

Report to: **Strategic Planning Committee**

Date of Meeting: 29 January 2019

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: 7

Subject: **East Devon Local List of Non-designated Heritage Assets**

Purpose of report: To agree a draft East Devon Local List Guide for public consultation. The draft guide sets out criteria for assessing whether locally important heritage assets should be placed on the East Devon 'Local List'.

Recommendation: **That public consultation is undertaken on the appended draft Local List Guide, to advise local communities on the identification and assessment of non-designated heritage assets for inclusion on a Local List.**

Reason for recommendation: To ensure that the approach towards local listing of heritage assets is undertaken in an open, transparent and consistent basis having regard to Government advice and best practice.

Officer: Jacqui Best, Planning Policy Officer, jb@eastdevon.gov.uk

Financial implications: There are no direct financial implication arising from this report.

Legal implications: There are no legal implications at this stage

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: EDDC (2018) draft Heritage Strategy
<http://eastdevon.gov.uk/planning/planning-policy/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/>



**Link to Council Plan: Delivering and promoting our outstanding environment
Encouraging communities to be outstanding**

Report in full

This report seeks approval for the draft East Devon Local List Guide to be submitted for public consultation, for 6 weeks from 30th January 2019. The guide advises local communities on the identification and assessment of non-designated 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 plans for their local area.

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. Non-designated heritage assets are identified by the local planning authority and recorded on a 'local list'.
- 1.2 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.
- 1.3 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.
- 1.4 The impact of development proposals on all heritage assets must be considered when preparing plans, including neighbourhood plans, and in assessing planning applications.
- 1.5 When planning applications are submitted, any implications for heritage features included on the local list must be taken into account when a decision is made. However inclusion on the list will not automatically mean refusal of any application that involves its alteration or loss.
- 1.6 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.
- 1.7 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 an East Devon Local List Guide?

- 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). The Historic England Good Practice in Planning: 1, 'The Historic Environment in Local Plans' includes local lists as a way to help identify and manage the conservation of non-designated heritage assets (paragraph 13). Paragraph 188 of the National Planning Policy Framework (NPPF) requires local planning authorities to make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.
- 2.2 The current East Devon local list is out of date and has not been updated to take account of heritage assets identified through conservation appraisal work or the development management process. 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.
- 2.3 The East Devon Local Development Scheme endorsed by the Strategic Planning Committee in July 2018 includes the additional guidance that may be produced 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".
- 2.4 Policy EN8 of the adopted Local Plan requires locally listed assets to be taken into account when developing a proposal, but it is difficult for applicants to identify non-designated heritage assets in East Devon at the current time. It is also difficult for neighbourhood planning groups to know what is locally listed in their area and we have no formal mechanisms in place for considering community requests for additions to the local list.
- 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 when choosing assets for the local list they are judged against firm selection criteria so that the process is consistent and the significance of each feature properly considered.
- 2.6 The Sid Vale Association and Otter Vale Association were in 2014 encouraged by EDDC Council staff to nominate items for a local list. A procedure was followed from the English Heritage Good Practice Guide on local listing, and the Associations were given a recommended template prepared by the former EDDC Conservation Officer for the submission of entries. These documents included information on qualifying criteria similar to those proposed in the draft Local List Guide.
- 2.7 The two Associations have followed robust procedures following this advice, to include consulting with their local communities through leaflets and public exhibitions, training volunteers and research. They have also taken advice from the Conservation Officer, the County Archaeologist and other local expertise on the types of items that could be included and that only items in their unspoilt form should be included. Each item has been assessed according to these criteria and a nomination form completed with photos and other relevant information. In 2016, the proposed heritage assets from the work of the two Associations were submitted to EDDC.
- 2.8 East Devon District Council has produced a draft Heritage Strategy for 2019 – 2031 that has recently been subject to public consultation. It sets out a positive strategy for the

historic environment of East Devon. It recommends the production of a Local List Guide, and following this, for a local list to be established.

- 2.9 The draft strategy also 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 local list guide at this stage will be beneficial for delivery of the Heritage Strategy.
- 2.10 It would be possible to just adopt selection criteria without consultation, but this would be a flawed approach as it would not take into account the contributions that could be made from outside groups that are likely to result in a better approach.
- 2.11 In addition to proposing selection criteria, the proposed Guide sets out a procedure by which nominations for inclusion will be considered. It is important for the transparency and integrity of the process that this is clearly established and that interested parties have the opportunity to comment on it before it is adopted by the Council.

3. What does the draft Local List Guide say?

- 3.1 The proposed consultation 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 guide but are adapted to suit the particular characteristics of East Devon.
- 3.3 The draft guide proposes a procedure for how 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.
- 3.5 These groups would be responsible for gathering evidence to support a nomination, consulting with owners and local communities 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 Once submitted, the Council will consider nomination/s and make a decision on whether the item/s will be included on the local list. It is proposed that final ratification of assets for the local list is made by the Service Lead for Planning.

4. Resource Implications

- 4.1 The intention is that production of the guide, including consultation, undertaking amendments, future committee report production and final adoption and publication will be undertaken by staff in the Planning Policy section, though this will be done in consultation with the Conservation team and staff in other sections and departments.
- 4.2 The guide will establish the criteria that will need to be considered to allow an item to be put on to the list (the process side). For an asset to actually get onto the list, over the months and years ahead, 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, along with consultation with owners and occupiers (where known) and with the local community.
- 4.3 Once nominations have been received by the Council, there are resources within the Policy section that can help to process information from submitted lists, especially where there are many items to be assessed.
- 4.4 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.
- 4.5 To enable work on the list to proceed, the draft 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 draft Heritage Strategy.
- 4.6 Once the initial backlog of assessments has been processed 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.
- 4.7 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.
- 4.8 The Local List 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

Alternative options

Not have a local list guide:

The local list guide sets out criteria for the assessment of heritage assets to be included on a local list. Without such criteria, there is likely to be a lack of consistency and the inclusion of items which may devalue a local list. This would be contrary to a recommendation of the draft Heritage Strategy for 2019 – 31.

Not consult on the local list guide:

It would be possible to adopt selection criteria without consultation, however this would not take into account the contributions that could be made from outside groups that are likely to result in a better approach.

The proposed Guide sets out a procedure by which nominations for inclusion will be considered. It is important for the transparency and integrity of the process that this is clearly established and that interested parties have the opportunity to comment on it before it is adopted by the Council.

Not have a local list:

The many benefits of local listing, improving the planning process, enhancing local distinctiveness and involving the local community as described in paragraph 4.8 will not be realised. This would also be contrary to a recommendation of the draft Heritage Strategy for 2018 – 2031.

Produce a local list SPD:

More formal guidance in the form of a Supplementary Planning Document could be produced. This would mean more extensive consultation on the document which would considerably delay the process of preparing a local list.

A guide for the local list, as recommended, will be an effective document setting out the required criteria for listing and establishing a procedure for assessment.