

**MATTER 5**  
**HISTORIC ENGLAND**



**PLAN:MK**  
**EXAMINATION IN PUBLIC**

**Matter 5: Strategic Site Allocations and Urban Extensions**

**Issue 5: Other Strategic Sites (Policies SD9, SD15 & SD19-21) and medium/small housing allocations (Appendix A)**

***Q5.36: What is the planning status of the housing allocation at Easton Leys (Policy SD15) ? Have the proposed modifications in MK/SUB/004 satisfied Historic England's concerns regarding archaeological assets and consistency with paragraph 141 of the NPPF ?***

## 1. Introduction

- 1.1 Historic England is the public body that looks after England’s historic environment and champions historic places, helping people understand, value and care for them.
- 1.2 Paragraph 2 of the National Planning Policy Framework states that the Framework “*must be taken into account in the preparation of local plans*”. Paragraph 151 requires Local Plans to be “*consistent with the principles and policies set out in this Framework*”. One of the four “tests” of soundness is that the plan should be consistent with national policy (paragraph 182).
- 1.3 The National Planning Policy Framework contains a number of requirements as regards local plans and the historic environment. Paragraph 151 of the Framework explains that Local Plans must be prepared with the objective of contributing to the achievement of sustainable development and paragraph 9 explains that: “*Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment...*”.
- 1.4 Paragraph 126 states “*Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment.....*”
- 1.5 Paragraph 156 states “*Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver the conservation and enhancement of the historic environment*”.
- 1.6 Paragraph 157 states “*Crucially, Local Plans should “contain a clear strategy for enhancing the natural, built and historic environment” and “identify land where development would be inappropriate, for instance because of its environmental or historic significance*”.
- 1.7 Historic England believes that it is clear from these requirements that the Government is expecting local planning authorities, through their Local Plans, to actively deliver the conservation and enhancement of the historic environment. The Government’s use of the words and phrases “*seeking positive improvements*”, “*positive strategy*”, “*deliver the conservation and enhancement*” and “*a clear strategy for enhancing*” all demonstrate that it is not sufficient for local planning authorities to be passive or merely reactive in the conservation and enhancement of their historic environment.
- 1.8 Indeed, the National Planning Practice Guidance states “*Such a [positive] strategy should recognise that conservation is not a passive exercise*”.

## 2. Historic England's Representations

- 2.1 Historic England submitted a total of 34 individual representations at the Regulation 19 stage of the Local Plan. Of those, nine were objections.
- 2.2 The majority of our representations related to the statements in paragraphs 126 and 157 of the National Planning Policy Framework that "*Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment*" and "*contain a clear strategy for enhancing the.....historic environment*".
- 2.3 On this matter, we concluded: "*Accordingly, as currently drafted, we do not consider that the Local Plan quite sets out a positive strategy for the conservation and enjoyment of, or a clear strategy for enhancing, the historic environment. However, if the changes we have suggested are made, we would consider that the Plan satisfies these requirements.*"
- 2.4 Some of those changes related to some of the site allocations on which we also commented. In respect of Policy SD15, we commented:

*The northern half of this site includes the majority of the scheduled area of the Roman town of Magiovinium and Roman fort Scheduled Monument. Paragraph 132 of the National Planning Policy Framework identifies scheduled monuments as heritage assets of the "highest significance", substantial harm to or loss of which "should be "wholly exceptional". We have always advised that development to the south of the monument would have minor harm through the setting, but that development on or near the monument would cause unacceptable harm or loss, with the provision of housing being insufficient public benefit to outweigh the harm or loss (as required by the National Planning Policy Framework).*

*We therefore welcome the requirement that the scheduled monument should be included within open space. However, it is quite possible that archaeological remains extend beyond the scheduled area, and it is important to consider the setting of the monument.*

*We note that Policy SD15 requires "Mitigation of archaeological remains on the site either by recording or preservation in situ/avoidance of remains". However, not only should this refer to the mitigation of impacts on the archaeological remains but we consider it unacceptable for the policy to allow the loss of or harm to the archaeological remains provided they are "recorded". The National Planning Policy Framework makes it clear, in paragraph 141, that "the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted".*

*We therefore consider that Policy SD15 is inadequate in its current form to conserve or enhance the scheduled monument in accordance with the National Planning Policy Framework. We therefore **object** to Policy SD15 as drafted and consider the Plan to **not be sound** in this regard.*

*Regard should also be had to the Historic Landscape Characterisation and Historic Environment Record (as per requirement 7 of Policy SD9. The former would accord with paragraph 170 of the National Planning Policy Framework which states “Where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character, and for areas where there are major expansion options assessments of landscape sensitivity”.*

- 2.5 We suggested the following amendments to the wording that would overcome our concerns:

*The sixth bullet point in Policy SD15 should read:*

*“Multi-functional and well-connected public open space, informal amenity space, children's play space, open space incorporating the scheduled monument and other areas of archaeological interest.....”*

*The seventh bullet point should read:*

*“A layout that respects the Scheduled Monument, its setting and other areas of archaeological interest by avoiding the Monument and these areas, allowing their preservation in situ, to be demonstrated by a management plan which shall be submitted for approval in writing by the Council.”*

### **3. Historic England objections resolved by Proposed Modifications**

- 3.1 Historic England is very pleased to see that the Council’s Proposed Modification PM46 in the Schedule of Proposed Modifications (March 2018) (MK/SUB/004) is the addition of the wording as we proposed.
- 3.2 We are happy to confirm that, if this Modification was made, it would satisfy “Historic England’s concerns regarding archaeological assets and consistency with paragraph 141 of the NPPF” and we therefore commend it to the Inspector.
- 3.3 However, we note that Proposed Modification PM47 is to amend the Eaton Leys site boundary to omit the Scheduled Monument. If this is done, then the wording in the sixth bullet point “open space incorporating the scheduled monument.....” would need to be amended to “open space incorporating the setting of the scheduled monument.....”.