

**Nottinghamshire County Council**

**Nottingham City Council**

## **Nottinghamshire and Nottingham Waste Local Plan**

### **Duty to Co-operate**

#### **Statement of Common Ground with Historic England**

##### **Introduction**

Nottinghamshire County Council and Nottingham City Council (“the Councils”) are local planning authorities in respect of waste development and have prepared a new joint Waste Local Plan which will form the land use planning strategy for waste development within Nottinghamshire and Nottingham.

After consulting on the Draft Waste Local Plan in February 2022, the Councils prepared a Pre-Submission Plan which was published for formal representations between 30 August and 11 October 2023.

This document seeks to outline the liaison which has taken place between Nottinghamshire County Council and Historic England over the preparation of the Joint Waste Plan to illustrate that the duty to co-operate requirement has been fulfilled.

The results of this liaison are outlined within this Statement of Common Ground format to set out matters agreed or outstanding, as required by the National Planning Policy Framework.

##### **Consultation Stages**

###### **Issues/Options for the Waste Local Plan (February 2020)**

The Councils issued an Issues and Options paper in 2020 to consult with stakeholders and the local community on the scope, purpose and likely content of the proposed Waste Local Plan.

Historic England made ten separate comments in relation to the questions posed in the consultation document about the scope and content of the Plan. These related to matters regarding the proposed vision and strategic objectives, the plan area, the approach to allocating new sites for disposal facilities, the re-use of buildings to

reduce C,D and E waste and seeking to ensure the Plan provides a positive approach to the historic environment.

These comments were helpful in shaping how the Plan was then drafted.

### **Draft Waste Local Plan (February 2022)**

The Council's issued a Draft version of the Local Plan in February 2022 and 22 responses were received from Historic England in respect of aspects of the Waste Local Plan as follows:

- Section 4 – overview of the Plan
- Section 5 - paragraph 5.31
- Vision and Strategic Objective 3
- Policies SP3, SP5, DM1, DM2, DM3, DM4, DM6 (six comments), DM7, DM9, DM10, DM12
- Monitoring and Implementation and Glossary

Meeting with Historic England 20 March 2023

The meeting reviewed the progress made since preparation of the Draft Waste Local Plan, including consideration of the comments submitted by Historic England and proposals to amend the Draft Plan further because of these comments. This was helpful in shaping the pre-submission Waste Local Plan.

### **Pre-Submission Waste Local Plan (August 2023)**

The Council's issued a Pre-Submission version of the Local Plan in August 2023 and the following thirty representations were received by Historic England

4. Overview of Plan Area - Para 4.5 : this paragraph would benefit from reference to the heritage component of landscape and how heritage has shaped and evolved the local landscape.

4. Overview of Plan Area - Para 4.6: we welcome the reference to heritage within this paragraph; the first sentence may consider re-writing as it is long in its current form. Historic Parks should be referred to as Registered Parks and Gardens and Scheduled Ancient Monument should be referred to as Scheduled Monuments. It may be worth including a reference to the variety of non-designated heritage and the role of heritage landscapes. We welcome the reference to heritage at risk. Is there a positive strategy for this and any opportunities through the Plan to reduce this risk?

6. Our Vision and Strategic Objectives, 6.1 : we welcome the inclusion of the term 'heritage' within the vision. We would welcome further consideration of how the heritage of the area will be protected and enhanced by 2038 and what the local plan will put in place to ensure that this occurs.

Strategic Objectives, Objective 4: The environment : As previously raised, we recommend a specific indicator for heritage so that it is possible to fully consider what the effects are for the historic environment rather than a variety of environmental factors. For example, it is possible that a positive for biodiversity or water management may have a negative for the historic environment and this would not be identifiable in a joint indicator. Where it says 'avoid harm to heritage' we would recommend that this is amended to 'protect and conserve the significance of the historic environment, heritage assets and their setting' or similar.

Strategic Objectives, Objective 7: High quality : The highest possible standard should recognise the need to protect and conserve the significance of heritage assets, including their setting.

