

Report to: **Strategic Planning Committee**

Date of Meeting: 10 June 2019

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: 9

Subject: **East Devon Guide for the Listing of Local Heritage Assets**

Purpose of report: To advise Members on the outcome of the public consultation on the draft East Devon Guide to the Listing of Local Heritage Assets

Recommendation: **That the draft East Devon Guide for the Listing of Local Heritage Assets be adopted, subject to amendments arising from the consultation as set out in this report.**

Reason for recommendation: To gain formal approval of the amended East Devon Guide for the Listing of Local Heritage Assets.

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Financial implications: The provisions for accounting for Heritage Assets introduced in Financial Reporting Standard (FRS) 30 and adopted into FRS 102 will apply to all heritage assets that are held and maintained by the District council

Legal implications: There are no legal implications other than those set out in the report

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: Consultation Details:
<http://eastdevon.gov.uk/planning/planning-policy/heritage-strategy-and-draft-local-list-guide/draft-local-list-guide/>

EDDC (2018) draft Heritage Strategy
<http://eastdevon.gov.uk/planning/planning-policy/heritage-strategy-and-draft-local-list-guide/heritage-strategy/>

DGLC (2018) National Planning Policy Framework: 16. Conserving and enhancing the historic environment; Annex 2: Glossary
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

DGLC (2014): National Planning Practice Guidance: Conserving and enhancing the historic environment, paragraph 006
<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>



Historic England (2016), Local Heritage Listing; Historic England Advice Note 7 <https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/heag018-local-heritage-listing/>
Historic England (2015) Historic Environment Good Practice Advice in Planning Note 1 <https://historicengland.org.uk/images-books/publications/gpa1-historic-environment-local-plans/gpa1/>

Link to Council Plan: [Delivering and promoting our outstanding environment](#)
[Encouraging communities to be outstanding](#)

Report in full

On 29th January 2019, Members of the Strategic Planning Committee agreed to a public consultation on a draft East Devon Local List Guide for six weeks from 6th February – 19th March 2019, in accordance with the adopted Statement of Community Involvement.

The guide advises local communities on the identification and assessment of non-designated heritage assets for inclusion on a local list. It will be of interest in particular to specialist local history groups and neighbourhood planning groups in the formulation of plans for their local area. The title of the guide been changed in response to comments received on the consultation.

1. What is a Local List?

- 1.1 Heritage assets may be nationally designated assets, such as Listed Buildings or Registered Parks and Gardens, internationally inscribed assets such as World Heritage Sites, or more locally important 'non-designated' assets. The latter are identified by the local planning authority and recorded on a 'local list'. The purpose of a local list is to identify high quality, locally significant built or landscape features that are not subject to any other heritage designations.
- 1.2 High levels of neighbourhood planning in East Devon are helping to focus communities on what features of their environment are highly valued and add to local distinctiveness. While the responsibility for including heritage assets on the local list lies with the Council, it is often at the neighbourhood level that locally valued heritage features are identified and it is important to adopt an approach that makes best use of this resource.
- 1.3 The impact of development proposals on all heritage assets must be considered when preparing plans, including neighbourhood plans, and in assessing planning applications. When planning applications are submitted, any implications for heritage assets included on the local list must be taken into account when a decision is made.
- 1.4 However inclusion on the list will not automatically mean refusal of any application that involves its alteration or loss. National policy advises that heritage assets should be conserved in a manner appropriate to their significance. In weighing an application that may affect a non-designated asset, a balanced judgement is required regarding the scale of any harm or loss and the significance of the asset.
- 1.5 Policy EN8 of the adopted East Devon Local Plan requires applicants to provide an 'Assessment of Significance' to understand the potential impact of proposals on any heritage asset, including those identified on the local list. There are no additional restrictions or planning controls over alterations or demolition on locally listed heritage assets.

