

Matter 12 – Design Standards and the Historic Environment

Issue 2 – The Historic Environment – Policies SP11 and HE1 – HE8

Q1 Are Policies SP11 and HE1 – HE8 positively prepared, justified, effective and consistent with national planning policy?

1.1 Yes, it is considered that Policies SP11 and HE1 - HE8 are positively prepared, justified, effective and consistent with national planning policy.

1.2 The NPPF in paragraph 35 'Examining plans' sets out:

35. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.*

¹⁹ Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 61 of this Framework

1.3 Policies SP11 and HE1 – HE8 seek to address the stated Objective for Chapter 11 to: "Conserve and enhance our rich and varied historic assets and their settings, celebrating their local distinctiveness and character".

1.4 They are also consistent with the aims of national planning policy as set out in the introductory paragraphs of NPPF Chapter 16 'Conserving and enhancing the historic environment':

195. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁷⁰. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

196. Plans should 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:

- 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.*

- 1.5 Policy SP11 sets out the strategic objectives for the historic environment, to be achieved through the application of the policies of the Local Plan. It is considered to be justified and effective in this regard.
- 1.6 Policies HE1 – HE8 seek to conserve and enhance the Historic Environment of the District, applying national policy as set out in NPPF Chapter 16 ‘Conserving and enhancing the historic environment’ and relevant guidance in a local context.
- 1.7 Each policy is preceded by introductory paragraphs which concisely set out the context and reasoned justification for the policy, including with reference to national policy as appropriate.
- 1.8 It should be noted that, in creating and updating the Policies in Chapter 11 (Policies SP11 and HE1 – HE8), there was significant input from the Council’s Design and Conservation officers and Archaeological Advisors, as well as feedback from and liaison with relevant external consultees.
- 1.9 It is considered that the policies in Chapter 11 set out positively and clearly the applicable requirements which development proposals should meet; to clarify to applicants and others how development proposals would be considered.
- 1.10 It should also be noted that Historic England (HE) are supportive of the Council’s approach in Policies SP11 and HE1 – HE8, including the proposed Modifications to policies HE5 and HE6 as set out below.
- 1.11 Taking the above into account it is considered that Policies SP11 and HE1 – HE8 present an appropriate strategy to conserving and enhancing the Historic Environment of the District, based on proportionate evidence, that is effective and consistent with national policy. As such, Policies SP12 and DES1-DES8 are considered to be positively prepared, justified, effective and consistent with national planning policy.
- 1.12 N.B. It should be noted that, following a review by the Council’s incoming Archaeological Advisor, and following discussion and agreement with Historic England, Main Modifications are proposed to HE5 and HE6 as follows:

HE5 – Archaeological Sites for Local Preservation

Planning permission will not be granted for development which would adversely affect the remains within, or the character of, the sites for local preservation as defined in Appendix 3. Development may be permitted in exceptional circumstances, following evaluation, if the Council is satisfied that important remains would not be destroyed or the character of the site adversely affected. The evaluation, which may involve limited excavation or other work (e.g. geophysical survey) is to be carried out by the Council or an archaeologist approved by the Council. Planning permissions will normally be subject to conditions requiring facilities for the Council to record remains by excavation in advance of construction and / or during construction. Development that preserves or enhances the remains and character of sites identified for local preservation (Appendix 3) will be supported. Where harm would result, this will be weighed against the significance of the asset and the extent of harm or loss. Applications shall have assessed the site in consultation with the Historic Environment Record and taken account of the archaeological importance of any remains, the need for the development, the likely extent of any harm, and the likelihood of the proposal successfully preserving the archaeological significance of the site.

