



Dartmoor Local Plan 2018 – 2036

Examination Hearing

Statement of Common Ground between Dartmoor National Park Authority (DNPA) and Historic England (HE)

1. This Statement of Common Ground (SoCG) addresses matters raised by Historic England, through representations made to the Inspector's Matters, Issues and Questions relating to policies 2.6(2), 2.8(2) and parts of the Glossary.
2. The purpose of this SoCG is to establish the main areas of agreement between the signed parties before the commencement of hearing sessions to be held for the Dartmoor Local Plan Examination.
3. It has been prepared between Dartmoor National Park Authority and Historic England, and sets out the confirmed points of agreement with regard to the Submission draft of the Dartmoor Local Plan 2018 – 2036.
4. This Statement is provided without prejudice to other matters of detail that parties may wish to raise during the hearings.
5. The following table sets out the matters raised by Historic England, the response of the Authority, and identification of where there is common ground for the purposes of this SoCG.
6. HE is willing to be available for the Hearing session as appropriate, and DNPA would recognise the contribution HE may add to discussion.

Signed on behalf of the following organisations:

Signed on behalf of Historic England		
Name and Position	Signature	Date
Rebecca Harfield Historic Environment Planning Adviser		12 February 2021
Signed on behalf of Dartmoor National Park Authority		
Name and Position	Signature	Date
Dan Janota Head of Forward Planning and Economy		12 February 2021

Policy, paragraph	Historic England's comment or proposed change	DNPA Response	Modification Proposed	Position/Conclusion
Paragraph 2.6.2	In relation to criteria 2 and 5, the policy does not refer to the use of the Dartmoor Historic Environment Record as key source of information to inform Assessments of Significance (or equivalent) and as a publicly accessible record of historic environment information gathered during development managing and from recording (see NPPF paragraphs 187, 188, 189 and 199). This affects criteria 2 and 5.	Noted. It is proposed to move to give the text at 2.6.2 (under non-designated heritage assets) further prominence by forming a new paragraph 2.6.3 to establish a clearer overview of the role of the HER. Reference to the HER is also included in the below proposed modifications.	<u>2.6.3 Designated and Non-designated heritage assets are recorded by the Authority on the Historic Environment Record (HER): a live, searchable and publically accessible database of historic sites, buildings and features known to exist in the National Park. There is always the potential for the discovery of new assets. Potential heritage assets will be assessed against Historic England's significance criteria, discussed in paragraph 2.6.3, to decide whether they should be protected as designated or non-designated assets. Evidence prepared to inform decisions, or acquired during or after development should be made available to be added to the HER.</u>	Historic England acknowledges the DNPA response and welcomes the proposed modification. Matter resolved.
Section 2.6	Please note that Historic England refers to Assessments of Significance as 'Statements of Heritage Significance' in HEAN 12.	Noted and accepted for consistency with the most recent guidance.	DNPA is content to replace the term 'Assessments of Significance' with 'Statement of Heritage Significance' where this occurs.	Historic England acknowledges the DNPA response and welcomes the proposed adjustments. Matter resolved.
SP2.6(2) (6)	Criterion 6 implies that field evaluation and excavation will be undertaken after planning decisions have been made. However, some results may be required upfront to inform decision-making where there are, or is the	Noted. A modification is proposed which draws on the language of HE's altered policy.	6. Where an application could affect existing or potential archaeological interests the application must be supported by <u>sufficient information to</u>	Historic England acknowledges the DNPA response and welcomes the proposed modification.

