



Examination of Kings Lynn and West Norfolk Local Plan

Matter 8, Environment

Issue 8

Historic Environment (Policy LP20)

Historic England, Hearing Statement

December 2022

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 1 of the Local Plan.
- 1.2 This hearing statement should be read alongside Historic England's comments submitted at previous consultation stages of the Local Plan on 29th April 2019 and 27th September 2021.

Matters and Issues for Kings Lynn and West Norfolk Local Plan Review

MATTER 8 - ENVIRONMENT

Issue 8: Is the Plan justified, effective and consistent with national policy in respect of its policies and proposals for the environment?

Historic Environment (Policy LP20)

391. Is Policy LP20 consistent with national policy in respect of heritage assets and archaeology?

392. Should Policy LP20 include a specific reference to ‘non-designated heritage assets’ in order to be consistent with national policy?

393. Is the supporting text effective and consistent with national policy in its reference to non-designated heritage assets?

- 2.1 Historic England has raised significant concerns regarding the scope of the heritage policy at both Regulation 18 and Regulation 19 consultations. We raised particular concerns in relation to the effectiveness of policy and consistency with the NPPF.
- 2.2 Key areas of concern included how proposals would be treated, what additional information is needed to support proposals, designated and non-designated heritage assets, different tests depending on level of harm and grade of assets and the policy approach to archaeology.
- 2.3 The Council has now proposed a substantial re-wording of the policy and supporting text. This text is shown at Appendix 1.
- 2.24 Historic England welcomes this proposed change and this matter has been agreed through our signed Statement of Common Ground. It is now consistent with national policy and much clearer and therefore effective as a policy framework for the conservation and enhancement of the historic environment.

APPENDIX 1

Revised Strategic Policy

agreed between BKLWN and Historic England in SOCG Nov 2022

Policy LP20: Historic Environment Policy

The historic environment of the Borough contains many important heritage assets, both designated and non-designated, which make a significant contribution to the Borough's character, sense of place and quality of life.

This includes significant buildings, monuments, sites, places, areas and landscape which all add heritage interest to the area and require protection from inappropriate development.

The Borough's historic environment is not just important for its own sake but contributes towards the high quality of environment in the Borough and is an important resource bringing social, cultural, economic and environmental benefits to the community.

Heritage assets and the historic environment will be protected from inappropriate development to sustain and where appropriate enhance their significance, including putting heritage assets into uses consistent with their conservation. The more significant the heritage asset, the greater the presumption for its conservation.

Within the Borough, heritage assets which make a positive contribution to the historic environment include:

- Designated heritage assets such as Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas, and the setting of these assets;
- Non-Designated heritage assets such as unregistered historic parks and gardens, and archaeology, and the setting of these assets

The significance of a heritage asset is a result of the value of the asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting which is the surroundings in which a heritage asset is experienced. The extent of the setting of a heritage asset is not fixed and may change as the asset and its surroundings evolve. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate the significance of the asset or may be neutral.

The conservation and enhancement of heritage assets will be given weight appropriate to the significance of the asset. The Council will seek to identify heritage assets at the earliest opportunity within the decision-making process.

Where relevant, the Council will consider whether the benefits of a proposal for enabling development which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset would outweigh the disbenefits of departing from those policies.

Further guidance on 'Enabling Development and the Conservation of Significant Places' is available at www.historicengland.org.uk .

Non-designated Assets

The Borough has many attractive and locally significant buildings and features which contribute to the distinctiveness of the area but which are not formally designated as heritage assets. The National Planning Policy Framework identifies these as non-designated assets.

Non-designated assets include a range of buildings, monuments, sites, places, areas or landscapes which have heritage value and should be considered in determining planning applications, These can either be identified as part of the planning process, through neighbourhood plans, conservation area character statements.

Non-designated assets which are not yet identified, and which come to light during the preparation of proposals for a site will be taken into account following guidance set out by Historic England so that proportionate weight can be given in the decision-making process. Other assets which are identified through the processes such as neighbourhood plans will be reviewed and recognised as non-designated assets.

When planning permission is required for any proposal which directly or indirectly affects the significance of a non-designated asset then the Council will treat the significance of that asset as a material consideration when determining the application. As part of a planning proposal, applicants should provide an explanation regarding the social and historic context of the heritage asset and how the proposals have responded to this. This should follow guidance set out in the national Planning Policy Framework and guidance provided by Historic England.