HE6 – Archaeological Sites Subject to a Recording Condition

Within the sites listed in Appendix 4, the Council will not normally refuse planning applications on archaeological grounds. However, following evaluation, planning permissions may be subjected to a condition requiring facilities for the Council to record remains by excavation in advance of construction and / or during construction. The evaluation may involve limited excavation or other work (e.g. geophysical survey) expect that the applicants shall have assessed the site in consultation with the Historic Environment Record and taken account of the archaeological importance of those remains, the need for the development, the likely extent of any harm. Where archaeological potential is identified but there is no overriding case for the remains to be preserved in situ, development which would destroy or disturb potential remains will be permitted, subject to conditions ensuring an appropriate programme of archaeological investigation, recording, reporting and archiving, prior to development commencing. There will be a requirement to make the result of these investigations publicly accessible.

N.B. The sites in Appendix 4 are not a comprehensive list of archaeological sites (See the Historic Environment Record) and the potential for previously unknown sites on proposed development needs to be considered as part of the planning process.

- 1.13 The proposed Modifications are set out at SADC/ED85A and SADC/ED85C, with the reason for the Modifications summarised: *“To enable effective conservation and enhancement, and minimisation of harm to heritage assets and archaeological deposits”*.

Q2 Is the Plan supported by appropriate and proportionate evidence in respect of likely effects on the historic environment? How has that evidence guided the approach in the Plan?

Is the Plan supported by appropriate and proportionate evidence in respect of likely effects on the historic environment?

- 2.1 Yes, it is considered that the Plan is supported by appropriate and proportionate evidence in respect of likely effects on the historic environment.
- 2.2 The reasoned justification contained in the introductory paragraphs to policies in Plan Chapter 11 – Historic Environment includes reference to supporting evidence.
- 2.3 Relevant parts of national policy which support the Council's approach in respect of likely effects on the historic environment are set out as follows:

11.2 As set out in national policy, heritage and the historic environment play an important role in other areas of sustainable development including as a source of economic prosperity, and growth...

11.3 In national policy, the historic environment is one aspect of the environmental objective which must be achieved when pursuing sustainable development. National policy places great emphasis on conserving and enhancing the historic environment and local distinctiveness. However, the NPPF makes it clear that whilst great weight should be given to the conservation of heritage assets, this should be balanced against facilitating development where it provides benefits which outweigh harm.

...

11.11 National Policy states that great weight should be given to the conservation of designated heritage assets irrespective of the scale of the harm a proposed scheme would have. Any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification and sufficient information should be provided to assess the proposal's impact on the heritage asset's significance. The Council will require applicants to assess the significance of any designated heritage asset affected by the proposals, including from development within its setting, and justify and detail the impact of the proposal upon the significance of the asset.

11.12 National policy sets out that substantial harm to designated heritage assets should be avoided, unless it is demonstrated that such a loss is necessary to achieve substantial public benefits which outweigh that harm or specific exception criteria are met. Where proposals will lead to less than substantial harm to a designated heritage asset, it is necessary to weigh any harm against the public benefits of the proposal including (where appropriate) securing an asset's optimum viable use.

...

11.16 National policy states that when assessing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The Council will seek the retention of non-designated heritage assets

and their characteristics and features of interest which contribute to their significance.

- 2.4 As set out at Plan paragraph 1.1, St Albans District has a rich and varied historic environment which greatly contributes to a distinctive local 'sense of place' and a high quality of life for residents, businesses and stakeholders; and the District has a large number of Listed Buildings, Conservation Areas and Scheduled Monuments, as well as Registered Parks and Gardens, locally identified non-designated heritage assets and extensive archaeological remains. These assets are described further at Plan paragraphs 11.4 and 11.5.
- 2.5 The Council's own experience in seeking to conserve and protect the significance of the District's heritage assets, including through planning applications and Conservation Area appraisals, constituted evidence which supported the Plan in respect of likely effects on the historic environment. The keeping and periodical review of the formal list of non-designated heritage assets, and the Historic Environment Record maintained by Hertfordshire County Council, also assisted the Council in formulating the policies in Chapter 11.
- 2.6 Furthermore, as set out at 11.7 of the Plan:

As part of a proactive strategy for the conservation of the historic environment, the Council has maintained a local list of heritage at risk within the District since 1993. This is a list of heritage assets which are most at risk of being lost as a result of neglect, decay or inappropriate development. The Council works with owners and occupiers to find new, appropriate uses and solutions to secure the future of heritage assets so that they can be positively removed from the list. This is used in conjunction with Historic England's national register of heritage at risk.

