

Your Reference:  
Our Reference: ELP/HE  
Enquiries to: Miss K Lancaster  
Direct Dial: (01768) 212309  
Email: kayleigh.lancaster@eden.gov.uk  
Date: 9 March 2016

The logo for Eden District Council features the word "Eden" in a large, elegant serif font. A stylized, wavy line representing a river or landscape element is positioned behind the letter 'E' and extends to the left.

**District Council**

Mansion House, Penrith, Cumbria CA11 7YG  
Tel: 01768 817817

Emily Hrycan  
Historic Environment Planning Advisor (North West)  
Historic England  
Suite 3.3, Canada House  
3 Chepstow Street  
Manchester  
M1 5FW

Dear Ms Hrycan,

Thank you for responding to our recent Local Plan consultation and for your recent communication regarding revisions we have made to the plan as a direct result of your Regulation 19 consultation response, dated 30 November 2015.

The purpose of this letter is to demonstrate how Eden District Council has attempted to address the concerns you raised in your letter and provide clarification about the various amendments we are proposing to the draft Local Plan.

We are confident that we have taken on board the concerns you raised and made the necessary amendments to address these. This letter will deal with each of your concerns in turn, providing an explanation for the amendments we have made. Further detailed information in relation to this can be found within the Council's 'Responses to Representations Statement' (EL1.003) and AD02: List of Suggested Amendments.

The Council has also previously contacted you with a revised draft of Policy ENV10 (The Historic Environment), we would welcome any comments you wish to make on this revised policy.

### **Eden Local Plan 2014-32 Submission Draft**

#### **Response ID 304 – Pg. 15 (SWOT Table)**

The Council fully accepts the representation and the suggested amendments will be incorporated into the table.

#### **Response ID: 305 – Pg. 16, Paragraph 2.3.1, Vision**

Please refer to Appendix 1, which contains the revised wording for Policy ENV10, this policy was previously amended (Main Modification MM41), but has been further amended to reflect the comments made in your email dated 8 March 2016.

The Council considers that the revised wording of Policy ENV10 addresses the concerns raised by Historic England, and is both sound and legally compliant.

**Response ID: 306 – Pg. 18, Objective 11, A Rich Environment**

Please see comments above for Response ID: 305.

**Response ID: 307 – Pg. 28-33, Paragraph 3.3 to 3.53, A Town Plan for Penrith**

Please see comments above for Response ID: 305.

**Response ID: 308 – Pg. 32, Site P94, QEGS Annexe, Ullswater Road, Penrith**

In direct response to the comments made in your response to the Regulation 19 consultation, Eden District Council has commissioned further work to assess the impact of this proposed allocation on the historic environment.

We are currently awaiting the full written assessment, however early discussions indicate that the findings broadly accord with your views, and as such we will recommend that the site is deleted from the plan.

**Response ID: 309 – Pg. 36-39, Paragraph 3.8 to 3.11.1, A Town Plan for Alston**

Please see comments above for Response ID 305.

**Response ID: 310 – Pg. 38, Site AL12, High Mill, Alston**

In direct response to the comments made in your response to the Regulation 19 consultation, Eden District Council has commissioned further work to assess the impact of this proposed allocation on the historic environment.

We are currently awaiting the full written assessment, however early discussions indicate that the findings broadly accord with your views, and as such we will recommend that the site is deleted from the plan.

**Response ID: 311 –Pg. 40-41, Paragraph 3.12 to 3.14, A Town Plan for Appleby**

Please see comments above for Response ID 305.

**Response ID: 312 – Pg. 43-45, Paragraph 3.15 to 3.17, A Town Plan for Kirkby Stephen**

Please see comments above for Response ID 305.

**Response ID: 313 – Pg. 46, Site KS18, Land adjacent to Croglam Park, Kirkby Stephen**

In direct response to the comments made in your response to the Regulation 19 consultation, Eden District Council has commissioned further work to assess the impact of this proposed allocation on the historic environment.

We are currently awaiting the full written assessment, however early discussions indicate that the site is suitable for development in principle. We have carried out a detailed assessment of the potential impact on the built historic environment as well as the archaeological potential of the site. We are recommending a reduction in the number of housing units to be accommodated on the site, and further assessment of the impact will be undertaken at detailed planning application stage.

Please see Appendix 2 for the comments received from the County Archaeologist in relation to this site.

