

**Position Note for Inspector**  
**Matter 1 and the Assessment of Heritage Assets**  
**June 2021**

**1. The SA Process**

- 1.1 The Sustainability Appraisal (SA) of the Gloucester City Plan (GCP) was undertaken by the City Council's consultant *Enfusion*. It is worth noting that all Specific Consultation Bodies (aka Statutory Consultees), including Historic England, have considered the SA to be sound, legally compliant and in accordance with the Duty to Cooperate.
- 1.2 The SA has been undertaken in an iterative, ongoing, and transparent way with plan-making stages and consultations since initial SA studies and SA scoping by the Council in 2012-2013. Table 1.1 in CD005 presents the timetable of plan-making and assessment stages with dates of public and formal consultations, including published SA reports. The Council appointed independent SA, SEA, and HRA/AA specialists in 2016 – *Enfusion*. SA Reports were published in 2012, 2013 and 2016 and another in 2019 to accompany the Pre-Submission version of the GCP. Below is a summary of the formal stages:
- 'Scope' Gloucester City Plan – 2011 (Regulation 18).
  - Part 1 Gloucester City Plan 'Context and Key Principles' – 2012 (Regulation 18).
  - Part 2 Gloucester City Plan 'Places, Sites and City Centre Strategy' – 2013 (Regulation 18).
  - Draft Gloucester City Local Plan - 2017 (Regulation 18).
  - Pre-submission Gloucester City Plan - 2019 (Regulation 19).
  - Submission (Regulation 20).
- 1.3 Through these various stages of the GCP, and even prior to the Regulation 18 consultations, through early work on the JCS different options for accommodating proposed growth, including through site allocations were tested. Through these stages, over a number of years, many site options have been considered and tested through the SA process. In terms of the overall context and development of the GCP a number of sites were suitable and reasonable alternatives at a point in time, but they either a) got planning permission and so dropped out of the allocation list; or b) were suitable but were no longer available for development for various reasons. Two examples from the 2017 (Regulation 18 consultation) are the potential housing sites: SA04 Helipebs site at Sisson Road and SA19: Land adjacent to Eastgate Shopping Centre. Both sites were reasonable alternatives for allocation, but both subsequently became unavailable.
- 1.4 The SA Report [CD005] in section 4 describes the approach to assessing reasonable alternatives in SA and options in the plan-making process. It is noted that different options for accommodating proposed growth for the JCS authorities have been considered and variously subject to SA/SEA and consultation since early studies in 2004-6, through iterations of the emerging JCS 2009-2014, with Main Modifications and JCS adoption in December 2017. Consideration of options was discussed during the examination of the JCS and this included reflection on the proposed Strategic Site Allocations (Policy SA1) to meet Gloucester's identified need for development.

- 1.5 The initial SAs (2012 & 2013) explained that there is limited possibility for investigating options for sites through the GCP. At the draft GCP stage in 2017, the SA tested all options for new development identified through the calls for sites and site assessment process/Strategic Assessment of Land Availability (SALA). It was noted that Gloucester City is not able to meet its identified housing and employment land need through available land within the City Council's area. Therefore, all non-strategic site options that were identified as reasonable (available, suitable and achievable/deliverable) at that point in time were progressed for testing through SA.
- 1.6 Responses to the consultation on the Draft Plan were considered and the GCP was further developed into the Pre-Submission stage (2019). The options for sites were updated to take account of changes such as revised capacities and the proposed sites confirmed as allocations. This is explained in the SA Report (2019) [CD005] in section 6. Thus, all the relevant sites identified during early studies and subsequent drafting of the Plan have been tested through SA.
- 1.7 Local Plans are 'sound' if they are, amongst other things: justified i.e. an appropriate strategy, taking into account the reasonable alternatives, based on proportionate evidence. Subject to review on normal public law principles, it is for the plan-maker to decide the reasonable alternatives relevant to the Plan. There is no requirement to test all options i.e. those that are not considered to be reasonable because this, for many local authorities, could be a very long list and unreasonably costly in terms of time and resources. So how does a local authority sift or screen sites to find those that are suitable and thus 'reasonable'? Though obviously not automatically determinative, it is reasonable for local authorities to draw upon the strategic land availability process. That process is outlined in the NPPG paragraphs on Housing and Economic Land Availability Assessment<sup>1</sup>. For the JCS authorities the national guidance is followed but the process is referred to as the Strategic Assessment of Land Availability (SALA) process.