7. Strategic Policies, 7.5 - : we consider that the appropriate policies should be included within the Plan in the first instance to ensure that the Plan is sound and can respond to a variety of planning applications for waste development.

SP4- Managing Residual Waste, 7.30 : All these issues should consider the impact on the significance of the historic environment, heritage assets including their setting. Additionally, any restoration principles should be appropriate in the context of the historic environment and consider the significance of heritage assets and their setting.

DM6- Historic Environment, 8.76 Support

DM6- Historic Environment, 8.77 - We support paragraph 8.77 and consider this aim can be better reflected within the policy. Links to relevant heritage documents such as local lists and landscape and townscape character assessments would be positive.

DM6- Historic Environment, 8.78 : We note the reference to archaeology within paragraph 8.78 and consider that this should be reflected in the policy and referenced elsewhere under climate change/ water management issues.

DM6- Historic Environment, 8.89 & 8.90 Many of the paragraphs in the justification we support and consider that these should be better integrated into the policy wording to ensure it is National Planning Policy Framework (NPPF) compliant. We do not however consider that large sections of Section 16 NPPF are necessary to be included within the text. The justification should focus on how the policy clauses can be fully understood with links to appropriate documents and explanation. Paragraph 8.89 and 8.90 for example, there should be a clause within the policy setting out these details.

DM10- Cumulative Impacts of Development, 8.132 We welcome reference to the historic environment within this paragraph. As mentioned in our previous consultation response we do consider that additional detail is needed to understand what the 'unacceptable cumulative impacts' may be and how these can be avoided. There needs to be enough detail for a potential applicant to know what they need to provide and for a planning officer to be able to determine an application.

## Meeting with Historic England 15 January 2024

This meeting reviewed the representations received by Historic England (HE). The Councils indicated to HE that they were minded to propose modifications to the Plan in order to respond to the HE representations and the approach to these were discussed. The Councils were in the process of agreeing Statements of Common Ground with relevant parties and proposed a SCG with HE.

HE indicated that they would not be able to complete a Statement of Common Ground unless specific wording was being proposed. The Councils said that specific wording modifications would be put forward during the examination phase of the Waste Local Plan as part of a comprehensive set of modifications which would be proposed and updated as the examination proceeds under the guidance of the appointed Inspector.

It was therefore agreed to defer consideration of detailed modifications and finalisation of a Statement of Common Ground until after the Plan was submitted. The Councils and HE confirmed this approach in an email of 22 February.

## Post submission of the Waste Local Plan – April 2024

The Councils contacted HE on 2 April to arrange a meeting and on the 9<sup>th</sup> forwarded proposed modifications which responded to HE representations. A meeting had been scheduled for 22 April but HE was not available. HE responded with comments on April 29<sup>th</sup> and agreed many of the modifications proposed. The Councils considered further modifications to take into consideration HE comments. The table below shows the evolution of the modifications. In light of the need to submit proposed modifications to the Inspector the Councils decided that this was the appropriate point to conclude further discussion.

### **Matters agreed and outstanding.**

The table attached to this Statement of Common Ground summarises the position regarding the representations made by HE and the effect of the potential modifications on the specific representation.

It is pleasing to note (highlighted in green) that many of the issues raised by HE have been resolved by the potential modifications with only a limited number of small issues outstanding. These are highlighted as blue in the table below and relate to

- The wording of the Vision
- The wording of policy DM4 (landscape)
- Aspects of the wording of policy DM6 (heritage)

**Signed for Nottinghamshire/Nottingham**

Name Wayne Bexton

Position Director, Green Growth, Investment and Assets, Nottinghamshire CC

Signature 

Date 9/05/2024

**Signed for Historic England**

Name Kezia Taylerson

Position Historic Environment Planning Adviser

Signature 

Date 08/05/2024

**Correspondence with Historic England on proposed modifications to address representations received on the Pre-Submission Draft Nottinghamshire and Nottingham Waste Local Plan (Regulation 19 consultation).**

How to read this

Text to be inserted is shown in red and underlined.

