

WDC Matter 14 Submission - Amendments to Policy TR2

At the Matter 14 hearings on 14th December Policy TR2 was discussed. In January 2015 (Doc LP21) the Council proposed to an additional clause within Policy TR2 to address representations made by Historic England. The addition read as follows:

"Any development that results in substantial harm to the significance of heritage assets as a result of traffic generation will not be permitted unless effective mitigation can be achieved. Where the harm to the significance of heritage assets is less than substantial, development will be permitted where it can be demonstrated that the benefits of the development outweigh the harm."

The discussions at the hearings suggested that the wording is not entirely consistent with paras 132 and 133 of the NPPF in that it does not allow for exceptional or wholly exceptional circumstances to override substantial harm.

The Council therefore proposed to retain the additional clause suggested in LP21 but to amend it as follows:

"Any development that results in substantial harm to the significance of heritage assets as a result of traffic generation will not be permitted unless either effective mitigation can be achieved or the harm is clearly and convincingly justified by exceptional circumstances (or in the case of grade I and grade II* assets, wholly exceptional circumstances). Execptional o wholly exceptional cricumstances will be assessed in line wth paragraph 133 of the NPPF (or subsequent relevant updates to national policy). Where the harm to the significance of heritage assets is less than substantial, development will be permitted where it can be demonstrated that the benefits of the development outweigh the harm."