



Historic England

Planning Policy Team
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Telephone

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Date

19 July 2024

[By email only to draftlocalplan@rother.gov.uk](mailto:draftlocalplan@rother.gov.uk)

Dear Sir or Madam

Rother Draft Local Plan 2020-2040 Regulation 18 Consultation

Thank you for your email of 30 April 2024 inviting comments on the above consultation document.

Introduction

As the Government's adviser on the historic environment Historic England (HE) is keen to ensure that the protection of the historic environment is fully taken into account at all stages of the planning process. This includes formulation of local development policy and plans, supplementary planning documents, area and site proposals, and the on-going review of policies and plans.

General Comments

There are many issues and matters in the consultation document that are beyond the remit and concern of Historic England and our comments are, as required, limited to matters relating to the historic environment and heritage assets. We note that as an early stage in the formulation of a local plan the current document may be subject to significant change and consequently we consider it appropriate to limit our comments to more general matters; we will comment more specifically and in detail at later stages in the plan making process as appropriate. In this respect, you should not take the comments below as the definitive view of Historic England on the matters contained in the plan; they are provided for general guidance in the iterative process of preparing appropriate policies for the historic environment.

In the comments below, Historic England focusses on the objective of the Paragraph 196 of National Planning Policy Framework to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:



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- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.

A strategic strategy for the historic environment as required by paragraph 20 d) of NPPF, in our view, is not a passive exercise but requires a plan for the maintenance and use of heritage assets and for the delivery of development including within their setting that will afford appropriate protection for the asset(s) and make a positive contribution to local character and distinctiveness.

Specific Comments

We welcome many aspects of the draft Local Plan, including the focus on climate change and the adaptation to it. HE has a developing suite of advice on the connection between climate change action and the conservation of the historic environment that our referred to in our comments below.

Proposed Policy GTC1: Net Zero Building Standards – there is an opportunity to mention heritage assets in this policy and cross-reference to the Policy HER1 and the heritage section where it is discussed from para.12.12 onwards.

Policy GTC2 – Net Zero Retrofit Standard – This policy is welcomed as it explains that in relation to heritage, the policy will be guided by HE advice and cross references the other Local Plan Historic Environment Policies. Including a reference to our advice on this topic would be useful: <https://historicengland.org.uk/advice/technical-advice/retrofit-and-energy-efficiency-in-historic-buildings/>.

Note: HE is also intending to publish a new Historic Environment Advice Note on Climate Change and Historic Building Adaptation which will be available in autumn 2024.

Policy GTC6 - Renewable and Low Carbon Energy –Section A - relating to potential solar farms or wind turbines should reference potential impacts on heritage and how these may be avoided or mitigated.

Section B specifically refers to roof mounted solar and cross references to the Local Plan Heritage Policy, but Section C (Wind) and D (Battery storage) do not. A reference to heritage





policy should be added to the latter as we have seen a number of recent cases where this has been an issue.

Policy – LWL1 – Compact Development refers to specific densities such as 60-90 dph being achieved in certain areas such as town centres but does not reference heritage or the heights that would be needed to achieve these densities. We would suggest that this approach is balanced with reference to a character-led approach to new development, particularly in historic areas (e.g. conservation areas).

HER1 – Heritage Management – This is the strategic development management policy which appears to have been carried forward from the previous Core Strategy Development Plan Document. The wording of the policy should be reviewed in the light of changes that have occurred to the NPPF/PPG to ensure compliance with the latest guidance and the soundness test.

Criterion (vi) of the policy refers to English Heritage rather than **Historic England** (also signalling that it has not been updated since previous drafting). This mistake occurs on a number of occasions in the explanatory text also and should be corrected.

The wording in this policy does not mention “heritage significance” at all, which seems to give weak foundations to the subsequent aspirations to reinforce character and preserve legibility, etc. We suggest an commencing with a bullet point that says:

“The process of designing development proposals must consider the historic significance and character of areas, buildings and features so that the effect of development on these characteristics can be taken into account in determining the application.”