Text to be deleted is shown as ~~struck through~~.

Area of Plan	Historic England comments	Councils Response	Historic England Response	Councils Response
Paragraph 4.5	This paragraph would benefit from reference to the heritage component of landscape and how heritage has shaped and evolved the local landscape.	Agree to add a reference:  <i>The County's landscape is characterised by rich rolling farmlands to the south, with a central belt of mixed woodland and farmland, giving way to heathland of Sherwood in the north-west and open, flat agricultural landscapes dominated by the River Trent to the east, and the flat low lying agricultural landscape of the Humberhead Levels to the north.</i> - <u><i>The historic landscape of the Trent Valley is an important area for archaeological remains of prehistoric settlement.</i></u>  <i>Nottinghamshire also supports a wide network of important sites for nature conservation, the most important focused within Sherwood Forest, to the north of Mansfield. This includes a Special Area of Conservation and possible future Special Protection Area, both of which hold international status.</i>	Yes, accept change.	
Paragraph 4.6	We welcome the reference to heritage within this paragraph; the first sentence may consider re-writing as it is long in its current form. Historic Parks should be referred to as Registered Parks and Gardens and Scheduled Ancient Monument should be referred to as	Agree to amending sentence structure and referencing to registered parks and scheduled monuments.  <i>Nottinghamshire is well known for its historic past, in particular for its link to the tales of Robin Hood but the areas heritage is much more</i>	Yes, accept change.	

	<p>Scheduled Monuments. It may be worth including a reference to the variety of non-designated heritage and the role of heritage landscapes. We welcome the reference to heritage at risk. Is there a positive strategy for this and any opportunities through the Plan to reduce this risk?</p>	<p><del>diverse,</del> <u>The Plan area has</u> assets spanning thousands of years; from cave art found at the Creswell Crags on the Nottinghamshire-Derbyshire Border to medieval caves, taverns and castle found in Nottingham's city centre as well as several historic market towns full of heritage assets. The industrial past of coal mining, particular in the West of the County, and the textile industry throughout the 18<sup>th</sup> and early 19<sup>th</sup> into the 20<sup>th</sup> centuries has left a rich built heritage. The majority of Nottinghamshire's conservation areas, listed buildings, <u>Registered Parks and Gardens</u> <del>historic parks</del>, and Scheduled <del>Ancient</del> Monuments are faring well, but a proportion (around 10%) are in a vulnerable condition or situation.</p> <p>For assets at risk, it is not the role of the Plan to provide a strategy for heritage assets at risk. Whether there is any potential to improve heritage assets would be dependent on individual applications, with Policy DM6: Historic Environment applying.</p>		
Vision	<p>We welcome the inclusion of the term 'heritage' within the vision. We would welcome further consideration of how the heritage of the area will be protected and enhanced by 2038 and what the local plan will put in place to ensure that this occurs.</p>	<p>The Councils consider that policy DM6: Historic environment provides sufficient detail of how heritage will be protected and enhanced when an application for waste facilities may impact the historic environment. Applications for waste developments will also be determined in accordance with the "Local Plan" which will also include assessment against other policies in adopted Local Plans for example in Nottingham City this would currently be Nottingham City</p>	<p>We would have welcomed additional text within the vision/ introductory paragraphs on the value of the historic environment within the area.</p>	<p>The Councils consider the text within Chapter 4 (paragraph 4.6), Vision and introductory text to Policy DM6 (paragraph 8.76) is sufficient and outlines the value of the historic environment in the area.</p>