- 2.7 The maintenance of the local list of heritage at risk within the District, as described above, also assisted the Council in formulating the policies in Chapter 11.
- 2.8 It should also be noted that, in creating and updating the Policies in Chapter 11 – Historic Environment, there was input and ongoing liaison with Historic England (HE), with the Council's Design and Conservation officers and with Archaeology officers as appropriate.

How has that evidence guided the approach in the Plan?

- 2.9 The evidence set out above guided the approach in the Plan throughout the formulation and evolution of the Policies in Chapter 11. Furthermore, in response to Regulation 18 consultation feedback and ongoing liaison following Regulation 19 stage with relevant internal and external consultees, the approach has been updated as appropriate. This is reflected in the proposed Main Modifications set out at SADC/ED85A and SADC/ED85C.

2.10 Of particular note is the supportive Regulation 19 feedback of Historic England (HE). Their Regulation 19 comments in relation to Policies SP11 and HE1 – HE8 are, in full:

- *Strategic Policy SP11 - Historic Environment: We welcome the inclusion of a strategic policy for the historic environment.*
- *HE1 — Designated heritage assets: We welcome a policy on designated heritage assets.*
- *HE2 — Non-designated heritage assets: We welcome the reference to setting in the policy. The Plan should include criteria for the local designation. We refer you to our advice in HEAN 7 Local Heritage Listing (see pages 9 and 10). We recommend that this be included as an appendix in the Local Plan.*

N.B. As set out further in answer to Q3 below, continuing discussion between SADC and HE has led to it being agreed that no change in this regard is required for soundness.

- *HE3 — Archaeology: We welcome the reference to setting in the policy.*
- *HE4 — Scheduled Ancient Monuments: We welcome the change to refer to Scheduled Monument and also the addition of the reference to setting.*
- *HE5 - Archaeological Sites for Local Preservation: Noted.*
- *HE6 - Archaeological Sites Subject to a Recording Condition: Noted.*
- *HE7 - Change of use and heritage assets: Noted.*
- *HE8 - Responsible retrofitting: 11.29 Typo from, not form. We also recommend including reference to our new Historic England Advice Note 18 Adapting Historic Buildings for Energy and Carbon Efficiency in footnote 27.*

N.B. The minor typo will be corrected as a Minor Modification. Furthermore, continuing discussion between SADC and HE has led to it being agreed that no change to specifically reference the Advice Note is required for soundness. As set out in M12I1Q7 - Appendix 3 - HE Comments and Agreed Mods October 2025, referenced in the Statement of Common Ground between SADC and Historic England October 2025, it was “*Noted that the footnote 27 link links to the HE landing page, where latest guidance including HEAN 18, and future guidance, would be available.*”

2.11 Taking the above into account, it is considered that the Plan is supported by appropriate and proportionate evidence in respect of likely effects on the historic environment, and that the evidence has appropriately guided the approach in the Plan. It should also be noted that, in creating and updating the Policies in Chapter 11 – Historic Environment, there was input and ongoing liaison with Historic England,

with the Council's Design and Conservation officers and with Archaeology officers as appropriate.

Q3 Does Policy HE2 apply only to non-designated heritage assets which are locally listed? Are criteria used to establish whether something represents a non-designated heritage asset clear and effective?

Does Policy HE2 apply only to non-designated heritage assets which are locally listed?

3.1 No, Policy HE2 – Non-designated heritage assets does not apply only to non-designated heritage assets which are locally listed. Part a) of the Policy applies to non-designated heritage assets in general whether locally listed or not; part b) of the Policy applies only to locally listed buildings.

