



NUNEATON AND BEDWORTH BOROUGH LOCAL PLAN EXAMINATION IN PUBLIC - AUGUST 2024

Historic England Statement

1.0 Overview

1.1 Historic England (HE) has been involved with the Plan process throughout, including responding to consultations on the following:

- Sustainability Appraisal (SA) Scoping Report in March 2021
- Regulation 18 Issues and Options consultation in August 2021
- Preferred Options consultation in July 2022
- Regulation 19 / Pre-Submission Draft consultation in October 2023.

HE also commented informally on the Nuneaton and Bedworth Local Plan Review Heritage Site Assessments June 2022 (**EB21**), produced as part of the evidence base to inform the Local Plan. Additionally, HE has produced a Statement of Common Ground in conjunction with Nuneaton and Bedworth Borough Council in February 2024 (**CD6.5**), which suggests various amendments to the Plan, and we can confirm that we have no concerns in respect of Duty to Co-operate matters.

1.2 At the Regulation 19 stage HE submitted a representation to the Pre-Submission Plan and to the accompanying SA, stating that whilst we had some detailed comments on specific proposed allocations and policy wording, it was our view that overall the Regulation 19 Plan demonstrated a positive approach to the historic environment as required by the National Planning Policy Framework (NPPF September 2023) at paragraph 190 and that we considered the Plan to be sound in respect of historic environment issues.

1.3 Therefore, whilst we understand that modifications to the Plan will be forthcoming, Historic England would not wish to see any alterations to the Plan which would undermine this positive strategy for the conservation and enjoyment of the historic environment.

2.0 HE Current position in relation to the Matters, Issues and Questions version 2 (Blocks 1, 2 and 3) – updated July 2024

2.1 With regard to the Inspectors' Matters, Issues and Questions Paper, Matter 5 and Matter 6 raise a number of questions in relation to the historic environment, to which Historic England responds consecutively below:

B SOUNDNESS

Matter 5 – Strategic and Non-Strategic Site Allocations (Block 2)

Issue 1: Strategic Policy SA1 – Development Principles on strategic sites

Q47. Is it reasonable and justified for requirements 6 (and 8) to require conservation/retention and enhancement or is more flexibility required with regard to enhancement?

2.2 With regard to requirement 6 Historic England notes the use of the word ‘enhance’ with reference to heritage assets throughout Chapter 16 of the NPPF (September 2023). We also note that paragraph 190 of the NPPF, referring to heritage assets most at risk, states that the strategy set out in a development plan should take into account “*the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation*”. This is echoed in the NPPF at paragraph 197 when referring to the determination of applications.

2.3 Whilst Historic England acknowledges that enhancement can take many forms, it is the case that the word ‘enhance’ implies some form of augmentation or improvement, whilst the word ‘sustain’ is more akin to maintaining and supporting, which may allow for more flexibility. Therefore, we would be content to see the word ‘sustain’ added to requirement 6 of Strategic Policy SA1, and suggest the following re-wording:

“The significance of heritage assets should be conserved, sustained and enhanced, with consideration given to the viable re-use of those most at risk from neglect, decay or other threats”.

Issue 2: Strategic Housing Allocations

Q53. A) Are each of the Strategic Housing Allocations and their policy requirements soundly based? Are they justified, deliverable/developable and supported by evidence?

3.13 With regard to the historic environment each of the Strategic Housing Allocations are supported by heritage evidence in the form of the Heritage Site Assessments June 2022 (EB21).

Q57. Do the key development principles adequately reflect the evidence in respect of (sports provision and) archaeology?

3.14 In respect of archaeology Historic England noted that in some cases the Heritage Impact Assessment June 2022 had scored sites as high or medium for archaeological potential, but that this was not adequately reflected in the ‘Key development principles’ of the Strategic Housing Allocations. We refer to the Statement of Common Ground between Nuneaton and Bedworth Borough Council and Historic England (CD6.5) where minor modifications are suggested to address the above.

Issue 3: Non-Strategic Housing Allocations

Q59. *Are the Non- Strategic Housing Allocations and their policy requirements soundly based? Are they justified, deliverable/developable and supported by evidence?*

- 3.15 With regard to the historic environment each of the Non-Strategic Housing Allocations are supported by heritage evidence in the form of the Heritage Site Assessments June 2022 (EB21).

Issue 4: Strategic Employment Allocations

Q64. *Should all of the strategic employment allocations (SEA2 – SEA4 and SEA6) make reference to the requirement for a programme of archaeological recording? Is this justified by evidence?*

- 3.16 Attention is drawn to the Council's Heritage Site Assessments June 2022 which encompassed consideration of the Strategic Employment Allocations (SEA2 – SEA4) and recommended a requirement for a programme of archaeological recording for each of these sites. Historic England refers to the Statement of Common Ground between Nuneaton and Bedworth Borough Council and Historic England (CD6.5) where minor modifications are suggested to address the above.