		Aligned Core Strategy - ACS (2014) (Part 1 Local Plan) and the Land and Planning Policies Document - LAPP (2020) (Part 2 Local Plan). It is therefore considered there is sufficient policies to assess the harm to heritage assets and not further changes are required.		
Strategic Objective 4	As previously raised, we recommend a specific indicator for heritage so that it is possible to fully consider what the effects are for the historic environment rather than a variety of environmental factors. For example, it is possible that a positive for biodiversity or water management may have a negative for the historic environment and this would not be identifiable in a joint indicator. Where it says 'avoid harm to heritage' we would recommend that this is amended to 'protect and conserve the significance of the historic environment, heritage assets and their setting' or similar.	<p>The Councils do not believe a separate objective for the historic environment is required, with the separate development management policies on elements of the environment there to ensure sufficient protection of all elements of the environment which includes the historic environment.</p> <p>The Councils would be willing to propose a modification to amend the text as suggested by Historic England.</p> <p><i>Objective 4: The environment – ensure any new waste facilities avoid adverse impacts <u>and harm</u> on the landscape, wildlife and valuable habitats, by protecting and enhancing water, soil and air quality across the plan area <u>and deliver biodiversity net gains to support environment benefits. Avoid harm to the built and natural</u> <u>Protect and conserve the significance of the historic environment, heritage assets and their setting, enhancing where possible, avoiding harm in the first instance. and ensure biodiversity net gains are achieved in new waste</u></i></p>	Yes, accept change.	



		<del>developments to support environmental benefits.</del>		
Strategic Objective 7	The highest possible standard should recognise the need to protect and conserve the significance of heritage assets, including their setting.	The Councils consider that Strategic Objective 4: The environment sufficiently seeks to protect and conserve heritage assets and their setting, with the individual development management policies all applying when determining an application.	No further comments from Historic England.	
Paragraph 7.5	We consider that the appropriate policies should be included within the Plan in the first instance to ensure that the Plan is sound and can respond to a variety of planning applications for waste development.	The Councils believe the Plan does contain the appropriate policies. Paragraph 7.5 reflects paragraph 11.d) of the National Planning Policy Framework and is included as a caveat in case the Plan policies become outdated or there is no relevant policy within the Plan due to new legislation.	Accept.	
Policy SP2	How does this policy consider the potential impact of new waste facilities on the significance of the historic environment, heritage assets and their setting? There should be a reference that new facilities will be approved in line with other policies in the Plan.	<p>Policy SP2 is a strategic policy focusing on driving waste up the waste hierarchy, the Plan should be read as a whole, and all policies will apply during an application, including Policy DM6: Historic Environment. Other policies in other adopted Local Plans will also apply.</p> <p>The Councils would be happy to propose a minor modification to include within the introduction to the Plan, or to the introduction text of Chapter 7 and Chapter 8, that no policy in the plan will be applied in isolation.</p> <p><i>7.1 The strategic policies within this chapter are designed to deliver the vision and objectives of the joint Waste Local Plan and provide the overall framework for future waste development within Nottinghamshire and Nottingham. They</i></p>	Yes, accept change.	

		<p><i>are designed to ensure that waste facilities are in the appropriate locations across the plan area to manage future waste arisings and will help move waste up the waste hierarchy, whilst protecting local amenity and the built, natural and historic environment. The strategic policies should be read alongside the more detailed Development Management policies in Chapter 8. <u>No policy within the Plan will be applied in isolation and account will be taken of all relevant policies in the decision-making process.</u></i></p>		
Policy SP3	<p>We raised this issue at the previous stage. See our comments from April 2022. How does this policy consider the implications for the historic environment? There may be appropriate sites located in sustainable locations as per this policy, however, the potential site may be inappropriate due to its harm on the historic environment. How is a positive strategy for the historic environment being pursued in the Plan? Clause 2, what is meant by ‘fit in with local character’? and how will this be assessed? There is very limited information for us to understand where these broad locations may be and as a result what heritage assets may be harmed through development, or indeed if there are any enhancement opportunities? There is no consideration of reasonable alternatives. We consider this wording unsound.</p>	<p>No policy in the Plan will be applied in isolation and therefore Policy DM6, and so the impact on the historic environment, will be balanced with Policy SP3 and locating facilities in sustainable locations. Paragraph 7.23 last sentence highlights this. The Development Management policies will help to ensure that facilities fit within the local character, with details of how small-scale facilities may fit in the local area, for example the re-use of buildings and not introducing industrial style development.</p>	Accept.	