## **2. The Council's Strategic Assessment of Land Availability (SALA) Process**

- 2.1 The purpose of the SALA process is to find and assess development sites and to ascertain if they are suitable, available and achievable (economically viable). Sites not considered to be suitable are not considered to be reasonable alternatives in an SA.
- 2.2 Gloucester City follows the published SALA methodology of the three JCS authorities. Sites are assessed at an appropriate level, but clearly not at the level of detail expected with a planning application. The areas of focus are: Green Belt, AONB, Flood Risk, Access/Accessibility including Highways, Topography/Landscape, Cordon Sanitaire, Contamination, Heritage and Wildlife/Biodiversity.
- 2.3 In terms of the assessment of Heritage assets and constraints, the following process is followed:

*When new proposed sites for the SALA are submitted to the City Council the Planning Policy Team consult the Heritage Team as a matter of course.*

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<sup>1</sup> NPPG Paragraph 001 Reference ID: 3-001-20190722 through to paragraph 026 Reference ID: 3-026-20190722.

*When consulted about a particular site the Heritage Team are provided with the submitted form and the red line site boundary and asked to comment on any potential heritage issues relating to the site, and the suitability of the site for inclusion in the SALA and potential allocation in the GCP.*

*The following process has been undertaken for every single site submitted to the SALA and referred on to the Heritage Team:*

*The **City Archaeologist** reviews the Gloucestershire Historic Environment Record (this is a GIS supported database of all known heritage assets and archaeological interventions in the county managed by Gloucestershire County Council in partnership with the City Council – it currently contains approximately 52,000 records) to check for known or potential heritage assets within or adjacent to the site. This is combined with a review of historic maps and any available historic sources. The City Archaeologist then makes a professional judgment based on this dataset for every site proposed for the SALA. A written response is then sent to the Planning Policy Team – the length of the response will vary depending on the size and complexity of the site.*

*The **Principal Conservation Officer** reviews Listed Buildings data held by the City Council along with historic maps of the site (and other historic sources as appropriate). Where appropriate conservation area appraisals are also reviewed. The Conservation Officer then makes a professional judgment based on this available evidence for every site proposed for the SALA. A written response is then sent to the Planning Policy Team. As with the archaeologist, the length of the response depends on the size and complexity of the site.*

*In preparing their responses both officers are guided by the National Planning Policy Framework and all appropriate legislation and guidance. This is a consistent process undertaken for every site submitted to the SALA. The results of this consultation are then summarised within the main body of the SALA.*

- 2.4 In paragraph 10 of their Hearing Statement on Matter 1, Black Box Planning references the NPPG in preparing Housing Land Availability Assessments. The guidance states: *‘an important part of the desktop review, however, is to identify sites and their constraints, rather than simply to rule out sites outright which are known to have constraints.’<sup>2</sup> However the guidance also goes on to say *‘Where constraints have been identified, the assessment will need to consider what action could be taken to overcome them. Examples of constraints include policies in the National Planning Policy Framework and the adopted or emerging development plan, which may affect the suitability of the site, and unresolved multiple ownerships, ransom strips tenancies or operational requirements of landowners, which may affect the availability of the site.’<sup>3</sup>**
- 2.5 It is clear from these references that the NPPG aims to ensure that otherwise suitable sites are not sifted out too quickly at the initial stages of assessment. However, what the NPPG does not advocate is that every single site submitted to a local planning authority must be found suitable and that every constraint must be overcome through mitigation. Paragraph 14 of the NPPG<sup>4</sup> on preparing Housing Land Availability Assessments states (emphasis added): *‘At this stage [following the initial assessment], there may be some sites which,*