**Response ID: 314 – Pg. 47-50, Paragraph 3.18 to 3.22.2, Rural Areas**

Please see comments above for Response ID 305.

**Response ID: 315 – Pg. 60, Policy DEV5, Design of New Development**

Please refer to Appendix 1, which contains the revised wording for Policy ENV10, this policy was previously amended (Main Modification MM41), but has been further amended to reflect the comments made in your email dated 8 March 2016.

The Council considers that the revised wording of Policy ENV10 addresses the concerns raised by Historic England, and is both sound and legally compliant.

**Response ID: 316 – Pg. 68, Policy HS3, Essential Dwellings for Workers in the Countryside**

The Council fully accepts this representation; the wording of Policy HS3 has been amended.

Please refer to Main Modification MM35.

**Response ID: 317 – Pg. 71, Policy HS7, Gypsy and Traveller Sites**

Please refer to Appendix 1, which contains the revised wording for Policy ENV10, this policy was previously amended (Main Modification MM41), but has been further amended to reflect the comments made in your email dated 8 March 2016.

The Council considers that the revised wording of Policy ENV10 addresses the concerns raised by Historic England, and is both sound and legally compliant.

**Response ID: 318 – Pg. 77, Policy EC4, Tourism Accommodation and Facilities**

The Council acknowledges the importance of conserving and enhancing the historic environment. However, such a change would not be entirely NPPF compliant; the NPPF allows less than significant harm to occur where there is sufficient public benefit. The revised wording as suggested would not allow harm in any circumstances.

Please refer to Appendix 1, which contains the revised wording for Policy ENV10, this policy was previously amended (Main Modification MM41), but has been further amended to reflect the comments made in your email dated 8 March 2016.

The Council considers that the revised wording of Policy ENV10 addresses the concerns raised by Historic England, and is both sound and legally compliant.

**Response ID: 319, Pg. 88, Policy ENV3, The North Pennines AONB**

The wording of Policy ENV3 has been amended; please refer to Main Modification MM38.

**Response ID: 320, Pg. 92, Policy ENV6, Renewable Energy**

The Council acknowledges the importance of conserving and enhancing the historic environment. However, such a change would not be entirely NPPF compliant; the NPPF allows less than significant harm to occur where there is sufficient public benefit. The revised wording as suggested would not allow harm in any circumstances.

Please refer to Appendix 1, which contains the revised wording for Policy ENV10, this policy was previously amended (Main Modification MM41), but has been further amended to reflect the comments made in your email dated 8 March 2016.

The Council considers that the revised wording of Policy ENV10 addresses the concerns raised by Historic England, and is both sound and legally compliant.

**Response ID: 321, Pg. 138, Policy ENV10, The Historic Environment**

Please refer to Appendix 1, which contains the revised wording for Policy ENV10, this policy was previously amended (Main Modification MM41), but has been further amended to reflect the comments made in your email dated 8 March 2016.

The Council considers that the revised wording of Policy ENV10 addresses the concerns raised by Historic England, and is both sound and legally compliant.

**Sustainability Appraisal**

**Response ID: 322, Policy PEN1, A Town Plan for Penrith**

Please refer to Appendix 1, which contains the revised wording for Policy ENV10, this policy was previously amended (Main Modification MM41), but has been further amended to reflect the comments made in your email dated 8 March 2016.

The Council considers that the revised wording of Policy ENV10 addresses the concerns raised by Historic England, and is both sound and legally compliant.

Eden District Council has commissioned a conservation specialist to undertake and additional assessment of the site you have raised concerns about (Site P94). This is due to be completed in mid-March 2016, however, initial feedback would support Historic England's advice, and we agree that the site should be removed from the plan.

**Response ID: 323, Site P94, QEGS Annexe, Ullswater Road, Penrith**

Eden District Council has commissioned a conservation specialist to undertake and additional assessment of this site. This is due to be completed in mid-March 2016.

Initial feedback would support Historic England's advice, and we agree that the site should be removed from the plan.

**Response ID: 324, Policy AL1, A Town Plan for Alston**

Please refer to Appendix 1, which contains the revised wording for Policy ENV10, this policy was previously amended (Main Modification MM41), but has been further amended to reflect the comments made in your email dated 8 March 2016.

The Council considers that the revised wording of Policy ENV10 addresses the concerns raised by Historic England, and is both sound and legally compliant.

