



Title	Local List of Heritage Assets
For further information about this report please contact	Antony Lowe (Assistant Conservation Officer)
Wards of the District directly affected	All
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No
Date and meeting when issue was last considered and relevant minute number	7 th August 2013. Agenda item No.9B
Background Papers	Committee papers for 09/02/2013 & 07/08/2013

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	Yes
Equality Impact Assessment Undertaken	No
Not applicable	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	12 th March & 20 th March	Chris Elliott/Bill Hunt
Head of Service	9 th March	Tracy Darke
CMT	20 th March	Bill Hunt
Section 151 Officer	13 th March	Mike Snow
Monitoring Officer	14 th March	Andrew Jones
Portfolio Holder(s)	15 th March 2017	Stephen Cross
Consultation & Community Engagement		
The proposals have been posted on the Council's website, and have been discussed with the Conservation Area Advisory Forum.		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. Summary

- 1.1 This report seeks authority to proceed with the design and launch of a Local List of Heritage Assets within Warwick District, in accordance with national guidance.
- 1.2 This will give increased protection to heritage assets that do not have the benefit of national statutory protection (i.e. those designated - listed, registered, and scheduled - by DCMS and Historic England) and will enable their historic, architectural, and archaeological importance to be given the appropriate weight in the planning process.

2. Recommendations

- 2.1 That Executive authorises the launch of a Local List of Heritage Assets for Warwick District including the use of the proposed criteria identified in *appendix A*.
- 2.2 That Executive authorises delegated authority to the Head of Development Services to introduce and keep under review appropriate procedures and criteria for the operation of the Local List including the consideration of submissions for inclusion on the Local List.

3. Reasons for the recommendations

- 3.1 *Requirement:* There is a well-established regime at national level for the identification and designation of assets¹ that have architectural, archaeological, or historic merit sufficient to warrant legal protection. However, the government's definition of a heritage asset extends beyond those that are statutorily 'designated' in that way. As paragraph 135 of the NPPF states, such assets, whether or not they are Listed, that are identified by the local authority as having heritage significance merit appropriate consideration in the planning process and weight should be given to the conservation and enhancement of their value to local communities.
- 3.2 *Benefits:* Local listing increases community engagement and involvement in the proactive management and enjoyment of the historic environment. It has the potential to increase access to the historic environment, as assets included on the local list could be part of the annual heritage open days run nationwide in which sites normally closed to the public are opened. It also provides a sound, consistent, and accountable way of identifying local heritage assets to the benefit of good strategic planning for the area, and to the benefit of owners and developers wishing to fully understand local development opportunities and constraints.
- 3.3 *Practical implications:* Local heritage listing does not trigger a separate consent regime, as exists for Listed Buildings by way of the need for Listed Building Consent. However, inclusion on a local list demonstrates that an asset has heritage significance, such that its conservation is a material consideration when determining a planning application. Inclusion on the

¹ The definition of a heritage asset extends beyond a building, and at a national level is defined as 'a building, monument, site, place, area, or landscape' deemed to have significance due to its 'heritage interest'. Examples of nationally listed structures include punishment stocks, gas lamps, boundary stones, public artworks...

list also brings the possibility of an additional individual article 4 direction, to remove permitted development rights for specific types of works to a structure, in order to protect the elements that contribute to the heritage significance of the asset, if that asset is at risk.

- 3.4 *Current local list:* This issue was last brought to Executive in January and August 2013 by the Council's former Conservation Architect. However, as a result of staffing changes and other priorities, to date no formal list has been ratified and adopted, other than for locally-important parks and gardens. Given the renewed focus on the value of local listing in the Council's emerging Local Plan (policy HE5) the time is appropriate to launch the program by reviewing criteria, inviting submissions from local groups, developing and adopting an initial list, and setting up a permanent management process to administer, review, and add to this list in the future.

4. Policy framework

- 4.1 *Paragraph 126 of the NPPF* advises local authorities to set out a positive strategy for 'the conservation and enjoyment of the historic environment', ensuring emphasis is placed on 'sustaining and enhancing the significance of heritage assets'. The definition of what constitutes 'heritage assets' in the NPPF explicitly includes both designated heritage assets and assets identified by the local authority as having heritage significance through the mechanism of local listing.
- 4.2 *Paragraph 135 of the NPPF*, furthermore, indicates that the 'effect of an application on the significance of a non-designated heritage asset should be taken into account' when determining an application.
- 4.3 *The Heritage Protection White Paper* published in March 2007 recommends the production of local lists, indicating that 'local designation provides a means for local communities to identify and protect buildings, sites and spaces that matter to them. It helps to build a sense of local identity and distinctiveness, a sense of history, place, and belonging'.
- 4.4 The protection of locally important heritage assets is highlighted in the emerging local plan. *Policy HE5 (locally listed heritage assets)* outlines the approach to conserving assets identified as meriting protection by the council through a local list. *Policy HE4 (protecting historic parks and gardens)* of the emerging local plan sets out a list of adopted locally important parks and gardens.
- 4.5 Local heritage assets also intrinsically make a positive contribution to the quality and character of conservation areas and attention to their effective management provides another means by which we can facilitate *policy HE2 (protection of conservation areas)* of the emerging local plan. It also allows nationally important archaeological sites, which fall short of the stringent criteria for scheduling, to benefit from a layer of protection supporting *policy HE6 (archaeology)* of the emerging local plan.
- 4.6 *Fit for the Future:* the introduction of a Local List of Heritage Assets will make a significant contribution to the protection of the historic environment within the District and in doing so can only also contribute to the vision of making Warwick District a great place to live, work and visit

as set out in the Sustainable Community Strategy. The proposal is consistent with the Fit for the Future Programme as follows:

- *Service: to maintain and improve services* – the proposal will allow the Council to improve the contribution that the planning service makes to the protection of the historic environment.
- *Money: achieve and maintain a sustainable balanced budget* – the operation of this enhanced service will be undertaken using existing resources at no additional cost to the Council.
- *People: engaged and empowered Staff* – the Council already has the right staff in place that are appropriately supported and engaged to deliver the service.