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<sup>2</sup> NPPG Paragraph 010 Reference ID: 3-010-20190722 Revision date 22.07.2019

<sup>3</sup> NPPG Paragraph 021 Reference ID: 3-021-20190722 Revision date 22.07.2019

<sup>4</sup> NPPG Paragraph 014 Reference ID: 3-014-20190722 Revision date: 22.07.2019

*when taking into account national policy and designations, it will not be appropriate to carry out these more detailed assessments for, where it is clear that they will not be suitable for development. The initial surveys need to be proportionate, with a more detailed assessment being made at Stage 2'.*

- 2.6 In looking at constraints, planning professionals and others are expected to use their professional judgement and expertise and to look at the Local and National policy context, bearing in mind the three overarching objectives of sustainable development (economic, social an environmental).
- 2.7 The use of the term 'could' and not 'should' in NPPG Paragraph 021 Reference ID: 3-021-20190722 clearly indicates that there could be sites with constraints that can't be overcome. In practice every local planning authority periodically deals with such sites. Some obvious potential examples are given below:
- Sites in flood zones 3a and 3b for certain types of vulnerable development.
  - Sites where coastal erosion would lead to inevitable land lost to the sea.
  - Sites where Internationally and Nationally important landscapes and biodiversity would be damaged by development.
  - Sites where Internationally and Nationally important heritage assets would be damaged by development.

### **3. The assessment of SALA Ref: 06NEW17 – Land East of Winneycroft Lane and North of Green Farm'**

- 3.1 In their Hearing Statement on Matter 1, Blackbox Planning on behalf of Bromford and Edward Ware Homes made comments on the assessment of the 06NEW17 site. The Council offers the following comments in response to this Hearing Statement and the comments made at the Examination hearings on Tuesday 11<sup>th</sup> May 2021.
- 3.2 The site was first submitted to the SALA process in 2017. Like all other sites, it was fully assessed by the Heritage Team. At the November 2017 SALA Panel the following information was presented to those attending:
- 'The centre of the site contains the Scheduled Monument (the medieval moated site at Sneedham's Green 1019399). Scheduled Monuments are afforded the highest level of heritage protection in England and in the view of the Council conservation officers backed by Historic England development on this site is not suitable due to potential impacts on the monument and its setting. Apart from the Scheduled Monument, the site is also adjacent to a known Roman settlement and any application would need to be supported by a desk-based assessment, trial trench evaluation and geophysical survey.'*
- 3.3 The site was submitted to the SALA again in 2019 and assessed again by the Heritage Team. Their comments are as follows:
- 'The site contains a scheduled monument (the medieval moated site at Sneedham's Green). The site is also adjacent to a known Roman settlement. Any application should be supported by a desk-based assessment, trial trench evaluation and geophysical survey. Development options are likely to be limited by heritage assets. Historic England should be consulted with regard to any application. Will require a full SALA Heritage Assessment.'*

- 3.4 In terms of the Heritage Team's assessment of the 06NEW17 SALA submissions, these were not done in isolation and the site was not new to the Council. It is relevant to note that in undertaking evidence gathering for the JCS Strategic Allocation at Winneycroft, significant work was undertaken involving the Council's Heritage Team and Historic England feeding into the Masterplanning process. One of the goals was to help to protect the setting of the Scheduled Monument to the south by creating an appropriate buffer between the housing and the fields in which the Monument is located. Thus on Masterplans and on permitted applications (14/01063/OUT & 18/01141/REM) the sports pitches and recreational parks are located to the south acting as a buffer.
- 3.5 A request for an EIA screening opinion (17/00533/EIA) for the site was received on 11.05.2017. Historic England's response included the following: *'Based on the information supplied we consider that the development has the potential to cause harm to the significance of the monument, through a change in its setting. It is unlikely that Historic England would support an application for development on this site.'*
- 3.6 Referring back to the points made in paragraphs 2.4 to 2.7 of this note, planners and heritage professionals concluded that the site was not suitable based on:
- A tried and tested process/methodology as described in Para 2.3.
  - Professional judgement based on local knowledge.
  - Specific advice from Historic England through EIA screening and through liaison.
  - Reference to constraints in the NPPF and Local Policy.
  - Work undertaken to protect the setting of the Scheduled Monument as part of JCS master planning.

