



Newcastle-under-Lyme Local Plan Examination

Action Point 18 – SE9 Historic Environment

Introduction

1. This note is provided in response to the Inspector's request during the Matter 10 hearing session for the Council to review and redraft Policy SE9: Historic Environment.
2. During the hearing session, the Inspector raised concerns regarding the submitted policy's length, structure, clarity, and consistency with the National Planning Policy Framework (NPPF, December 2023). It was suggested that the policy was overly long, that its structure could be improved by dealing with designated assets before non-designated assets, and that elements of the policy wording might be better placed within the supporting text to improve clarity and function.
3. This note outlines the methodology the Council has undertaken to revise Policy SE9 and its supporting text to address these matters. The revised Policy wording and supporting text is included at Appendix 1. The council considers the revised policy is more concise, effective, and robustly aligned with national policy.

Principles for Redrafting Policy SE9

4. Following the hearing session, the Council has reviewed the policy and supporting text in light of the Inspector's comments. The redrafting exercise was guided by the following key principles derived from the discussion:
 - **Brevity and Focus:** The policy wording should be significantly shortened to focus only on the core strategic principles and decision-making tests.
 - **Logical Hierarchy:** The policy structure should be re-ordered to reflect the hierarchy of importance within the historic environment, addressing designated heritage assets before non-designated assets.

- **Clarifying Policy vs. Guidance:** Explanatory text, procedural detail, and lists of examples should be moved from the policy wording into the supporting text, which is its appropriate location.
- **NPPF Consistency:** The policy tests relating to harm must precisely reflect the nuanced tests set out in NPPF (Chapter 16), avoiding wording that goes beyond or misinterprets the national framework.
- **Removing Duplication:** Repetition of matters covered in other policies within the Local Plan should be removed and replaced with clear cross-referencing.

Policy Restructuring and Simplification

5. To address the concerns regarding length and structure, the policy has been deconstructed and rebuilt into a clear, six-point format. This creates a logical and hierarchical sequence for the decision-maker.
6. The policy now begins with the overarching principles of conservation and the "great weight" to be given to designated assets (Criterion 1), consistent with NPPF para 205. The requirement for "clear and convincing justification" for any harm is established upfront (Criterion 2).
7. The tests for assessing harm to designated heritage assets are now clearly separated (Criterion 3), distinguishing between the balancing exercise required for less than substantial harm and the much stricter tests for substantial harm, directly reflecting NPPF paras 206-208. The reference to the specific NPPF paragraph has been removed to ensure the policy is future proof, with the substance of the tests now contained within the policy wording.
8. A separate criterion has been created for non-designated heritage assets (Criterion 4), reflecting the specific "balanced judgement" test required by NPPF para 209.
9. Finally, the procedural requirements for the submission of evidence have been separated into two distinct criteria: one for Heritage Assessments (Criterion 5) and one for Archaeological Assessments (Criterion 6). This makes the requirements clearer and better reflects the specific emphasis given to archaeology in NPPF para 200.

Revisions to Supporting Text

10. The supporting text has been significantly restructured to support the new, streamlined policy. Subheadings have been used throughout to improve legibility and guide the user to the relevant information.

11. This restructuring ensures that the policy wording contains only the core decision-making principles, while the supporting text now provides the necessary procedural detail that was previously located within the policy criteria. For example, guidance on the expected content of a Heritage Assessment and the specific factors to consider when assessing a proposal's response to local character are now clearly set out in the supporting text to aid the application of the policy.
12. The supporting text now includes new, specific sections that explain:
- How harm to designated assets is assessed, including an explanation of the "exceptional" and "wholly exceptional" tests for different grades of asset.
 - The criteria (archaeological, architectural, historic interest) that will be used to assess the significance of non-designated heritage assets.
 - The requirement for Heritage and Archaeological Assessments to be undertaken by a suitably qualified professional and informed by the Historic Environment Record (HER).
 - The need for applicants to apply the mitigation hierarchy (avoid, minimise, justify).
 - Positive approaches to heritage-led development and how these can represent a public benefit when weighing proposals against any less than substantial harm.
13. Duplication has been removed. The section on shopfronts now acts as a clear signpost to Policy RET2. The relationship between this policy, Policy PSD7 (Design), and Policy SE10 (Landscape) is now explicitly stated through clear cross-references.