Strategic Policy SEA6 – Bowling Green Lane

Q82. *Should the Strategic Policy SEA6 make specific reference to the moat at Exhall and the need for a hydro-ecological study?*

- 3.17 The moated site at Exhall is fed directly by the River Sowe which lies immediately to the east. Strategic Employment Allocation SEA6 is to the west and should not alter the water supply and drainage from the moat. Whilst, Historic England considers that a hydrological study for the moat at Exhall is not required, a hydro-ecological study may be required by other statutory consultees.

Matter 6 – Detailed Policies (Block 2)

Issue: Whether the non-strategic detailed policies reflect the Plan's vision, strategic objectives and development strategy and accord with national policy and evidence?

Policy BE4 - Valuing and conserving our historic environment

Q167. The policy requires proposals to sustain and enhance heritage assets; to conserve and enhance heritage assets and to make a positive contribution to the character, appearance and significance of it. Is this approach sufficiently flexible and consistent with national policy and legislation?

- 3.18 Historic England notes that paragraph 190 of the NPPF refers to ‘*the desirability*’ of sustaining and enhancing the significance of heritage assets and ‘*the desirability*’ of new development making a positive contribution to local character and distinctiveness. We therefore suggest that for the policy to be more flexible, changes to the wording may be appropriate to refer to development proposals sustaining and ‘*where possible*’ enhancing heritage assets and their settings and ‘*where possible*’ make a positive contribution to local character and distinctiveness, to better reflect the NPPF.

Q168. Is the approach taken to non-designated assets consistent with national policy? In particular, having regard to paragraph 203 of the Framework should the harm be weighed against public benefits in the same way as for designated heritage assets?

- 3.19 The NPPF makes a clear distinction between the approach that should be taken to when considering harm to the significance of designated and non-designated heritage assets. We therefore suggest that reference to ‘non-designated’ heritage assets is deleted from paragraph 1 of section 2 of the policy and the approach to ‘non-designated’ heritage assets set out in a separate paragraph of the policy, with reference to the need to achieve substantial public benefits omitted.

Q169. Should the second paragraph under the ‘conserve the asset and its setting’ part of the policy also refer to the removal or destruction of scheduled monuments as well as those considered to be of equivalent significance?

- 3.20 The Government’s policy statement for “Scheduled Monuments & nationally important but non-scheduled monuments” October 2013: <https://www.gov.uk/government/publications/scheduled-monuments-policy-statement> provides for this protection and the NPPF is clear that Plans should avoid unnecessary duplication of policies [paragraph 16 f)]. Historic England is therefore content with the wording, as it requires those remains of equivalent significance to be treated in a similar manner to Scheduled Monuments in accordance with the footnote 68 NPPF September 2023.

Q170. Is the approach to dealing with harm to other important archaeological remains justified and consistent with national policy?

- 3.21 Historic England notes that the third bullet point of paragraph 3 states: “*satisfactory provision is made for the evaluation, excavation, recording and interpretation of the remains before commencement of the development*”. However, rather than this being a factor in the determination of acceptable development, it is a product, once a balanced judgement has been made.
- 3.22 Historic England further notes that this section of Policy BE4 has a mix of terminology and should more consistently use the term ‘*heritage assets*’ rather than ‘*archaeological remains*’ to ensure consistency with the NPPF and therefore we suggest that the policy wording is amended to the following:

“Development that would adversely affect other important heritage assets will only be acceptable where:

- it is demonstrated that harm has been minimised in the design of the proposal;*
- that any harm remaining after it has been minimised is clearly and convincingly justified,*
- that the benefits of the proposal are demonstrated to outweigh the remaining harm”.*

Q171. Is it necessary for all heritage assets and/or their settings to be lost to be recorded and analysed? Is this consistent with paragraph 205 of the Framework?

3.23 It is a requirement of paragraph 205 of the NPPF (September 2023) that the significance of any heritage assets to be lost should be recorded in a manner proportionate to their importance and the impact, and thus the policy does not need to repeat the advice contained within the Framework.

Q172. What is the justification for the last paragraph of the policy regarding changes of use in conservation areas?

3.24 Historic England set out in our response to the Pre-Submission Draft / Regulation 19 consultation in October 2023, that whilst we support the diversification of town centres, any regeneration proposals within Nuneaton and Bedworth town centres should be fully evidenced and take account of the desirability of sustaining and enhancing the significance of heritage assets.

4.0 Summary

4.1 With regard to the approach to the historic environment, Historic England considers that overall the Plan is sound. However, we consider that to add clarity and ensure consistency with NPPF, the amendments suggested above should be implemented, together with those set out in our Statement of Common Ground (**CD6.5**).

1735 words

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