



## Local Plan for the Broads

### Statement of Common Ground

#### Between the Broads Authority & Historic England

#### In relation to comments made as part of the first Regulation 19 consultation

November 2025

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### 1. Introduction

The first Regulation 19 consultation on the Local Plan for the Broads was held over the summer in 2025. This is one of a series of Statements of Common Ground that relate to comments made as part of that consultation. The comments are included, as well as response from the Broads Authority. If a change is proposed, that is also included.

There is a section relating to areas of agreement and areas of disagreement.

## 2. Areas of agreement

Part of Local Plan	Meets the legal and procedural requirements?	Met the tests of soundness?	If not meet tests of soundness, which test?	Why you consider this part of the Plan is not legally compliant or sound/comment	What change(s) you consider necessary to make the Plan legally compliant or sound.	Broads Authority response to comment	Proposed change to Local Plan.
Policy PUBDM13: Heritage Assets	Yes	No	-	<p>The current policy wording conflates the NPPF's approach to designated and non-designated heritage assets, particularly in relation to the tests of substantial harm and less than substantial harm. We support the overall direction of Policy PUBDM13. However, we recommend that the Authority reviews point 3 (Identified and unidentified non-designated heritage assets) and 4 (Archaeology) to ensure consistency with the National Planning Policy Framework (NPPF). As currently drafted, the policy wording does not fully reflect national policy and is therefore not sound. Nonetheless, we believe this can be readily addressed through minor modifications.</p> <p>3: Identified and unidentified non-designated heritage assets: It is particularly important that the policy distinguishes clearly between the tests of harm applicable to designated and non-designated heritage assets. Paragraph 214 of the NPPF sets a high bar for substantial harm or total loss of designated heritage assets, requiring clear and convincing justification and demonstration of substantial public benefits. In contrast, paragraph 216 requires a balanced judgement for non-designated heritage assets, having regard to the scale of harm and the asset's significance. These distinct approaches should be reflected accurately in the policy wording to avoid conflation.</p>	To ensure consistency with the National Planning Policy Framework (NPPF), we consider it necessary to amend the policy wording. The revised text should more closely reflect the language and intent of the NPPF. We would welcome the opportunity to meet and discuss this further.	Agree with comment. Further to this response, Historic England provided suggested wording amendments which we are content with. Changes supported by Heritage Officer at Broads Authority.	<p>3. Identified and unidentified non-designated heritage assets</p> <p><del>Where local heritage assets (identified or unidentified) are affected by development proposals, their significance should be retained within development. Development resulting in harm to or loss of significance of a locally identified asset will only be acceptable where:</del></p> <p><del>i. there are demonstrable and overriding public benefits associated with the development; and</del></p> <p><del>ii. it can be demonstrated that there would be no reasonably practicable or viable means of retaining the asset within a development.</del></p> <p><u>Development proposals that would result in harm to the significance of a non-designated heritage asset (identified or unidentified) will be considered in the context of national policy. A balanced judgement will be made having regard to:</u></p> <ul style="list-style-type: none"> <li><u>• the significance of the heritage asset,</u></li> <li><u>• the scale of any harm or loss, and</u></li> <li><u>• the public benefits of the proposal.</u></li> </ul> <p><u>Applicants should consult the Historic Environment Record and provide an appropriate assessment of the asset's significance and the potential impact of the development. Proposals should demonstrate how harm has been avoided or minimised, and where appropriate, how the asset's significance will be preserved or enhanced.</u></p>

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Policy PUBDM13: Heritage Assets	Yes	No	-	<p>The current policy wording conflates the NPPF's approach to designated and non-designated heritage assets, particularly in relation to the tests of substantial harm and less than substantial harm. We support the overall direction of Policy PUBDM13. However, we recommend that the Authority reviews point 3 (Identified and unidentified non-designated heritage assets) and 4 (Archaeology) to ensure consistency with the National Planning Policy Framework (NPPF). As currently drafted, the policy wording does not fully reflect national policy and is therefore not sound. Nonetheless, we believe this can be readily addressed through minor modifications.</p> <p>4: Archaeology: we recommend that criterion (d) be reviewed. It currently appears to address harm to both designated and non-designated heritage assets. However, as discussed above the thresholds set out in paragraphs 214 and 216 of the NPPF differ considerably. If the intention is to apply this policy only to non-designated archaeological remains of equivalent significance to scheduled monuments (as referenced in paragraph 213(b), footnote 75 of the NPPF), this should be made explicit. The policy also omits a key element of the test in paragraph 214, namely that the harm or loss is necessary. It is not enough for substantial public benefits to outweigh the substantial harm, the harm itself needs to be necessary to achieve the public benefits. We recommend that paragraph (d) be amended to ensure consistency with the Framework.</p>	To ensure consistency with the National Planning Policy Framework (NPPF), we consider it necessary to amend the policy wording. The revised text should more closely reflect the language and intent of the NPPF. We would welcome the opportunity to meet and discuss this further.	Agree with comment. Further to this response, Historic England provided suggested wording amendments which we are content with. Changes supported by Heritage Officer at Broads Authority.	<p>4. Archaeology</p> <p>c) There will be a presumption in favour of preservation in-situ for Scheduled Monuments and other archaeological heritage assets <u>that are demonstrably of equivalent</u> significance.</p> <p>d) Development proposals that will result in unavoidable harm to, or loss of, an archaeological heritage asset's significance <u>will be considered in the context of national policy, having regard to the significance of the asset.</u> <del>Harm to, or loss of, an Scheduled Monument's significance will only be permitted where there is a clear justification in terms of public benefits arising from the development which outweigh that harm and,</del> In the case of substantial harm/loss of a Scheduled Monument and other archaeological heritage assets that are <u>demonstrably of equivalent significance, proposals must</u> also meet the following requirements:</p> <p>i. There is no less harmful viable option;</p> <p>ii. The amount of harm has been reduced to the minimum possible; and</p> <p>iii. Satisfactory provision is made for the evaluation, excavation, recording interpretation, dissemination and archiving of the remains and then interpretation, dissemination and archiving before the commencement of development.</p>

### 3. Areas of disagreement

None.

### 4. Signed

For the Broads Authority: Natalie Beal, Planning Policy Officer, 12 November 2025

For Historic England: Andrew Marsh, Historic Environment Planning Adviser, 12 November 2025