3.2 The introductory paragraphs to HE2 set out the following:

Non-designated heritage assets

11.14 The District's rich heritage is also comprised of historic buildings, designed landscapes and archaeological deposits which though not designated, are of local interest and contribute to a strong sense of place. Non-designated heritage assets are identified by the Council as buildings, monuments, sites, places, areas or landscapes noted as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets.

11.15 Non-designated heritage assets may be identified for conservation during the development management process or other planning processes to assess local character. These include Conservation Area appraisals, emerging Neighbourhood Plans and when assessing potential development sites. Non-designated heritage assets may also be identified outside of the planning application process, such as through community archaeology excavations.

3.3 The Policy reads as follows:

HE2 – Non-designated heritage assets

a) Proposals affecting non-designated heritage assets should ensure they respond appropriately to their significance. Any special features which contribute to a non-designated heritage asset's significance should be retained and, where possible and well evidenced, reinstated. This includes appropriate consideration of the contribution made by its setting and impacts on the local character.

b) Demolition of buildings identified on the local list of buildings shall only be supported where there are acceptable and detailed proposals for any redevelopment

which show what is proposed and how it will affect the street scene and local character, and either:

- i. Sufficient evidence is provided which demonstrates that the viability of alternative uses for the building has been fully explored (including the possibility of sale to an alternative user) and that the building cannot at reasonable expense be retained; or*
- ii. Public benefits will decisively outweigh the loss resulting from demolition.*

- 3.4 It is considered that the wording of the reasoned justification and of the Policy makes it reasonably clear that Part a) of the Policy applies to non-designated heritage assets in general whether locally listed or not; and that part b) of the Policy applies only to locally listed buildings.

Are criteria used to establish whether something represents a non-designated heritage asset clear and effective?

- 3.5 Yes, it is considered that the criteria used to establish whether something represents a non-designated heritage asset are clear and effective. These are set out at Plan paragraphs 11.14 and 11.15 as reproduced above, including in summary at 11.14: *“Non-designated heritage assets are identified by the Council as buildings, monuments, sites, places, areas or landscapes noted as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets.”*
- 3.6 It should be noted that, as a result of the recommendation in Regulation 19 comments from Historic England (HE) for the Plan to include criteria for local designation, continuing discussion between SADC and HE has led to it being agreed that no change in this regard is required for soundness. As set out in M12I1Q7 - Appendix 3 - HE Comments and Agreed Mods October 2025, referenced in the Statement of Common Ground between SADC and Historic England October 2025, it was *“Noted there is text setting out the process of local listing at <https://www.stalbans.gov.uk/locally-listed-buildings>.”*

Q4 What is the justification for Local Plan Appendices 2-5?

- 4.1 It is considered that providing Local Plan Appendices 2-5 is justified.
- 4.2 The Framework states that:

199. Local planning authorities should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.

- 4.3 Document LPCD 02.01 - Reg 19 Local Plan Part A (2024) has the following appendices that provide lists relating to heritage:

- Appendix 2 – List Of Scheduled Monuments
- Appendix 3 – List Of Archaeological Sites for Local Preservation
- Appendix 4 – List Of Archaeological Sites Which May Be Subject to a Recording Condition
- Appendix 5 – List of Sites Subject to The Council's Heritage Impact Assessment 2024

- 4.4 The appendices 2-4 are referenced in the Chapter 11 Heritage policies, providing relevant, essential information that does not need to sit in the main body of the Plan. Appendix 5 is addressed in LG1 and LG4 which guides applicants to these detailed and significant assessments of heritage impacts that planning applications will need to address where relevant.
- 4.5 It is considered that this heritage information provides clarity and relevant information that can be used as part of the planning process.
- 4.6 It should also be noted that Historic England's response to the Regulation 19 consultation and SASC's engagement with HE since are very supportive of the overall approach to the Historic environment and HE does not raise any concerns with regard to the appendices.