 2020-2040

Matter 15

Historic England, Hearing Statement

14 April 2025

This statement addresses the Inspector's questions regarding Matter 15 of the Winchester District Local Plan 2020-2040

This hearing statement should be read alongside Historic England's comments submitted at previous consultation stages of the Local Plan.

Historic England is the principal Government adviser on the historic environment, advising it on planning and listed building consent applications, appeals and other matters generally affecting the historic environment. Historic England is consulted on Local Development Plans under the provisions of the duty to co-operate and provides advice to ensure that legislation and national policy in the National Planning Policy Framework are thereby reflected in local planning policy and practice.

The tests of soundness require that Local Development Plans should be positively prepared, justified, effective and consistent with national policy. Historic England's representations on the Publication Draft Local Plan are made in the context of the requirements of the National Planning Policy Framework ("the Framework") in relation to the historic environment as a component of sustainable development.

Matter 15: Historic environment

Issue: Whether the plan would ensure the conservation of the District's heritage and whether the Plan's policies would be clear, justified and consistent with national policy, and will they be effective?

General Comment

1. Would the historic environment policies, when taken as a whole (preamble and policies), be clear and consistent with national policy? Does each serve a clear purpose, avoiding unnecessary duplication, including policies that apply to a particular area including the heritage policies in the NPPF? Given these matters, as a whole would they be effective?

Historic England welcomes the City Council's commitment to heritage, which we see reflected in the large suite of heritage policies that can be applied in various ways as appropriate in decision-making. We have not identified inconsistencies with national policy other than those picked up in our response at Regulation 19 and in our responses below.

Strategic Policy HE1 Historic environment

1. Would strategic policy HE1 accurately reflect NPPF paragraph 210, which indicates the matters that, in determining applications, local planning authorities should take account of, including the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation?

In recognising that HE1 is a strategic policy, we view this as part of the Council's response to paragraph 20 of the NPPF, which requires strategic policies to make sufficient provision for the conservation and enhancement of the natural, built and historic environment. We acknowledge the strategic approach to heritage conservation embedded in policy HE1 and its positive support for enhancement through new development.

We infer the paragraph cited in the question is 203 in the 2023 iteration of the NPPF. We do not perceive a conflict between policy HE1 and paragraph 203, though no doubt paragraph 203 also influences other heritage policies in the plan.

2. Would the terminology used in paragraph 8.4 in relation to historic parks and gardens be clear, unambiguous and consistent with national policy?

In Historic England's response at Regulation 19, we suggested referring to Registered Parks and Gardens to distinguish from those historic parks that are locally listed i.e. "Currently there are 110 Scheduled Monuments, 2,271 listed buildings, 11 historic Registered parks and gardens, 37 Conservation Areas and a historic battlefield at Cheriton, which fall within the Winchester district."

Policy HE2 All heritage assets (designated and non designated)

1. In requiring applicants to describe the significance of affected heritage assets and /or their settings would the policy be consistent with NPPF paragraph 207, which requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. (NPPG Paragraph: 006 Reference ID: 18a-006-20190723)

We believe it would be clearer if setting is referenced in the opening paragraph i.e.

"Applicants must describe the significance of any affected heritage assets, including any contribution made by their setting, using appropriate..."

The line in the second paragraph that refers to setting could also be better phrased, as it implies setting could be an alternative to significance, rather than an intrinsic part of significance. Suggested wording for consideration:

"All applications which affect or may affect heritage assets should be accompanied by a Heritage Statement, proportionate to the nature of the development and heritage interest, describing the significance of affected heritage assets (including any contribution to significance made by and/or their settings), the degree and nature of impact upon that significance and how the proposals minimise or mitigate any harm..."

2. Would the policy requirements in relation to proposals affecting buildings at risk be clear and unambiguous and consistent with national policy?

As stated in our Regulation 19 response, while reference to heritage at risk in the final section of the policy is welcome, we suggest making a minor modification to clarify what is meant by "proposals for heritage assets".

"Any proposals directly affecting buildings and other structures ~~for heritage assets~~ included in the council's 'Buildings at Risk Register'..."

This policy provision is undoubtedly ambitious. We welcome the Council's clear commitment to a positive strategy for the historic environment. That said, we have a residual concern about the scale of the ambition in the policy's wording. Is the intended removal of the asset from the relevant register deliverable in all cases? We would be open to discuss a revision to the end of this line that qualifies the provision; for example: "'Any proposals directly affecting buildings and other structures for

heritage assets included in the council's 'Buildings at Risk Register', or the Historic England 'Heritage At Risk Register', shall include works including repairs to enable progress towards the removal of that heritage asset from those registers."