2. Why do we need a guide for the listing of local heritage assets?

- 2.1 Local Planning Authorities are required to set out a positive strategy for the conservation and enjoyment of the historic environment in their Local Plan. (NPPF paragraph 182). East Devon District Council has produced a Heritage Strategy for 2019 – 2031 that has recently been adopted. It recommended the production of a local list guide, and following this, for a local list to be established.
- 2.2 Policy EN8 of the adopted Local Plan requires locally listed (or non-designated) assets to be taken into account when developing a proposal, but it is difficult for applicants to identify these in East Devon at the current time and for neighbourhood planning groups to know what is locally listed in their area.
- 2.3 We have no formal mechanisms in place for considering community requests for additions to the local list. In practice, at the moment, non-designated heritage assets tend to be identified through the development management process when it is more difficult for the significance of the asset and its setting to be taken into account when development proposals are planned.
- 2.4 The East Devon Local Development Scheme endorsed by the Strategic Planning Committee in July 2018 includes the following for production during 2018 – 19: “East Devon Local List – this guidance will set out processes we will follow to establish, working with local communities, lists of buildings and features that although not of national importance are of recognised value and are worthy of protection”.
- 2.5 Work being undertaken on neighbourhood planning, together with initiatives by amenity groups such as Sid Vale Association and the Otter Valley Association has resulted in significant numbers of assets being put forward for consideration for local listing. It is important that assets nominated for the local list are judged against firm selection criteria so that the process is consistent and so that the list is not devalued.
- 2.6 The Heritage Strategy recommends working more with local communities, starting with pilot schemes in specific geographic areas. Local listing assessment may take place initially in specific areas as part of such a pilot scheme. Approval of the draft amended guide at this stage will be beneficial for the delivery of the Heritage Strategy.

3. What does the draft East Devon Guide for the Listing of Local Heritage Assets say?

- 3.1 The amended document is appended to this report. It explains what designated and non-designated heritage assets are and sets out the reasons for, and benefits of, producing a local list.
- 3.2 In accordance with Historic England guidance the guide includes an overarching statement for East Devon that sets out key elements of historic distinctiveness for the district that helps to develop the local selection criteria that are included. The local selection criteria are based on those set out in the Historic England Advice Note 7 but are adapted to suit the particular characteristics of East Devon.
- 3.3 In addition to selection criteria, the draft guide sets out a procedure by which nominations for heritage assets to be included on the list will be assessed. All nominations need to follow a prescribed form that includes a location plan, photograph and any evidence to support the asset meeting at least one of the selection criteria set out in the guide.

- 3.4 The assessment procedure requires that nominations for items on the list are made by town and parish councils, ward members, neighbourhood planning groups and properly constituted local amenity groups. Individuals may make nominations through any of these groups or ward members.
- 3.5 The groups described will be responsible for gathering evidence to support a nomination, consulting with owners and local communities (and occupiers where relevant), and nominating item/s or a shortlist of proposed assets to the Council. Comprehensive surveys by these groups are to be particularly welcomed, especially if local people have been encouraged to take part in the process.
- 3.6 In some circumstances it may be appropriate for the Council to consult with an owner (and occupier where relevant) of an asset to be nominated for consideration, for example where there is inconclusive evidence of community consultation, where circumstances may have changed, or where complexities have become apparent.
- 3.7 Once submitted, the Council will consider nomination/s and make a decision on whether the item/s will be included on the local list. The final ratification of assets for the local list will be made by the Service Lead for Planning, having sought views as appropriate from colleagues.

4. Resource Implications

- 4.1 The guide will establish the criteria that need to be considered to allow an item to be put on to the list (the process side). For an asset to get onto the list, details will need to be submitted and a decision made on each item. The responsibility for providing evidence of an asset meeting the criteria rests with the nominating group, as well as consultation with owners and occupiers (where known) and with the local community.
- 4.2 Once nominations have been received by the Council, there are resources within the policy team that can help to process information from submitted lists, especially where there are many items to be assessed.
- 4.3 Where a local group or council has nominated many items for a list through a rigorous process, Council staff may request further detail on that process from the organisation, or for further information to be gathered, to ensure that minimum time is needed to make a decision on nominations for the list.
- 4.4 To enable work on the list to proceed, the Heritage Strategy also recommends that initially a pilot is undertaken within a specific geographical area to make that work manageable. At the same time, the process can be monitored to establish future timescales for submitted items for the list and inform the delivery plan of the Heritage Strategy.
- 4.5 The Council will aim to process nominations for the list within a maximum of three months from receipt of a nomination. This may vary according to the delivery plan of the Heritage Strategy.
- 4.6 There will also be a need to plot entries onto the GIS system and ensure that the system is regularly updated, which will require technical input. This will help to identify the items on the list for planning considerations.