Listed Buildings

The Government's List of Buildings of Special Architectural or Historic Interests contains over 1,545 entries relating to buildings within the Borough which form an integral part of the Borough's historic landscape.

Listed Building Consent is required for demolition or for any alteration or extension to a Listed Building which could affect its character (interiors as well as exteriors) and for works to any fixtures and to buildings or structures within the curtilage of the building. Control over changes to Listed Buildings is not intended to prevent all alterations but to protect the buildings from unnecessary demolition and from unsuitable alterations which would be detrimental to the historical significance of the building.

All works to Listed Buildings must conserve or enhance these structures and their significance in accordance with national policy requirements.

Conservation Areas

There are 44 Conservation Areas which make a very significant contribution to the character and distinctiveness of the Borough. They range from large conservation areas covering the older parts of central King's Lynn, to the conservation area at Burnham Overy Mills covering a small group of important buildings on the North Coast.

Development within Conservation Areas should conserve or enhance their significance in accordance with national policy requirements and guidance on how significance will be considered within this policy.

The Council will continue with a programme of Conservation Area Character Statements which will provide information about the conservation area including its origins and historical development and will be used as a material consideration when assessing planning applications

Registered Parks and Gardens

Historic Parks and Gardens are part of our heritage and are as important as buildings and settlements.

Historic England maintains a [register of Parks and Gardens](#) of special historic interest. The sites are graded depending on their level of importance. The grades are:

- I (exceptional interest)
- II* (great interest)
- II (special interest)

The Borough has 6 registered Parks and gardens:

- The Walks - Grade II
- Houghton Hall Park - Grade I
- Houghton Hall Kitchen Garden - Grade II
- Sandringham House - Grade II*
- Stradsett Hall - Grade II
- Hunstanton Hall - Grade II

Scheduled Monuments

Scheduled monuments are areas of great historical and/or archaeological importance. Most of these are earthworks or unoccupied structures, often in a ruinous or semi-ruinous condition.

Historic England has the responsibility of giving legal protection to nationally important sites and monuments. These sites are added to a list, or 'schedule', as laid down in the [Ancient Monuments and Archaeological Areas Act of 1979](#).

A monument in the list, known as scheduled, is protected against disturbance. It's against the law to carry out any work without the authority of the Secretary of State. Work will need Scheduled Monument Consent (SMC). The Secretary of State will not usually consent to work that might damage a scheduled site.

There are 127 Scheduled Monuments in the Borough, which is the greatest number for any district or unitary authority in the East of England. The Council's [Scheduled Ancient Monument within West Norfolk](#) provides further details.

Archaeology

There will be archaeological interest in a heritage asset if it holds, or may potentially hold, evidence of past human activity worthy of expert investigation. Heritage assets with archaeological interest are the primary evidence source about the substance and evolution of places, and the people and cultures that made them.

The archaeology of the Borough will be better understood, protected and enhanced by protecting archaeology from inappropriate development or change.

Heritage at Risk

Historic England produce a national Heritage at Risk Register¹ which includes grade I and grade II* listed buildings, scheduled monuments, registered parks and gardens and conservation areas. The programme identifies those sites that are most at risk of being lost as a result of neglect, decay or inappropriate development. There are 24 of the borough's heritage assets included on the Register.

Policy LP20: Historic Environment Policy

- 1) The historic environment will be conserved and enhanced in a manner appropriate to its significance. Development of the highest design quality that will sustain and, where appropriate, enhance the special interest, character and significance of the Borough's heritage assets and their settings and that will make a positive contribution to local character and distinctiveness will be supported.
- 2) Protecting and enhancing the wide range of historic and cultural assets which contribute to the character and identity of the Borough is a priority including:
 - Designated heritage assets such as Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas, and the settings of these assets;
 - Non-Designated heritage assets such as unregistered historic parks and gardens, and archaeology, and the settings of these assets.
- 3) Opportunities to promote the historic environment as a key element of the vitality of the District, and to reduce the number of heritage assets at risk will be sought.
- 4) Initiatives and opportunities to mitigate the effects of climate change by seeking the reuse of historic buildings, and where appropriate, their modification to reduce carbon emissions and secure sustainable development will be supported where this would not harm the significance of the heritage asset or its setting.
- 5) Applications for development must be supported by a Heritage Statement which demonstrates a clear understanding of the significance of any relevant heritage assets and the contribution of their settings, details the likely impacts of the proposal on these assets and their significance and where relevant, explains how this significance has informed the proposals. Proposals on sites which include, or have the potential to include,

¹ <https://historicengland.org.uk/advice/heritage-at-risk/search-register/results/?q=kings+lynn+and+west+norfolk&searchtype=harsearch&page=1>

archaeological interest should be accompanied by an appropriate desk-based assessment, and where necessary a field evaluation.