Accompanying such a modification could be supporting text that makes clear related works should be proportionate to the significance of the asset and the scale of the proposal.

Policy HE3 Designated heritage assets

1. Would policy HE3 serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area, including the heritage policies in NPPF, in particular, paragraph 207?

While we encourage local planning authorities to tailor their policy approaches to suit their local needs, we note it is not uncommon for local plans to include policy content that includes a degree of duplication with the NPPF e.g. the adopted [Oxford Local Plan 2036 – policy DH3: Designated heritage assets](#). Policy HE3 consolidates several points and facilitates a consistent approach to designated heritage assets across the plan period with the additional weight inherent as part of the statutory development plan.

Policy HE4 Non designated heritage assets

1. Would policy HE4 serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area, including the heritage policies in NPPF, in particular paragraph 209?

We perceive this to be a corollary of the position regarding policy HE3. We infer the Council aims to use policy HE4 to implement a consistent policy approach to the conservation of non-designated heritage assets across the plan period.

Policy HE5 Protecting the significance of heritage assets (designated and non designated) and mitigating unavoidable harm

1. How would policy HE5 interact with policies HE3 and HE4 in relation to designated and non designated heritage assets? Together would they provide a clear indication of how a decision maker would react to a proposal in relation to both designated and designated heritage assets? Would that distinction be clear and unambiguous?

Our only comment on this matter is to observe that policy HE5 sets out provisions that are not covered by policies HE3 and HE4. We perceive HE5 would be complementary to HE3 and HE4.

Policy HE6 Scheduled Ancient Monuments and nationally important non designated assets

1. When read as a whole, including its title, would it be clear that this policy relates to non designated heritage assets and non designated archaeological assets?

In our Regulation 19 response, we advised this policy should explicitly focus on “Scheduled Monuments and Nationally Important Non-designated Archaeological Assets”. We do not believe it is the intention of this policy to cover other types of nationally important non-designated heritage assets, and we recommend making this clear in the policy’s title.

Also, we recommended amendment to more generic policy wording in the policy that relates to nationally important non-Scheduled remains as follows:

“Applications which affect, or may affect, a non-designated ~~heritage~~ archaeological asset that is potentially of national importance will be required to provide appropriate and proportionate evidence on the significance of the asset (including the contribution to significance made by its setting) and the steps that would be taken to avoid and minimise harm.”

2. When read as a whole, together with its title, would policy HE6 be clear and unambiguous in setting out how a decision maker should respond to its requirements?

In our response at Regulation 19, we expressed concerns that this policy could imply minimisation of harm is on a par with avoidance. For nationally important archaeological assets (whether scheduled or not), a sound approach needs to underscore that avoiding harm (which tends to involve preservation in situ) is the preferred option.

To bring this to the fore and make it clearer how decision-makers should interpret this policy, we advised moving the final line to the start of the policy and splitting avoidance and minimisation into separate actions.

“Proposals should take a positive approach to archaeology, by avoiding locating development on sensitive areas and designing development that responds positively to the significance of archaeological features, including their settings.

Applications for planning permission which affect, or may affect a scheduled monument, or its setting, should be supported by appropriate and proportionate evidence on the significance of the asset (including the contribution to significance made by its setting) and the steps that would be taken to avoid ~~and minimise~~ harm. Where harm is unavoidable, proposals should explain the reasons why and outline steps to minimise harm...

...Applications will be determined also in accordance with Policy HE3 on designated heritage assets. ~~Additionally, proposals should take a positive approach to~~

archaeology, by avoiding locating development on sensitive areas and designing development that responds positively to the significance of archaeological features, including their settings.”

Furthermore, we suggested for completeness the policy should cover the scenario where proposals may affect Scheduled Monuments, and our view is sought on how to proceed i.e.

“Historic England should be notified where a ~~s~~Scheduled ~~m~~Monument ~~e~~Consent (SMC) is required in addition to planning permission and/or if the proposals may affect a Scheduled Monument and/or its setting.”

3. Would policy HE6 be clear in its aim, in accordance with national policy, to avoid harm to archaeological remains (which tends to involve preservation in situ) as the preferred option, then minimising harm is unavoidable?

We refer to our answer to question 2 above.

4. Would further guidance on a non designated archaeological asset that is potentially of national importance be required?

Echoing our concern about the need for clarification on the approach to Scheduled Monuments, in the cover letter of our Regulation 19 response, we recommended a further change to the paragraph on non-designated archaeological assets that are potentially of national importance, amending the text as follows:

“and the steps that would be taken to firstly avoid harm and if unavoidable to ~~and~~ minimise harm”.