Policy SP4	Consideration should be given to the historic environment in the provision of any new facilities. Clause 3 we would recommend a reference to the need to protect the significance of heritage assets including their setting akin to other considerations which are included such as the natural environment.	The Councils would be willing to propose a modification to clause 3 to include historic environment. Any application will be considered against Policy DM6 which seeks to protect and enhance the historic environment.  <b>3. In all cases, the resulting final landform, landscaping treatment and after-uses must be designed to take account of and, where appropriate, enhance the surrounding landscape, topography and <u>the natural and historic</u> environment.</b>	Yes, accept change.	
Paragraph 7.30	All these issues should consider the impact on the significance of the historic environment, heritage assets including their setting. Additionally, any restoration principles should be appropriate in the context of the historic environment and consider the significance of heritage assets and their setting.	Any application for recovery or disposal, including restoration, will be considered against all policies within the Plan, including DM6: Historic Environment, which would seek to ensure that any operation is appropriate in relation to the historic environment and consider any impacts on assets and their settings.	Accept.	
Policy SP5	Comments raised at previous stage. Please find a relevant document included within the link below. This is relevant generally to the Waste Local Plan and the need to consider the effects of waste planning on archaeology.  <a href="https://historicengland.org.uk/images-books/publications/land-contamination-and-archaeology">https://historicengland.org.uk/images-books/publications/land-contamination-and-archaeology</a>	The Councils have reviewed and considered this guidance and do not believe any modifications are necessary given the policies within the plan specifically Policy DM6.	Accept.	
Policy DM3	Clause 1 b) this should also consider the impact on its surrounding location and ensure that any design features including	Policy DM3 will not be applied in isolation, with Policy DM6: Historic Environment and adopted Local Plan policies of the relevant Council also	Yes, accept change.	

	<p>security fencing are appropriate in the context of its location and the potential harmful effects for the historic environment.</p> <p>Clause 1 c) we would welcome a specific clause that considers the impact on the historic environment and ensures that any development proposals protect and conserve the significance of heritage assets, including their setting, as well as the potential to seeks enhancements. As it stands the clause seeks only to 'minimise impacts' rather than ensuring that only appropriate locations are given planning permission and that harm is avoided and mitigated in the first instance. This policy wording needs amending to reflect the National Planning Policy Framework, Section 16.</p>	<p>applied when determining a planning application. In relation to an additional clause, clause 1.c) does already seek to minimise impact and where possible enhance the historic environment, with this detailed further in the supporting text. The Sustainability Appraisal also deemed the policy to have a positive effect on sustainability objective four relating to the historic environment. The Councils would be willing to amend the start of clause 1.c) to address that harm should be avoided to the environment.</p> <p><b><i>c) Avoids harmful Minimises impacts to and, where possible, enhances the natural and historic environment and surrounding landscape</i></b></p>		
Policy DM4	<p>This policy would benefit from consideration of heritage as a component of landscape. Additionally, how is the historic environment being protected and conserved through this policy and ensuring a positive strategy for the historic environment?</p> <p>Previous comments still stand.</p> <p>We would request a reference to heritage landscapes within this policy and the recognition that design, landscaping, planting and restoration principles should be appropriate to the historic landscape</p>	<p>All policies within the Plan will apply to waste proposals and be considered when determining any planning applications. The Councils consider the issues raised are sufficiently covered by the Plan as a whole, with more detail on the protection of heritage landscapes included in Policy DM6. Policy DM4 will not be applied in isolation, with Policy DM6: Historic Environment and adopted Local Plan policies of the relevant Council also applied when determining a planning application.</p>	<p>Whilst we accept that Policy DM6 will consider heritage generally, our specific comment here was in recognising that heritage is a part of landscape and thus specifically relevant to this policy. We consider an amendment could be made in the policy to consider the historic environment as a component of landscape.</p>	<p>The Councils accept that heritage is part of the landscape but consider that reference within Policy DM4 is not necessary, with heritage making up the character of the landscape. Together with Policy DM6, any impact on the historic environment and its component of landscape would be considered.</p>