#### **4. History of Site Historic Environment Assessments**

- 4.1 At Paragraph 11 of their Hearing Statement on Matter 1, Blackbox Planning have outlined what they consider to be inconsistencies in terms of the assessment of heritage matters as part of the SALA process. The Council wishes to clarify matters.
- 4.2 In 2016 and 2017 the City Council undertook a series of Site Historic Environment Assessments of a number of sites that had been submitted to the SALA. All the sites chosen for assessment had already been commented upon by the City Archaeologist and the Principal Conservation Officer. These additional assessments were akin to a planning brief with a strong heritage focus. They were undertaken by a proactive heritage team to act as an aid to provide further detail on Gloucester's sites at the time and an understanding of their complexity. As with a planning brief, although the assessments took time and resources to produce, they were considered worthwhile in that the assessments would be instructive for decision makers and potential developers on sites where it was deemed:
- That heritage assets were likely to be a consideration;
  - That there were likely to be complex heritage issues to understand; and
  - There was currently limited information.
- 4.3 It is important to note that the Site Historic Environment Assessment were only undertaken at a point in time and with resources available at the time. That same level of resource is not currently available to the Council and thus these reports are no longer produced. Where there are SALA comments from the Heritage Team indicating that a Site Historic

Environment Assessment or a SALA Heritage Assessment will be required, it is expected that these will be undertaken by developers as part of their assessment of sites which they may intend to submit as a pre-application or application.

- 4.4 A number of sites that had a Site Historic Environment Assessment did not come forward for allocation for a number of other reasons. A good example is SALA site SUB33 – Land at Snow Chapel Farm. This site did not come forward and was not considered suitable due to landscape sensitivity and its remote location. Another example is FS15, Redcliffe College, Horton Road – this site becoming unavailable for allocation.
- 4.5 Ultimately then every site in the SALA has been subject to exactly the same, consistent assessment with regard to heritage as described in paragraph 2.3 of this note. The Site Historic Environment Assessments were additional detail and mainly useful as a guide for developers or decision makers should a future planning application for development be submitted. This is an example of the Council using the resources it had at a point in time, assisting developers – effectively doing some of the background work for them.
- 4.6 Black Box Planning, at Paragraph 11 of their Hearing Statement on Matter 1 state that the site 06NEW17 – Land East of Winneycroft Lane & North of Green Farm '*...was considered as part of the August 2019 SALA, but discounted on the basis of not being suitable. This was due to heritage impacts, albeit it was recommended for a more detailed SALA Heritage Assessment. This was not completed until September 2019.*' To clarify from the City Council's perspective:
  - a. The site was discounted due to potential impacts on nationally significant heritage assets (as advised by Historic England) but contributing factors were also the presence of protected species, landscape concerns and the isolation of the site from existing built development.
  - b. Black Box Planning's reference to the Heritage assessment completed in 2019 refers to a 'Note' produced by the Council. This is not a Site Historic Environment Report. It was a note produced to provide clarity on the Council's position and to highlight Historic England's position in their EIA screening opinion. When the Heritage Team state that a Site Historic Environment Report is needed it refers to additional work which would assist developers or decision makers should a planning application be submitted where greater detail is required. The Council make their assessments for the SALA but this in no way prevents a developer from submitting a planning application and the SALA does not pre-determine that outcome. On this matter it is important to read the disclaimer that accompanies every published SALA report.
- 4.7 Black Box Planning also state that the site 07NEW17 Land East of Sneedhams Road (Draft allocation SA15) should have had a Site Historic Environment Assessment, but again, this is for developers to undertake as part of their evidence gathering and/or pre-app or application process. All SALA sites and City Plan sites have been assessed at the appropriate level of detail. This is backed up by the fact that Historic England have not raised any objections and consider the Plan to be sound and legally compliant.