Eden District Council has commissioned a conservation specialist to undertake and additional assessment of the site you have raised concerns about (Site AL12). This is due to be completed in mid-March 2016, however, initial feedback would support Historic England's advice, and we agree that the site should be removed from the plan.

**Response ID: 325, Site AL12, High Mill, Alston**

Eden District Council has commissioned a conservation specialist to undertake and additional assessment of this site. This is due to be completed in mid-March 2016.

Initial feedback would support Historic England's advice, and we agree that the site should be removed from the plan.

**Response ID: 326, Policy AP1, A Town Plan for Appleby**

Please refer to Appendix 1, which contains the revised wording for Policy ENV10, this policy was previously amended (Main Modification MM41), but has been further amended to reflect the comments made in your email dated 8 March 2016.

The Council considers that the revised wording of Policy ENV10 addresses the concerns raised by Historic England, and is both sound and legally compliant.

This comment suggests that there has been inadequate assessment of the proposed allocations in relation to the historic environment. We don't feel this comment is justified in the context of the sites proposed.

**Response ID: 327, Policy KS1, A Town Plan for Kirkby Stephen**

Please refer to Appendix 1, which contains the revised wording for Policy ENV10, this policy was previously amended (Main Modification MM41), but has been further amended to reflect the comments made in your email dated 8 March 2016.

The Council considers that the revised wording of Policy ENV10 addresses the concerns raised by Historic England, and is both sound and legally compliant. In direct response to the comments made in your response to the Regulation 19 consultation, Eden District Council has commissioned further work to assess the impact of this proposed allocation (Site KS18) on the historic environment.

We are currently awaiting the full written assessment, however early discussions indicate that the site is suitable for development in principle. We have carried out a detailed assessment of the potential impact on the built historic environment as well as the archaeological potential of the site. We are recommending a reduction in the number of housing units to be accommodated on the site, and further assessment of the impact will be undertaken at detailed planning application stage.

Please see Appendix 2 for the comments received from the County Archaeologist in relation to this site.

**Response ID: 328, Site KS18, Land adj to Croglam Park**

In direct response to the comments made in your response to the Regulation 19 consultation, Eden District Council has commissioned further work to assess the impact of this proposed allocation on the historic environment.

We are currently awaiting the full written assessment, however early discussions indicate that the site is suitable for development in principle. We have carried out a detailed assessment of the potential impact on the built historic environment as well as the archaeological potential of the site. We are recommending a reduction in the number of housing units to be accommodated on the site, and further assessment of the impact will be undertaken at detailed planning application stage.

Please see Appendix 2 for the comments received from the County Archaeologist in relation to this site.

**Response ID: 329, Policy ENV10**

Please refer to Appendix 1, which contains the revised wording for Policy ENV10, this policy was previously amended (Main Modification MM41), but has been further amended to reflect the comments made in your email dated 8 March 2016.

The Council considers that the revised wording of Policy ENV10 addresses the concerns raised by Historic England, and is both sound and legally compliant.

**Infrastructure Delivery Plan**

**Response ID: 330**

We note that you have no specific comments to make on this document, at this stage.

I would be grateful if you could review the information provided within this letter and confirm whether you are satisfied that your concerns have been adequately addressed. If you do not consider that your concerns have been addressed please can you identify the specific elements which may require further consideration or discussion.

Please do not hesitate to contact me should you require any further information or assistance.

Yours sincerely,

*K Lancaster*

Kayleigh Lancaster  
Planning Policy Officer

## **Appendix 1**

### **Policy ENV10 – The Historic Environment**

Great weight will be attached to the conservation and enhancement of the heritage assets and their setting which make Eden distinctive. Key elements include:

- Castles, houses and their parks and gardens including Appleby, Brough, Brougham, Dacre, Dalemain, Kirkoswald, Lowther and Penrith
- Roman sites such as Voreda, and associated archaeology.
- Prehistoric heritage including Long Meg and her Daughters, the henges of Mayburgh and King Arthurs Round Table, and also the numerous megalithic sites, burial cairns and rock arts.
- Conservation areas across the district and in particular Penrith and the Market Towns of Alston, Appleby and Kirkby Stephen which fulfil an important social and economic function.
- Remains of historic industrial activity such as sites on Alston Moor including Nenthead and Whitesyke
- Upland farming landscapes and their buildings.

Development proposals will be expected to avoid harm to the historic environment wherever possible, and should aim to positively enhance Eden's historic environment.