Conclusion

14. The Council has undertaken a comprehensive review and redraft of Policy SE9 and its supporting text in direct response to the comments made during the Matter 10 hearing session.
15. The revised policy is significantly more concise, logically structured, and user-friendly. By moving procedural guidance to the supporting text, the policy wording itself has been reduced from 1,357 words to 229 words. Correspondingly, the supporting text has been expanded from 471 words to 1,358 words to ensure all necessary detail and guidance is retained.
16. The policy tests are now clearly and accurately aligned with the NPPF (December 2023). The supporting text provides the necessary detail and guidance to ensure the policy can be implemented effectively and consistently. The Council is confident that the revised Policy SE9 is sound, justified, effective, and consistent with national policy.

Appendix 1: Policy SE9 – Historic Environment (Revised)

Policy SE9: Historic Environment

1. Proposals will be supported where they conserve and, where appropriate, enhance the significance of the Borough's heritage assets and their settings. Great weight will be given to the conservation of designated heritage assets.
2. Proposals that will lead to harm to, or loss of the significance of, a designated heritage asset will require clear and convincing justification.
3. Where a proposal will result in less than substantial harm to a designated heritage asset, this harm will be weighed against the public benefits of the proposal. Substantial harm to, or the total loss of significance of, a designated heritage asset will be refused unless this harm or loss is outweighed by substantial public benefits, or the specific criteria in NPPF paragraph 207 apply.
4. The effect of a proposal on the significance of non-designated heritage assets will be considered. In weighing applications, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset.
5. Where a proposal has the potential to affect a heritage asset (other than one of solely archaeological interest) or its setting, it must be accompanied by a proportionate Heritage Assessment.
6. Where a site includes, or has the potential to include, heritage assets with archaeological interest, an appropriate desk-based assessment and, where necessary, a field evaluation will be required to accompany the proposal.

Supporting Information

The Borough's Historic Environment

The Borough has a wealth of valued heritage assets, ranging from individual listed buildings and conservation areas to historic landscapes and archaeological remains. These assets are an irreplaceable resource that contribute significantly to the character, distinctiveness, and quality of place in Newcastle-under-Lyme. This policy seeks to ensure they are managed sensitively and proactively during the development process, to help conserve and enhance their significance in accordance with the provisions of the NPPF.

The following sections provide guidance on how proposals will be assessed against the requirements of Policy SE9:

- Assessing Harm to Designated Heritage Assets provides further detail on the application of the tests in Policy SE9(2) and SE9(3).

- Non-Designated Heritage Assets explains the approach to be taken under Policy SE9(4).
- Heritage Assessments and Archaeological Interest outlines what is expected to satisfy the requirements of Policy SE9(4), SE9(5) and SE9(6).
- Responding to Local Character and Setting relates to the overarching principle in Policy SE9(1).

Assessing Harm to Designated Heritage Assets

The significance of a designated heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Policy SE9(2) and SE9(3) reflect the tests set out in national policy which require any harm to be clearly and convincingly justified. In line with national policy, great weight is given to the conservation of designated heritage assets; the more important the asset, the greater the weight that will be applied.

A distinction is made between the level of harm caused. Where a proposal will result in less than substantial harm to a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

For proposals resulting in substantial harm or total loss, a much stricter test applies. National policy requires that substantial harm to, or loss of, a Grade II listed building or Grade II Registered Park or Garden should only be permitted in exceptional circumstances. For assets of the highest significance – including Scheduled Monuments, Registered Battlefields, and Grade I and II* listed buildings and Registered Parks and Gardens – circumstances must be wholly exceptional. All such proposals will be refused unless the harm or loss is outweighed by substantial public benefits, or it can be demonstrated that the asset has no viable use, and its conservation cannot be secured.

Non-Designated Heritage Assets

Non-designated heritage assets are recognised as key contributors to local history and a sense of place. While they do not have the same level of protection as designated assets, the harm to their significance is a material consideration to be weighed in the planning balance.

In assessing the significance of a non-designated heritage asset to inform the balanced judgement required by Policy SE9(4), the Council will have regard to whether the asset has value derived from one or more of the following:

- a) Architectural and Artistic Interest: As a notable example of a particular architectural style, period, construction method, or for its aesthetic qualities.
- b) Archaeological Interest: As a source of evidence about past human activity

- c) Historic Interest: Through its association with key local historic events or people, or for its role in the social and economic development of the area.

Of particular importance to the Borough's rural character are historic farmsteads. The Staffordshire Historic Farmsteads Study indicates that a significant proportion of recorded farmsteads within the Borough retain heritage potential. Where proposals affect a non-designated historic farmstead, particular regard will be had to the significance of the surviving historic form and buildings and their contribution to the wider landscape. Their sensitive conversion to new uses will be looked upon more favourably than their loss.

Although some of the Borough's non-designated heritage assets are identified on the Council's Local List, undesignated heritage assets may be identified during the development process. In such instances the Council will require an assessment of the significance of the asset as part of the application, which should include an appraisal of the effects of the proposal on its significance.