	potential to be, heritage assets of archaeological interest as per NPPF paragraph 189. This information may form part of an Assessment of Heritage Significance required by criterion 2.		<u>understand their significance and the impact of the proposal. This may include a method statement detailing the assessment, evaluation or excavation works necessary to inform the decision, or ensure its protection.</u>	Matter resolved.
SP2.6(2) (5)	In relation to criterion 5, recording may be appropriate for cases of less than substantial harm to designated heritage assets as well as for major changes to or the loss of non-designated heritage assets (see NPPF paragraph 199).	Noted, DNPA propose a modification which aligns this policy criteria with the NPPF	5. Where substantial harm to whole or partial loss of a heritage asset is permitted the applicant will be required to undertake a detailed record of the asset <u>and provide this to the Dartmoor HER.</u>	Historic England acknowledges the DNPA response and welcomes the proposed modification. Matter resolved.
SP2.6(2)	While criteria 1, 3 and 4 are intended to give effect to paragraphs 184 and 193-197 of the NPPF, they do not clearly convey the importance that should be given to conserving the significance of heritage assets as an irreplaceable resource. Great weight should be given to conserving designated heritage assets and the weight adjusted to reflect the significance of affected assets irrespective of the level of identified harm or loss. This policy would benefit from more clearly signposting that it is the impacts on the 'significance' of heritage assets that should be considered, encouraging harm to be avoided and minimised, and enhancements where appropriate. For designated heritage assets, it should more clearly set out the clear and convincing justification required for any harm or loss and the how this should be balanced against public benefits in cases of substantial harm (or the alternative tests) and less than substantial harm.	Noted, an amendment to part 1 of the policy is proposed to reflect the weight given to the conservation of heritage assets in NPPF paragraph 193 and encourage minimising of harm. DNPA believe the overall structure and wording of policy 2.6 (2) is clear and succinct. Modifications are however proposed to clarify how substantial harm is assessed and the insertion of less than substantial harm is inserted into 3a.	1. All development must conserve and/or enhance heritage assets and their settings. <u>Great weight will be given to the conservation of designated heritage assets. All proposals should avoid harming an asset's significance, and where harm is justified, it should be minimised.</u> 3. The change of use, extension or alteration of heritage assets, <u>including development in their settings,</u> will... 3 a) for designated heritage assets, any harm <u>to significance is less than substantial, justified and clearly outweighed</u> by the development's public benefits... 4. The <u>substantial harm, whole or partial loss of heritage asset, including developing within its setting,</u> will only be permitted in exceptional	Historic England acknowledges the DNPA response and welcomes the proposed modification. This version takes account of additional wording we proposed to the original modification to address these comments as well other comments made below in relation to the settings of heritage assets. Matter resolved.

			circumstances...	
SP2.6(2)	To this end, we also suggest introducing a separate criteria for development affecting non-designated heritage assets where the NPPF requires significance to be balanced against the scale of any harm or loss (NPPF paragraph 197).	We would consider this not necessary, and would respectfully suggest that the proposed alternative policy wording lacks the strength of SP2.6(2). In particular part 10 of HE's policy does not indicate how the scale of harm should weighed against significance and how this exercise should inform decision making. DNPA's draft policy is considered clearer in this regard.	No modification proposed	Historic England acknowledges the DNPA's considered response. Matter for the Inspector to consider.
SP2.6(2)	It may also be helpful to consider including criteria for specific heritage asset types, e.g. scheduled monuments as well as conservation areas and the settings of heritage assets, given NPPF paragraphs 200-201). Following on from this, we would encourage the policy to provide for locally distinctive, historic environment matters, e.g. Premier Archaeological Landscapes (see supporting text at 2.6.1), Areas of Historic Settings for some conservation areas (see supporting text at 2.6.11) and any future local list.	We consider the supporting text sets out clearly what specific heritage asset types are, including those which are locally specific. The approach of then focussing on designated and non-designated assets within the Policy makes it therefore much clearer.	No modification proposed	Historic England acknowledges the DNPA response. We welcome the proposed modification of SP2.6(2) criteria 3 and 4 as set out above, which addresses our comments in respect of the settings of heritage assets. Matter resolved in relation to settings.
LP Page 31 (Environment Strategy)	Finally, we would expect to see criteria that encourage positive outcomes for Heritage at Risk as part of a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay and other threats (see NPPF paragraph 185).	We recognise that the Plan could express this approach more positively. Rather than a policy change, we would consider this is better reflected in the Strategy. This is not a significant alteration as it is consistent with the National Park purposes, and the Plan Vision, but could be articulated more clearly in this section.	P31. Proposals affecting heritage assets, including designated and non-designated assets, must respect their significance and demonstrate how the historic environment will be conserved and/or enhanced. <u>Development will be encouraged where it will deliver significant enhancement and opportunities for the understanding and enjoyment of Dartmoor's cultural heritage</u>	Historic England acknowledges the DNPA response and welcomes the proposed modification. Matter resolved.