	that they are in and the setting of heritage assets, where appropriate. We are pleased to see reference to landscape character appraisal evidence that the Councils already have.			
Paragraph 8.76	We support the inclusion of this paragraph.	Support noted.	N/A	N/A
Policy DM6	Clause 2 is a useful starting point and should be clear that applications which cause harm to the significance of heritage assets will not be supported. Harm should be avoided/ mitigated and then the tests of public benefits apply. The wording needs amending to reflect this hierarchical approach.	<p>The Councils have amended this policy following Historic England comments on the draft Plan to reflect the hierarchical approach, with clause 1 supporting proposals which do not cause harm and clause 2 seeking to firstly avoid harm. The Councils have also sought to positively word the policy as per National Policy. The Councils would be willing to amend the second part of the clause to ensure the hierarchical approach of mitigation and then the tests of public benefit is clear.</p> <p><b>2. Proposals, as a first principle, should avoid harm to the historic environment. Proposals likely to cause harm to the significance of a heritage asset, including its settings, will be subject to the policy requirements set out in the NPPF, including striking an appropriate balance <u>subject to mitigation of between harm, taking into consideration the and public benefit and the remaining harm.</u></b></p>	<p>We still consider that clause 2 could be re-written so that it is clear that the Council will seek all opportunities for new waste facilities that are not harmful to the historic environment. Such as ...</p> <p>'Proposals should avoid harm to the significance of heritage assets and their setting. If harm may occur then this should be mitigated to protect the significance of heritage assets and their setting. Where harm cannot be mitigated the Council will consider the requirements set out in the National Planning Policy Framework relating to the tests of harm and significant public benefits'.</p>	<p>In relation to clause 2 the Councils agree to the suggested wording from HE and will propose this as a main modification:</p> <p><b>2. Proposals, as a first principle, should avoid harm to the <u>significance of heritage assets and their setting historic environment. Proposals likely to cause If harm may occur, then this should be mitigated to protect to the significance of a heritage asset, including its and their settings, -Where harm cannot be mitigated the Council will consider the will be subject to the policy requirements set out in the NPPF relating to the tests of harm, including striking an appropriate balance</u></b></p>

				<b>between harm and significant public benefits.</b>
Clause 3, first sentence, insert between affect and heritage asset – ‘the significance of’.	The Councils would be willing to propose a modification to add the suggested wording.  <b>3. Proposals that would affect <u>the significance of any heritage asset and/ or its setting, designated or non-designated, will need to be accompanied by a Heritage Statement which, as a minimum, should</u></b>	We accept the change to add in ‘the significance of’. We consider that including text within the Plan that adds detail on what a Heritage Statement should include is to the benefit of the Council to ensure that appropriate Heritage Statements are submitted, to enable the Council to make informed judgements on planning applications.	The Councils believe there is sufficient information and detail within the supporting text of the policy to ensure an appropriate Heritage Statement is submitted.	
We support the need for a heritage statement to be supplied for any application where harm could occur. Clause 3 c) what is the contribution of the development parcel on the significance of the asset? What is their relationship and how will the significance of the heritage asset be affected as a result of the change? Is the harm necessary/ avoidable.	The Councils consider that adding such detail to the policy could lead to the policy being misinterpreted and inflexible. The Councils would be willing to suggest a modification to ensure archaeology is sufficiently covered.  <b>c) Identify the impact of the development on the <del>special character</del> <u>significance of the heritage of the asset, including any cumulative impacts;</u></b>	c) This reads better. We still consider that additional detail should be included to also understand the wider issues set out in our response.	The Councils still consider that additional detail within the policy could lead to the policy being inflexible. We believe the policy, alongside relevant policies within other Local Plans, is sufficient.	
Clause 3 d) should be clear that harm should be avoided as heritage assets are an ‘irreplaceable resource’.	The Councils consider that the stance of harm should be avoided is covered by the second clause of the Policy and in the supporting text. Therefore, the Councils consider that this does	<b>d) Accept.</b>		