Heritage Assessments and Archaeological Interest

A Heritage Assessment (HA) is required for proposals affecting designated or non-designated heritage assets (including their setting). A Heritage Assessment (HA) should be proportionate to the asset's importance and, as a minimum, must be informed by the Staffordshire Historic Environment Record (HER) and be undertaken by a suitably qualified professional. It should describe the significance of the assets affected and assess the likely impacts of the proposal. The HA must clearly demonstrate how the mitigation hierarchy has been applied. Firstly, all opportunities to avoid harm to the significance of a heritage asset must be explored. Where the avoidance of all harm is not possible, the HA must detail the proposed mitigation measures to minimise that harm. Any residual harm must then be clearly and convincingly justified against the tests in Policy SE9. Applicants should refer to the Council's 'Guidance on the preparation of a Statement of Significance for Heritage Assets' document when preparing their submission.

Where a site has, or has the potential for, heritage assets with archaeological interest, a specific archaeological assessment is required. As a minimum, this will be informed by the Staffordshire Historic Environment Record (HER) and comprise a desk-based assessment. Where the desk-based assessment indicates that there is a potential for important archaeological remains on the site, a field evaluation will then be required to determine the character and significance of these remains. All such assessments must be undertaken by a suitably qualified professional in accordance with relevant guidance. The Council, in consultation with its archaeological advisors, will use planning conditions or obligations to secure appropriate investigation, recording, and mitigation measures where necessary.

Responding to Local Character and Setting

Proposals will be required to demonstrate how they respond positively to local character and the historic environment, conserving and enhancing the significance of heritage assets and their settings. In assessing proposals, account should be taken of:

- a) The immediate and wider setting, including the grain, height, and mass of surrounding development (in particular, historic development), the spaces around built form and the visual impact on views and the character of settlements).
- b) The historic landscape character, as set out in Policy SE10 (Landscape) and informed by the Staffordshire Historic Landscape Characterisation Project.
- c) The character and significance of any Historic Urban Character Areas (HUCAs)
- d) The character and significance of any designated Conservation Area, as identified in the relevant Conservation Area Appraisal, Management Plan and / or Summary Statement.
- e) Heritage and design policies contained within any relevant adopted Neighbourhood Plans.

Development should be of a high quality and include architectural design features and materials that are distinctive to the local area, such as timber-framing, local stone, and Staffordshire blue brick. Contemporary or innovative design can be appropriate where it helps to integrate the development positively with the local area.

Further guidance on general design principles, including architectural quality and materials, is set out in Policy PSD7 (Design). Detailed policy requirements relating to the protection and enhancement of landscape character are set out in Policy SE10 (Landscape).

Positive Approaches to Heritage-led Development

The Council will look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) will be treated favourably.

The Council will take a positive approach to development that conserves and enhances the significance of the Borough's heritage assets. Proposals that better reveal the significance of an asset, particularly where they enable public understanding and enjoyment, will be supported where they comply with other policies in this Plan. This includes, for example, well-designed and sensitively located visitor or tourism infrastructure consistent with Policy EMP3 (Tourism). Such schemes can deliver significant public benefits which will be a key consideration when weighing proposals against any less than substantial harm, in line with the policy tests set out in Policy SE9(3).

Shopfronts

Proposals affecting shopfronts, awnings, canopies and security shutters, particularly within Conservation Areas, must also comply with the specific requirements set out in Policy RET2 (Shop Fronts, Advertisements, New Signage).

Related Documents

- Staffordshire Historic Environment Record (HER) - Staffordshire County Council HER
- Staffordshire Historic Landscape Characterisation Project
- Staffordshire Extensive Urban Survey (Staffordshire County Council, March 2014)
- Newcastle-under-Lyme Historic Character Assessment (Staffordshire County Council, March 2009)
- Staffordshire Historic Farmsteads Survey (and associated documents) - Farmsteads - Staffordshire County Council
- Staffordshire Historic School Building Survey Phases 1 & 2 Reports (Staffordshire County Council, 2007 & 2010)
- Sylloge of Mile Markers in Staffordshire (Staffordshire County Council, Jan 2008)
- Staffordshire Water Meadows Survey (Staffordshire County Council, March 2008)
- Newcastle-under-Lyme Heritage Topic Paper (Newcastle-Under-Lyme Borough Council, Oct 2021)
- Conservation Area Appraisals, Management Plans and Summary Statements (Newcastle-Under-Lyme Borough Council)
- Register of Locally Listed Buildings and Structures (Newcastle-Under-Lyme Borough Council)
- Guidance on Statements of Significance for Heritage Assets (Newcastle-Under-Lyme Borough Council)