Glossary	Heritage asset – this appears to be largely taken from the NPPF but we recommend that the word ‘undesigned’ is replaced with ‘non-designated’ to avoid confusion.	Agreed	Heritage asset includes designated heritage assets, such as listed buildings and scheduled monuments, and non non-designated assets identified by the local planning authority.	Historic England acknowledges the DNPA response and welcomes the proposed modification. Matter resolved.
Paragraph 2.6.3 and Glossary	Significance (for heritage policy) – this draws on the NPPF definition and uses the four ‘interests’. However, the relevant supporting text at paragraph 2.6.3 uses the four ‘values’ from Conservation Principles (2008). This document is under review but proposes using the four NPPF ‘interests’ as does Historic England’s latest advice in HEAN 12. If the four ‘values’ are to be used, then we suggest amending this definition and including a link to Conservation Principles. Other uses of the word ‘value’ in the Plan should also be replaced with ‘significance’ where they may cause confusion, e.g. SP1.4 (4) and supporting text at 2.6.9.	<p>We recognise there is some challenge in the shift from ‘value’ to ‘interests’. We would welcome HE’s advice on the degree to which the plan should move to align with emerging guidance or not.</p> <p>In principle we are content to amend 2.6.3 to align, though the ‘values’ are not wholly replaced by the ‘interests’ which we would consider to be in some ways weaker and less clear. Particularly as there is likely to be confusion with the common definition of ‘interest’ which is subjective and not dependent on specialist assessment.</p>	<p>2.6.3: Understanding a heritage asset’s significance is essential to assessing the impact of a development. Historic England describes significance as consisting of four values <u>in Conservation Principles (2008) and</u> significance may be found in all or just one of these values: ... <u>The NPPF refers to significance as being the value of a heritage asset to this and future generations because of its heritage interest, which may be: archaeological, architectural, artistic or historic. Significance derives from the physical presence of a heritage asset and from its setting.</u></p> <p>Glossary: Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. <u>Significance can also be assessed using the four values of evidential, historical, aesthetic and communal based on Historic</u></p>	<p>Historic England acknowledges the DNPA response and welcomes the proposed modification. This version takes account of additional wording we proposed to the original modification to address these comments.</p> <p>Matter resolved.</p>

			<u>England's Conservation Principles (2008)</u> . Significance derives not only from a heritage asset's physical presence, but also from its setting.	
Glossary	The following definitions could usefully be added: <ul style="list-style-type: none"> o Premier Archaeological Landscape o Areas of Historic Setting o Assessment of Significance o Scheduled Monument o Registered Park and Garden. 	The glossary is a concise overview of key terms which are not otherwise clear or described in the supporting text. We do not consider the addition of these is necessary, they are sufficiently defined elsewhere.	No modification proposed	Historic England thanks the DNPA for their response and acknowledges its position. However, our observation stands. Matter for the Inspector to consider.
Policy 2.8(2) Enabling Development	By definition within NPPF paragraph 202, enabling development is development that is not otherwise in accordance with adopted planning policies. We are of the view, therefore, that this policy is not a necessary component of the Plan and could be deleted. A local plan should adequately set out a positive strategy for the historic environment (as per NPPF paragraph 185) without the need to include such a policy, supported in this case by the current and emerging Dartmoor National Park Management Plans. The supporting text for enabling development could be retained and an appropriate definition added to the Glossary in Appendix D. Historic England's advice on enabling development is set out in GPA 4: Enabling Development and Heritage Assets (2020). Reference 35 should be updated accordingly.	It is within the grant of the NPPF for DNPA to set out criteria it considers appropriate for assessing proposals for enabling development. Section 3.7 of our Historic Environment Topic Paper deals with this matter. It highlights that without a specific policy addressing matters, such as public vs. private benefit, availability of alternative funding, avoiding fragmentation, and minimising the amount of enabling development, it is far harder for us to define inappropriate enabling development and defend this in decisions. We therefore seek to retain this policy in its current form.	No modification proposed	Historic England thanks the DNPA for their response and acknowledges its position. However, our observation stands. Matter for the Inspector to consider.