In determining planning applications for development proposals that may affect the historic environment key considerations will be the significance of the heritage asset, the degree of harm that will be caused, and the degree of public benefit that will result from the development.

Development proposals that would result in substantial harm to or total loss of significance of a designated heritage asset or its setting will only be permitted where it can be clearly demonstrated that substantial public benefits would outweigh the harm, and that the harm is necessary to achieve those benefits.

Any proposals that cause substantial harm to or loss of a grade I or II\* Listed Building, a Scheduled Monument, or a grade I or II\* Registered Park and Garden, will only be permitted in wholly exceptional circumstances. Proposals that cause substantial harm to a grade II Listed Building, a grade II Registered Park and Garden and a Conservation Area will only be permitted in exceptional circumstances.

Where a development proposal will lead to less than substantial harm to a designated heritage asset, the harm will be weighed against the public benefit of the proposal in determining the application.

Any proposals that affect a non-designated heritage asset will be judged on the significance of the heritage asset and the scale of the harm.

## **Explanation**

- 4.33.1 One of the features that makes Eden so unique is the quality of its historic environment. The district has twenty-four conservation areas, 1,600 listed buildings, over 200 scheduled ancient monuments and 5 registered parks and gardens. The full list of designated assets can be found on Historic England's website. Eden's historic environment is not only enriched by its designated heritage assets but also the wealth of other assets such as locally important buildings, earthworks and below ground archaeology and the landscape in which it sits. Together all these assets form an irreplaceable resource for understanding the past.
- 4.33.2 Listed buildings are protected by statutory controls, with listed building consent needed to carry out works to buildings. In addition, planning permission can be needed where changes require substantial changes or demolition. This policy therefore sets out the criteria against which such applications will be judged.
- 4.33.3 Conservation areas are legally defined as areas of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. The special character relates to the quality and interest of an area as a whole, rather than just individual buildings. In conservation areas, the normal 'permitted development' rights which enable certain extensions and alterations to be carried out without the need to obtain planning permission are reduced, thereby bringing more development under planning control.
- 4.33.4 Development proposals in Conservation Areas will be required to be of a high quality and sensitive design and should be based on a careful consideration of issues such as scale, density, height and materials.
- 4.33.5 Proposals that will have an impact on any heritage asset, whether designated or not, should be accompanied by an assessment of the significance of the heritage asset and how that significance will be affected by the proposed development. The level of information required will be proportionate to the asset's significance and to the scale of impact of the proposal, and may require, where necessary, archaeological field investigation. Any heritage asset, whether designated or not, that is harmed by a proposal will need to be recorded by the developer to a level that is proportionate to its significance and to the scale of impact of the proposal. The information will need to be made publically accessible in the County's Historic Environment Record.

## **Reason for the Policy**

- 4.33.6 The district contains an extensive wealth of heritage assets. These all represent a finite, non-renewable resource that is a significant asset in terms of quality of life and local distinctiveness. The historic environment makes a strong contribution to the attractiveness of the area for tourism and business as well as being a driving force in conservation led regeneration. There needs to be a strong emphasis on the protection and enhancement of these sensitive environments.

4.33.7 This policy includes safeguards to make sure that the character and appearance of heritage assets is protected. It also includes the criteria against which development requiring permission involving a conservation area or listed building will be judged.

## **Appendix 2 – Historic Environment Officer Comments**

Thanks for the email.

I understand Historic England's concern for the archaeological potential of the site as it lies only 75 metres from the Scheduled Monument of Croglin Castle. The sites close proximity to the Scheduled Monument is why, when I was approached last year by an agent regarding the potential development of the site, I undertook some further research in to it. I visited the site, looked at the available aerial photos we have, and looked at the report for the archaeological work that had previously been undertaken on an adjacent site. No remains were found in the archaeological investigation on the adjacent site. I came to the conclusion that there is some potential for archaeological remains to survive on the site but these are very unlikely to be connected to the Scheduled Monument and are also very unlikely to be of such significance as to warrant preservation. On the balance of evidence, any remains that do survive there are most likely to be of local significance and so would require investigation and recording, which could be undertaken once any planning consent for the site has been granted.

So, you have two professional opinions, mine and HE's, and they slightly differ from one another. I hope you can appreciate though, from what I have written above, that I have drawn my conclusion from an evidence base that is wider than just the proximity to the Scheduled Monument.

Kind Regards

Jeremy Parsons

Historic Environment Officer