



Historic England

Examination of South London Waste Plan

Matter 4: Does the Plan set out an effective suite of policies for the management of waste in the area; and are they justified and consistent with national policy?

Historic England, Hearing Statement

14 July 2021

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.

Historic England Hearing Statement

Introduction

1.1 This statement addresses the Inspector's questions with regards Matter 4 of the South London Waste Plan (SLWP).

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

Matter 4: Does the Plan set out an effective suite of policies for the management of waste in the area; and are they justified and consistent with national policy?

Issue (i) Does the Plan set out a clear design vision and expectations; would the policies ensure that waste-management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located; are the policies relating to these matters justified; and are they clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?

1.3 Historic England's comments in relation to this matter and issue relate directly to questions 5 and 8 within this section. Namely

5. Are the Plan's requirements relating to the conservation of heritage assets consistent with the relevant statutory duties and the Framework?

8. Is Policy WP5 (c) clearly written – is it evident to a decision-taker how particular regard will be paid to the list of considerations in the assessment of planning applications?

- 1.4 We continue to consider that Policy WP5 does not conform with the Framework on a number of grounds. It indicates at clause c) that *‘particular regard will be paid to the impact of the development in terms of ...*
- iii) Archaeological sites, the historic environment and sensitive receptors, such as schools, hospitals and residential areas’.*
- 1.5 Firstly, Paragraph 16 d) of the Framework requires that plans should contain policies are clearly written and unambiguous. We believe that as set out, WP5 does not meet this requirement, as the phrase ‘particular regard will be paid’ does not clearly indicate how any information gathered while paying ‘particular regard’ should be used in helping the decision maker reach a decision. While we would acknowledge that there is an implication that such information should be used to consider any adverse impacts on the historic environment, we consider the ambiguity is such that it is confusing to all stakeholders.
- 1.6 Para 16 f) of the Framework indicates that plans should serve a clear purpose and should avoid unnecessary duplication of policies elsewhere. While we understand the logic of the draft SLWP in seeking to avoid repeating related policies in the local plans of the four boroughs concerned, we consider that in doing so WP5 as set out has a different emphasis.
- 1.7 For example, the London Borough of Croydon local plan takes a proactive approach to development potentially affecting heritage assets, requiring proposals to *‘preserve and enhance character, appearance and setting of heritage assets within the borough’* (Policy DM18). In contrast, we consider WP5 has the potential to be seen as a tick-box exercise where relevant heritage assets are identified and assessed, but any effects on their significance (as defined in the Framework) from development proposals are not appropriately considered in decision making. As a result, alternative or amended proposals that better achieve the conservation of heritage significance as well as waste objectives may be ignored.

- 1.8 We consider therefore that while there would be a degree of repetition in amending the policy as we suggest below at 1.13, this is necessary (as opposed to unnecessary) to ensure it is in conformity with national policy.
- 1.9 Secondly, para 20 d) of the Framework indicates that strategic policies within plans should make sufficient provision for the conservation and enhancement of the historic environment. WP5 as drafted does not contain any reference (either direct or indirect) to or reflect this requirement, and as such represents a passive approach to management of impacts on the historic environment. We consider that this is likely to mean development proposals come forward that are inappropriate for their context and may miss opportunities for enhancement.
- 1.10 This in turn means (thirdly) that the plan does not contain a positive strategy for the historic environment as per para 185 of the Framework. It does not encourage proposals that seek to positively manage effects on individual heritage assets or look for opportunities to enhance their significance.
- 1.11 Finally, we do not consider that WP5 satisfies the requirements of S72 of the Planning (Listed Buildings & Conservation Areas Act) 1990, in that it fails to be clear that any proposals should pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 1.12 We therefore recommend that the following further clause be included within policy WP5:
- 1.13 *Waste development proposals will be permitted where it can be demonstrated that they will conserve, and where practicable, enhance those elements which contribute to the significance of the area's heritage assets including their setting.*