		<p>not need to be repeated in clause 3.d) which addresses what should be included within a heritage statement. The Councils would be willing to propose a modification to ensure clarity.</p> <p><b>d) Where some harm is unavoidable, provide clear and convincing justification for any harm to, or loss of, the significance of a designated heritage asset, from its alteration or destruction, or from development within its setting; and</b></p>		
<p>Consider re-wording of clause 3 e) what is specifically meant here? Mitigation measures should be identified that can overcome the harm to the significance of the heritage asset, including its setting. These mitigation measures should be informed by assessment and then included as planning conditions on the application.</p>	<p>The Councils would be willing to propose a modification to amend the beginning of clause 3.e).</p> <p><b>e)-Agree-Identify the mitigation to overcome of the impacts on the significance of the heritage assets, including their fabric, their setting, their amenity value and arrangements for reinstatement.</b></p>	<p>e) Reads better to state it will 'identify' mitigation measures, to be agreed through the planning application decision making process.</p>		<p>The Councils agree with HEs suggestion and will propose the following modification: <b>Agree the Identify mitigation of measures to overcome the impacts on the significance of the heritage assets, including their fabric, their setting, their amenity value and arrangements for reinstatement.</b></p>
<p>Additional points to include within the policy:</p> <ul style="list-style-type: none"> <li>There is no reference to the potential need for archaeological evaluation and assessment or how impacts for different types of heritage assets may be considered.</li> </ul>	<p>The Councils consider that the additional points raised are sufficiently covered by the supporting text to the policy and that the Policy does seek for enhancements were possible.</p> <p>The Councils would be willing to propose a modification to include reference to archaeological evaluation:</p>	<p>c) Re archaeology – consider setting out the need for desk based assessment in the first instance and then the need for field evaluation and trial trenching where necessary. All assessments</p>		<p>The Councils agree with HEs recommendation and will propose the following modification: <b>c) Include archaeological assessments, followed by field evaluation where</b></p>

	<ul style="list-style-type: none"> <li>We would also recommend design considerations being included to protect heritage assets.</li> <li>Where there is harm to heritage assets, resulting in the loss of heritage this should be recorded and as a minimum recorded on the Historic Environment Record.</li> <li>Any assessments should be undertaken by an appropriate and qualified professional.</li> <li>A clause setting out the potential for enhancement measures would be welcome.</li> </ul>	<p><b><u>c) Include archaeological assessments followed by field evaluation where there are heritage assets with archaeological interest to understand the character, condition and extent of archaeological remains;</u></b></p> <p>The Councils believe the policy does aim to conserve and enhance assets relevance to their significance.</p> <p>An additional clause around heritage statements including archaeological assessment has been suggested above.</p>	<p>should be undertaken by a qualified professional.</p> <p>We still recommend that where loss is unavoidable then any relevant heritage issues/ finds/assessments etc are recorded on the Historic Environment Record (HER) in the first instance.</p>	<p><b><u>necessary, where there are heritage assets with archaeological interest to understand the character, condition and extent of archaeological remains;</u></b></p> <p>Regarding including within the policy that all assessments should be undertaken by a qualified professional and that any relevant heritage issues/finds/assessments are recorded in the HER, the Councils continue to believe that this is best suited within the supporting text.</p>
<p>Comments on the justification text –</p>	<p>We support paragraph 8.77 and consider this aim can be better reflected within the policy. Links to relevant heritage documents such as local lists and landscape and townscape character assessments would be positive.</p> <p>We note the reference to archaeology within paragraph 8.78 and consider that this should be reflected in the policy and</p>	<p>Links have not been included as these can become outdated quickly and become broken, which can be confusing for users.</p> <p>The Councils believe the reference to flooding/water management in the supporting</p>		