4.7 The guide will save time in respect of giving clarity to people about how to nominate an asset and what information needs to be provided. Overall the establishment and maintenance of the list could be expected to place some extra work on Council staff but it will:

- Provide a valuable local resource (relevant to both planning and historic interests)
- Help local communities in their work, especially in Neighbourhood Planning
- Assist those preparing applications
- Assist with the determination of planning applications
- Save time in the preparation and determination of development proposals
- Promote understanding, to help conserve and enhance our heritage assets
- Strengthen a 'sense of place' and local distinctiveness
- Be helpful in strategic planning

5 Public Consultation Report

5.1 A six week public consultation on the draft Local List Guide was completed during 6th February - 19th March 2019, in accordance with the adopted Statement of Community Involvement. (The title has been changed in response to comments received on the consultation).

5.2 716 consultees were invited to comment on the document. The comprehensive list of consultees included a range of statutory bodies, private companies (including builders and developers), land owners, agents, voluntary groups, civic and historic societies, local amenity groups, town and parish councils, neighbourhood planning groups, neighbouring local authorities, East Devon District Council Members and Members of Parliament.

5.3 There were 20 responses to the consultation, 17 with comments. Two of these comments comprised items put forward for listing with no comment on the document. All comments are published on the EDDC website (see links to background information).

5.4 Of the 15 comments made on the document, 3 were from parish councils, 2 from town councils, 6 from local amenity or heritage groups, 1 from a statutory consultee, 2 from agents and one from an internal EDDC department.

5.5 All comments are supportive of the guide and many constructive comments and suggestions were made. The consultation suggested 5 questions to consider and responses were mainly structured around those questions. All comments have been considered in detail and the draft guide amended where appropriate, with most suggestions incorporated into the final document. A summary of the amendments made is provided in **Table 1**.

5.6 The amended guide is appended to this report.

TABLE 1		
Consultation Question	Feedback summary:	Response to Feedback:
<i>Question 1: Are there any features missing from the description of East Devon historic distinctiveness, and how could this be improved?</i>	<p>Most respondents were satisfied with the overview provided, however suggestions were made to add reference to:</p> <ul style="list-style-type: none"> •The range of archaeological assets and the number currently recorded on the Devon HERS (20,685), •Areas of historic landscape significance, whether designed or a particularly intact medieval field system or an historic orchard, •Important historic hedge banks and other local boundary treatments. <p>Amendments were suggested to para 4.10</p>	<p>All additions and amendments made. More information on the Devon Historic Environment Record added to the introduction.</p>
<i>Question 2: Are any factors missing from the criteria for inclusion on the list, and if so what would you add?</i>	<p>Most respondents were satisfied that the criteria list is complete, however a suggestion was made to amend one criterion to include natural features which have evolved, as well as those which have been specifically designed, by a community that would like to register treescapes as a key local feature.</p> <p>A suggestion was made to reference Historic England's designation selection guidance, with information on a range of heritage asset types and how to consider their significance.</p>	<p>There is a criterion relating to designed landscapes. After researching national and local legislation, policy and guidance relating to trees, forests, hedgerows and landscape characterisation it is felt that the local list would not be the appropriate place to highlight this interest, so the criterion has not been amended. The neighbourhood plan is a more appropriate place for the identification of, and local policies for, such natural landscapes.</p> <p>Further, there would not be the scope or resources within the Council to consider the potentially large number of additional nominations for local listing as heritage assets.</p> <p>These references have been added</p>
<i>Question 3: Is the proposed selection fair and reasonable and how could it be improved?</i>	<p>They were generally considered to be fair and suitable, however suggestions were made to:</p> <p>Use the word 'significance' rather than value or interest (for criteria).</p>	<p>The NPPF glossary defines the term 'significance' (in heritage policy) to describe "the value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic."</p>

