

Q3j Policy D8 requires a justification to be submitted with an application, a sequential approach to be followed in its formulation and a Heritage Impact Assessment to be submitted. (Comment; these are all process requirements; they say nothing about the qualities which the development itself has to achieve).

OPDC initial response

Policy D8(b)

Historic England responded to the First Regulation 19 consultation recommending that Policy D8 should provide policy for how designated heritage assets will be considered rather than defer to the NPPF and national guidance. Specifically, this will ensure accordance with NPPF paragraphs 9, 12 and 126.

In response to this comment, OPDC and Historic England worked together to develop a policy for conserving and enhancing designated heritage assets. This was included as Policy D8(b). OPDC welcomes the Inspector's further view on its inclusion.

Policy D8(c)

OPDC considers that the sequential approach set out in D8(c) to be appropriate for inclusion to inform the consideration of proposals which have the potential to affect the significance of non-designated heritage assets. The requirements for providing information justifying harm or demolition of non-designated assets will enable officers to determine applications in accordance with Policy D8(a) and NPPF (2018) paragraphs 192 and 197.

Policy D8(d)

Historic England raised a similar point in their response to the Second Regulation 19 consultation (reference d/D8/5). To address this point, OPDC officers have proposed the following minor modification (reference MINOR/2/D8/5). This is set out in the Proposed Minor Modifications Schedule (document KD4).

Proposals [which have the potential to impact upon any affected heritage assets and their settings](#) ~~will should~~ be supported ~~by a where they submit a~~ Heritage Impact Assessment that sets out:

Inspector's initial response

The response to Q3 relating to policy D8 gives rise to similar thoughts. I am not convinced that all parts of this policy meet the test of effectiveness set out in NPPF(2012) paragraph 154. Subsections 8(a) and (b) are effective enough but (c), (d) and (e) are less so. OPDC may wish to discuss the following suggestions with Historic England; "(c) Proposals should (i) reflect in their design a positive response to non-designated heritage assets and (ii) avoid an unjustified adverse effect on the significance of non-designated heritage assets; (d) proposals to demolish a building in a Conservation Area will only be permitted after approval of and commitment to the construction of a replacement building; (e) as drafted but omitting the last five words.

OPDC's second response

OPDC officers have given consideration to the Inspector's initial response and proposed modifications in discussion with Historic England officers. Both OPDC and Historic England agree that the Inspector's proposed modifications are appropriate. In addition to the modifications to the policy, table 5.3 will be updated to reflect the amended policy. OPDC officers also propose to amend supporting text in relation to the modified policy D8(c)(i). This would ensure that development resulting in the loss of a non-designated heritage asset could, in part, accord with D8(c)(i) by ensuring the significance of the lost asset informs the character of new development.

OPDC and Historic England have agreed to develop a Statement of Common Ground to record the above discussion and other points of agreement.

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