- 6) There is a presumption in favour of the retention and enhancement of heritage assets and putting heritage assets to viable and appropriate uses to secure their future protection. Applications will be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.
- 7) The impact of development proposals on the significance of heritage assets and their settings will be considered in accordance with case law, legislation and the NPPF, as well as the following criteria:

Listed Buildings

- 8) Proposals should conserve or enhance Listed Buildings. Applications involving demolition of, or substantial harm to a Grade II Listed Building will only be granted in exceptional circumstances, and demolition of or substantial harm to the significance (including any contribution to significance by setting) to a Grade I or Grade II* Listed Building will only be granted in wholly exceptional circumstances. Where development proposals will lead to harm to heritage assets they will be assessed against the relevant criteria in the National Planning Policy Framework, taking into account the scale of harm and the impact on the significance of the heritage asset.
- 9) Extensions or alterations to a Listed Building should not adversely affect its character as a building of special architectural or historic interest, its significance or its wider setting.
- 10) Any change of use of a Listed Building should conserve or enhance its character as a building of special architectural or historic interest and its significance and should ensure its continued use and viability.

Conservation Areas

- 11) Within Conservation Areas, development will only be permitted if the proposal:
 - I. Is of a design and scale that preserves or enhances the character or appearance of the area;
 - II. Uses building materials, finishes, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context;
 - III. Retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges;
 - IV. Retains and restores, where relevant, traditional features such as shop fronts, walls, railings, paved surfaces and street furniture, and improves the condition of structures worthy of retention;
 - V. Does not harm important views into, out of or within the Conservation Area;
 - VI. Protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character and appearance of the Conservation Area.

Historic Parks and Gardens

12) Proposals should not cause substantial harm to the significance (including any contribution to significance by setting) harm to historic parks or gardens (both registered and unregistered), their settings or public views into, out of, or within them. Where development proposals will lead to harm to heritage assets they will be assessed against the relevant criteria in the National Planning Policy Framework, taking into account the scale of harm and the impact on the significance of the heritage asset.

Archaeology

13) There is a presumption against any harm to Scheduled Monuments and heritage assets with archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments. Where development proposals will lead to harm to heritage assets they will be assessed against the relevant criteria in the National Planning Policy Framework, taking into account the scale of harm and the impact on the significance of the heritage asset. Where the loss of the whole or a material part of a heritage asset's significance is justified, planning conditions will ensure that an adequate record is made of the significance of the heritage asset and this is published appropriately.

Non-designated Heritage Assets

14) The significance of non-designated heritage assets and their setting should be assessed in development proposals or works, against the following criteria, namely the:

- I. special qualities of architectural and historic interest;
- II. features of interest and the setting of the non-designated historic asset;
- III. contribution the non-designated historic asset makes to local distinctiveness; local townscape; or rural character; and
- IV. conservation of interesting or unusual features; architectural detail; materials; construction; or historic interest.

15) Development which would remove, harm or undermine the significance of such non-designated heritage assets, or their contribution to the character of a place, will require a balanced judgement having regard to the scale of the harm and significance of the non-designated heritage asset.

16) Prior to the loss of the non-designated heritage asset, an appropriate level of survey and recording will be expected including where appropriate archaeological investigation. The results of which should be deposited on the Historic Environment Record.

It is recognised that not all buildings, structures or landscapes of significance are captured on the national lists and these are termed non-designated heritage assets. Where the significance of these buildings, structures or landscapes can be demonstrated, the above policy consideration should be applied.

The NPPF requires us to provide a positive strategy for the conservation and enjoyment of the historic environment and this policy aims to protect, conserve and enhance our historic environment and the heritage assets within it.

We will also:

- a) support proposals which conserve and enhance the historic environment

- b) support proposals for heritage-led regeneration, ensuring that heritage assets are conserved, enhanced and secured for the future
- c) carry out a programme of reviewing existing conservation areas and producing Conservation Area Character Statements to identify what it is about the area that contributes to its significance as well as identifying and considering new areas for designation as conservation areas
- d) identify buildings that could be included on the national list and prepare reports to support new listings
- e) identify buildings that are falling into disrepair and work with owners to find new uses to ensure their continued beneficial use