HER2 - Traditional Historic Farm Buildings – It may be helpful to refer to HE guidance ‘The Conversion of Traditional Historic Farm Buildings: A guide to good practice’ within the policy though this is mentioned in the explanatory text. However again within the text, English Heritage is referred to rather than HE.

Bullet point vii) **Ensure appropriate archaeological research and investigation of both above and below-ground archaeology, and retention where required** is vague; we suggest strengthening this policy by revising this section to: *“in areas of archaeological potential, developers should undertake archaeological assessment to determine their significance and the potential of harm during development. Where there might be harm options for avoidance or mitigation of harm should be considered.”*

Development Management

Other than the policies for Traditional Farm Buildings and for Shopfronts, Signage and Advertising there are no specific management policies relating to heritage assets such as listed buildings, conservation areas, historic parks and gardens, scheduled monuments, etc. This is a weakness in the context of the acknowledged importance of the historic environment





and heritage assets in Rother District (ref. para.16, para.1.29 op cit, etc.), and the requirement to balance this against other objectives (e.g. para.1.19).

Specific Development Management Policies are needed in order for decision-takers to determine how they should react to an application affecting the historic environment (paragraph 28, NPPF). Such circumstances could include the following:

- Those areas where Development Management Policies are necessary to amplify Strategic Policy (HER1) for the historic environment; for instance, to deal with particularly distinctive or important historic environment features or significance, heritage assets at risk, and development affecting specific heritage asset types;
- Those areas where further clarity would be useful – for instance, how the Council will determine applications affecting archaeological remains of less than national importance;
- Those areas where Development Management Policies may be necessary to address the local circumstances of the Local Plan area; for example, to clarify the approach to development within an Archaeological Notification Area, or to protect or enhance important views and vistas;
- Those circumstances where Development Management Policies are needed to address particular cross-boundary issues; such as the management of those extensive culturally significant landscapes which run across a number of authority areas, such as the High Weald and the Pevensy Levels.

Evidence Base Documents

Local Plans should be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area (NPPF Paragraph 31) – which would include the historic environment. In particular this up-to-date evidence should be used to assess the significance of heritage assets and the contribution they make to the environment.

Evidence on which policies for the historic environment are prepared should be published, as required by paragraph 199 of NPPF. We note that a “Heritage Background Paper” has been prepared, which we welcome. The Background Paper is helpful in setting out the context for the historic environment policies of the local plan, but in our view also highlights the deficiencies of the draft Rother District Local Plan 2020-2040.

In particular, the Background Paper sets out the requirements of Paragraph 190 of the NPPF; however, it is not clear that these have been reflected in the draft Local Plan. In particular (as noted above) it is not evident how “a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation” will be managed as there are no specific policies that address this.





If the Council intends to rely solely on the NPPF as an instrument of managing changes affecting the historic environment, it should be explicit that this is the case. If this is the case, in our view, this would be a missed opportunity to ensure the district's locally distinctive and valued heritage is protected and enhanced for the direct benefit of local communities and the area's environment and economy.

Conclusion

In summary, Historic England would welcome the inclusion of policies for the historic environment in the local plan that meet the obligation for preparing the positive strategy required by the NPPF (paragraphs 20 d) and 196). However, you will note from the above comments that we do not consider the draft local plan to be sufficient in this respect.

The policies and proposals throughout all sections of the plan should be tested against the potential effects they will have on the historic environment and the significance of heritage assets. This, also, will be a key test of the soundness of the plan and the achievement of sustainable development as defined in paragraphs 8 and 11 of the NPPF when it is subject to examination.

We should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals which may subsequently arise where we consider that these would have an adverse effect upon the historic environment. We hope that these comments are useful.

Yours sincerely

Alan Byrne

Historic Environment Planning Adviser