5. Budgetary framework

- 5.1 The operation of a Local List will involve the use of existing officers time both in the launch and subsequent management of the list. It is therefore not envisaged that it will result in any additional cost to the Council.

6. Risks

- 6.1 Owners and occupiers may object to inclusion of their property on a local list, as ultimately it may affect the changes which may be permitted to their property during the planning process. Both the initial local listing of a property, and the making of subsequent planning decisions based on their inclusion in the local list may be challenged. This risk can, however be mitigated through:
- Ensuring the criteria is robust, clear, and subject to review.
 - Ensuring the local and national policy basis for local listing is made evident.
 - Ensuring that customers whose properties are subject to local listing are fully aware of the implications.
 - Using additional related controls, such as removal of permitted development rights, in appropriate circumstances only.
- 6.2 The Council could receive requests for local listings which do not meet the Council's selection criteria, resulting in disappointment and frustration for some residents. This risk will be addressed by providing clarity in the selection criteria, ensuring examples are included to illustrate and substantiate the criteria, and ensure all decisions are made transparently with clear and justified reasoning.
- 6.3 Some parties may seek to prevent, thwart, or frustrate a development from taking place by seeking local list status for a structure that isn't really worthy of listing. This will be mitigated by ensuring the assessment criteria are stringent, and each decision justified and transparent.

7. Alternative options

- 7.1 Another option for providing a level of protection to non-designated assets is serving an article 4 direction. However, article 4 directions and local listing should be seen as complementary rather than preferable to one another.

- 7.2 There is the option to do nothing. However, this leaves a large portion of the undesignated heritage of the district at risk of being subjected to inappropriate development as there is currently no proactive mechanism by which to identify and record information on unlisted buildings of heritage value - at the moment this is done reactively during planning applications.

8. Background

National designation, as implemented by DCMS on the advice of Historic England, provides statutory protection to heritage assets primarily based on whether they have *architectural* and *historic interest of national importance*. Given this emphasis on national importance, there can often be a discrepancy between statutory historic environment protection legislation and national/local policy requirements to preserve the heritage interest of assets of importance to a local community. Local listing provides the mechanism through which this discrepancy can be met, and through which local authorities can meet their obligations in respect of historic environment protection.

Proposed criteriaHigh-level criteria

1. An asset **must not** already be a nationally listed building, registered park & garden, registered battlefield, registered shipwreck, or a scheduled monument.
2. In order to be locally listed an asset must:
 - Meet at **least one of the letters in category one.**
 - Meet at **least one of the *corresponding* letters in category two.**
 - Meet at **least one of the letters in category three.**

Specific criteria

Category one: is the asset capable of meeting the government's definition of a 'heritage asset'. Is it one or more of the following?

Letter	Definition	Corresponding letters in category 2
A	Building, group of buildings, or other structure – including (but not limited to) domestic dwellings, commercial premises, places of worship, public buildings such as libraries, schools etc. or structures other than buildings including war memorials, public art works, and fixed elements of the street-scene such as telephone boxes, clock towers, water pumps, gas lights etc.	A1-3
B	Designed landscape or place - this could include (but is not limited to) a park, garden, cemetery, town square, institutional landscape, memorial landscape, a rural or urban landscape, or a streetscape.	B1-2
C	Archaeological monument or site – this can include buried archaeology and standing remains. A monument or site doesn't have to be 'ancient'.	C1-2

Category two: How does the asset have demonstrable 'heritage significance'?

Does the asset demonstrate one or more of the following (based on the corresponding category above)?

A. Buildings, groups of buildings, of alternate structures
A1. Architectural, aesthetic, and artistic merit: the asset has importance due to its architectural design, decoration, construction or craftsmanship either on its own or as part of a group, demonstrating important local architectural styles, types of buildings, materials, building techniques, or local human artistic endeavour.

A2. Historic merit: the asset illustrates an important element of the area's history, development, and/or can be associated with an important local historic figure or event.

A3. Landmark status: the asset is a key element in a valued local scene, contributes significantly to the positive aesthetic of an area, and is a geographical or cultural orientation point.

B. Designed landscape or place

B1. Historic merit: the asset illustrates an important element of the area's history, development, and/or can be associated with an important local historic figure or event.

B2. Landscape and group quality: the asset demonstrates the historic interaction between people and places for aesthetic or practical purposes, including the development of a picturesque vista, possibly enhanced by association with physical features such as landforms, bridges, etc.

C. Archaeological monument, collection of monuments, or site

C1. Historic merit: the asset illustrates an important element of the area's history, development, and/or can be associated with an important local historic figure or event.

C2. Archaeological potential: there is reason to suggest the asset does or may, through expert investigation, provide primary evidence relating to the substance and evolution of places and the people and cultures that made them.

Category three: What makes it special?

Does the asset demonstrate one or more of the following?

Letter	Definition
A	Age and integrity. The asset is <i>particularly old</i> or of a <i>date significant to the area</i> , retaining a level of historic material and form proportionate to its age.
B	Rarity or representativeness. The asset is a <i>rare</i> or <i>unique surviving example</i> of its type, or is an <i>exceptional example</i> of its type.
C	Community and social asset. The asset is of high value to the <i>local community</i> as <i>representative of their local identity</i> or <i>symbolic of a localised collective memory</i> .