	<p>Change the wording so that nominations need to meet <i>at least</i> one of the selection criteria</p> <p>Amendment suggested to para 5.6 on Mark Rolle</p> <p>Amendment suggested to para 5.6 on Hatchard Smith</p>	<p>Historic England in Conservation, Principles, Policy and Guidance (2008) explains that significance is the collective term for the sum of all the heritage values of a place, which may be assessed through evidential, historic, aesthetic and communal categories.</p> <p>Thus the terms 'value' and 'interest' as used by Historic England and in the NPPF to describe components of what makes up 'significance' are not changed in the document, to maintain consistency between the processes of assessment and to aid understanding.</p> <p>Wording changed</p> <p>Amendment made</p> <p>Amendment made</p>
<p>Question 4: Should any other amenity groups be added to the list shown in Appendix 2?</p>	<p>Four suggestions were made</p>	<p>All suggested groups added</p>
<p>Question 5: Is the proposed document clear and easy to understand or how could it be improved?</p>	<p>Most respondents found the document clear and easy to understand. Suggestions were made to clarify the following points:</p> <ul style="list-style-type: none"> • The range of heritage assets (their status – whether national or local, listed or not) • Historic Environment Records: the number and their value, their role under national policy • Whether archaeological sites and monuments are intended to be included • Include 'heritage assets' in the document title • Improved wording to paragraphs 1.1, 1.3 and 1.5 to make clearer • Include nomination form as an appendix 	<p>All suggestions actioned and amendments made</p>

	<ul style="list-style-type: none"> • Include policy EN9 in appendix 1 (as referred to in policy EN10) 	
Assessment procedure comments	<p>Allow individuals to nominate local heritage assets</p> <p>In paragraph 8.1, specify how an individual could make an asset nomination, or if they should a group or council member to represent them.</p> <p>In order to have some filtering, ideas should be put forward to the local parish council or local history group.</p> <p>LAs may receive nominations via periodic submission rounds, sometimes external expert panels are used to review the proposals, so less resource intensive.</p> <p>Consultation with the local community:</p> <p>Procedure 4: change wording from should to will consult (<i>with the owner</i>) and at this stage the local community change may to will be consulted on a shortlist of nominated assets</p> <p>Procedure 5: provide the Council with any written comments from the owner and occupier and community consultees where relevant</p> <p>Procedure 6: Add: Council undertake public consultation on the draft Local List and consider the responses</p> <p>Use the Devon HER as the principal platform for making a Local List publically available.</p> <p>Paragraph 8.5: 3 years seems overly restrictive and unreasonable. If new or further information comes to light following a rejection, one should be allowed to ask for the listing to be reconsidered.</p>	<p>Paragraph amended to specify how an individual could make an asset nomination by submitting a nomination proposal to one of the specified groups or ward members.</p> <p>Comment noted for future consideration where there is scope to receive proposals through an external expert panel. NB. The strategic lead for planning will sign off the nominations but may choose to defer to technical experts or expert panel.</p> <p>Item partly amended: <i>should</i> to <i>will</i> changed; <i>may</i> changed to <i>should</i>; “on a nominated asset” retained and not deleted.</p> <p>Item amended as suggested.</p> <p>Item not amended, there are no resources for this additional stage.</p> <p>To be agreed with the Devon County Council Historic Environment Record Team.</p> <p>Considered and changed to “within the previous 12 months”</p>
Other comments and suggestions	Paragraph 6.1 – another source cold be the delisted buildings from the statutory list	Added to document

	<p>Provide a readable summary leaflet</p> <p>Some parishes may struggle to find local historians and may not have a historical society to help.</p> <p>Ensure land and property owners consulted on the document</p> <p>Note within guidance that a separate proposal exists for the listing of Assets of Community value</p> <p>Provide a single page checklist at end of the guide scheduling minimum requirements for any submission</p>	<p>To be considered subject to resources</p> <p>Sources of information have been added to the document, particularly Historic England's comprehensive guides and the Devon Historic Environment Record.</p> <p>716 consultees were invited to comment on the document. The comprehensive list of consultees included land and property owners and agents (see Table 2).</p> <p>Paragraph 1.12 added</p> <p>A nomination form has been added to the guide in Appendix 3 which includes the minimum requirements for any nomination.</p>
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