	<p>referenced elsewhere under climate change/ water management issues.</p> <p>Many of the paragraphs in the justification we support and consider that these should be better integrated into the policy wording to ensure it is National Planning Policy Framework (NPPF) compliant. We do not however consider that large sections of Section 16 NPPF are necessary to be included within the text. The justification should focus on how the policy clauses can be fully understood with links to appropriate documents and explanation. Paragraph 8.89 and 8.90 for example, there should be a clause within the policy setting out these details.</p>	<p>text of DM6 is sufficient and does not need to be repeated elsewhere in the Plan, with all policies applying to waste proposals.</p> <p>The Councils have included this supporting text to ensure clarity and the Plan is compliant with the NPPF. The Councils have suggested adding a clause to the policy in regard to archaeological assessment (para 8.89) and believe the detail in 8.90 is better placed in the supporting text, keeping the policy similar in approach as to other policies in the Plan.</p>		
Policy DM7	<p>We attach our previous comments as they remain relevant:</p> <p>As referenced above within Policy SP5 we would welcome recognition of the potential for changes to the watercourse and treatment for flooding and water courses, also need to consider how they may impact upon the historic environment, with particular attention to below ground archaeology. A reference within the justification text is likely to be suitable.</p>	<p>Reference to the impact of flooding on the historic environment is made in the supporting text of Policy DM6 (paragraph 8.78). No policy in the Plan will be applied in isolation and so if a proposal was to cause flooding and potentially harm the historic environment, Policy DM6 would need to be addressed and satisfied. Policy DM7 will not be applied in isolation, with Policy DM6: Historic Environment and adopted Local Plan policies of the relevant Council also applied when determining a planning application.</p>	Accept.	
Policy DM10	<p>We are supportive of a policy that considers the cumulative impacts of more than one development in a close</p>	<p>Policy DM10 will not be applied in isolation, with Policy DM6: Historic Environment and adopted Local Plan policies of the relevant Council also</p>	Accept Council's reasoning.	

	<p>locality. We consider there needs to be additional detail within the policy for this to be effective.</p>	<p>applied when determining a planning application. The Councils believe the policy is sufficient and flexible to ensure a range of cumulative impacts can be considered under this policy. Can Historic England provide further detail of what should be included to make the policy effective for us to consider?</p>		
<p>Paragraph 8.132</p>	<p>We welcome reference to the historic environment within this paragraph. As mentioned in our previous consultation response we do consider that additional detail is needed to understand what the 'unacceptable cumulative impacts' may be and how these can be avoided. There needs to be enough detail for a potential applicant to know what they need to provide and for a planning officer to be able to determine an application.</p>	<p>What cumulative impacts would be considered unacceptable will depend on the impacts themselves, which would be known when a detailed planning application is submitted. Alongside other policies within the Plan and policies within both Councils development framework, the Councils consider that the policy is effective as drafted and enables the policy to be flexible to apply to all waste applications.</p>	<p>Accept.</p>	

<p>Policy DM12</p>	<p>Clause 1b) what is meant by ‘an unacceptable impact on the environment’? We would welcome reference to the historic environment within this clause or within the justification text below as these issues can harm the significance of heritage assets and how they are appreciated within their setting.</p> <p>Our previous comments remain relevant:</p> <p>Please see comments to Policy DM10 as they also relate here. This should be considered in the whole and whether impacts to the highway through traffic movements etc. are an unacceptable harm for the historic environment and how any future planning applications for new waste facilities will consider the issue of harm to heritage assets resulting from highways and vehicle movements.</p>	<p>The Councils consider that the policies reference to the environment, which includes the historic environment as reflected by the Sustainability Appraisal, is sufficient to ensure that the historic environment will be considered, with no policy applied in isolation.</p> <p>Reference to the impacts of traffic movements to the historic environment and the experience of it within the supporting text of Policy DM6 (paragraph 8.78) is sufficient. No policy in the plan will be applied in isolation and so if a proposal was to cause harm to the historic environment through highway movements, Policy DM6 would need to be addressed and satisfied.</p>	<p>Accept.</p>	
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