Also, we would welcome, indeed support, reference to NPPF footnote 72 text in the policy or supporting text: “Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.”

Policy HE7 Non designated archaeological assets

1. Would policy HE7 serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area, including the NPPF heritage policies, in paragraph 209?

As stated in our response at Regulation 19, Historic England is not convinced that the first paragraph is needed (not least because it does not make clearer when the policy applies) and could be deleted. Also, we note the final paragraph is repeated.

That said, the policy overall adds helpful detail, in our opinion, on the Council’s approach to non-designated archaeological assets that are not nationally important.

Policy HE8 Applications affecting listed buildings

1. How would policy HE8 interact with policy HE3?

Noting that HE3 more generically covers designated heritage assets, we believe it is helpful for HE8 to provide additional considerations on proposals affecting listed buildings, which links understanding of significance with scheme design (the proposed interventions).

Also, it is helpful to state that original features and elements that make a positive contribution to the significance and/or character should be retained unless there is a clear and convincing justification for their removal. Policy HE3 sets out the scenarios where that be considered in the context of substantial and less than substantial harm.

We welcome a commitment to a high standard of design for applications that affect listed buildings.

2. Would it strike the right balance between the preservation of heritage buildings with the need for modernisation, energy efficiency and financial viability?

No comment.

Policy HE9 Changes of use to listed buildings

1. Would policy HE9 strike the right balance between the preservation of listed buildings and their modernisation, energy efficiency and financial viability?

While we do not comment on this at Regulation 19, we offer a suggestion now that may help in the implementation of this policy: switch criteria ii and iii and add “or” at the end of what is currently criteria ii (but would become criteria iii). This would clarify and strengthen the flow of this policy that either the proposal would not cause harm, or that that unavoidable harm needs to be justified.

Policy HE10 Development in conservation areas

1. Would this policy strike the right balance between historical preservation and environmental sustainability?

No comment.

2. What is the justification for separate criteria in relation to new buildings and extensions?

No comment.

3. What is the justification for applying criteria vii, in relation to energy efficiency or generation measures, to extensions and alterations only?

No comment.

Policy HE11 Demolition in conservation areas

1. Would the policy HE11 and its supporting text, in stating that demolition of buildings that make a positive contribution to the architectural or historic interest of the area will be granted only in exceptional circumstances where it has been satisfactorily demonstrated that a building is beyond repair and incapable of beneficial use accord with NPPF paragraph 213?

No comment.

Policy HE12 Registered parks and gardens

1. Would policy HE12 provide appropriate protection to registered and other identified historic parks and gardens?

We note the value in having a separate policy on historic parks and gardens, though the opening of the policy does not add much beyond acknowledging in headline terms the different types of historic park and garden (see also our response to question 2 below), though without distinguishing between them in terms of response.

We recommend a more positive approach that does not seem to be so accepting of harm. To that end, we would encourage further changes to the opening of policy HE12 (beyond those suggested below and in our Regulation 19 response) and suggest the following wording for consideration:

“Proposals which accord with the Development Plan will be permitted provided they conserve and/or enhance do not result in unacceptable harm to or loss of the significance or distinctive character of a Registered Historic Park and Garden and any associated designated heritage assets in accordance with policy HE3. Proposals that conserve and/or enhance a Park and Garden identified on Local Registers (including the Hampshire Gardens Trust Register of Parks, Gardens and Green Spaces) will be supported or results in the loss or deterioration of associated designated heritage assets (in accordance with policy HE3).”

We welcome reference to the need for a Conservation Strategy and Management Plan as an invaluable tool to support conservation of the asset.

2. For effectiveness, would the policy need to refer to historic parks and gardens rather than registered parks and gardens?

As flagged in our response at Regulation 19, the current wording seems to imply that RPGs are on a local register, which could imply there are only of local significance. We suggest one way this might be corrected.

Also, we asserted that the policy should be headed “Historic Parks and Gardens” to acknowledge that it covers more than RPGs. Deleting “historic” in “Registered Historic Park and Garden” may also help to tighten this clarity.

Policy HE13 Non designated historic rural and industrial heritage assets

1. Given the Plan is read as a whole, would policy HE13 serve a clear purpose, avoiding repetition of other policies in the Plan? Would this go to the heart of soundness?

As a general comment, we welcome the inclusion of locally tailored policies that connect with a certain type of asset within the plan area.

Policy HE14 Improvements and Alterations to Improve Energy Efficiency of Historic Assets

1. To ensure consistency in implementation, should the policy refer to heritage assets as opposed to historic assets?

We would welcome this change.