

## **ECONOMIC DEVELOPMENT COMMITTEE**

**23 MARCH 2022**

### **ADOPTION OF NON-DESIGNATED HERITAGE ASSET CRITERIA AND PROPOSED CONSULTATION ON A LOCAL HERITAGE LIST**

#### **1.0 Purpose of Report**

- 1.1 To seek approval from the Committee to adopt the Criteria for Non-Designated Heritage Assets and to allow officers to begin a 3 year project to assess potential heritage assets across the District using the Criteria to create a 'Local Heritage List'.

#### **2.0 Background Information**

- 2.1 At the November 2020 Economic Development Committee (EDC), the Conservation Team was given delegated authority to publish a draft Criteria for Non-Designated Heritage Assets (NDHA) and undertake public consultation. Although this work was subsequently delayed by the Covid-19 pandemic, the draft Criteria was published on the Council's website, and consultation undertaken using a variety of different methods. This work is set out in the background paper – 'Non-designated Heritage Assets Criteria – Consultation Report (March 2022)'. A copy of the final draft of the Criteria is also within the background papers.
- 2.2 The Criteria document explains that a heritage asset must have historic, archaeological, architectural or artistic interest, and that this interest must in turn also have a degree of significance, either through its rarity, representativeness, aesthetic appeal, integrity or association with groups or individuals in the past. This guidance document clarifies each of the categories of interest and degrees of significance and puts forward a process of heritage asset identification to be used by the local planning authority.
- 2.3 The identification of heritage assets plays an essential role in building and reinforcing a sense of local character and distinctiveness in the historic environment. Importantly, the Criteria will help decision-makers meet the objectives and policies concerning NDHAs within the Council's Local Development Framework which seek to protect the historic environment and ensure that heritage assets are considered in a way that best sustains their significance.
- 2.4 The absence of an agreed Criteria has been a common cause of tension in planning decision-making in this District, and it is envisaged that this document will provide certainty to property owners and developers on what is or is not a heritage asset. The 1500+ entries on the Nottinghamshire Historic Environment Record (HER) labelled as 'locally listed' were often surveyed in the 20<sup>th</sup> century using unknown criteria for selection and contain little information as to why they should be treated as a NDHA. The Criteria, if adopted, will allow us to re-survey such buildings and measure them against agreed principles.
- 2.5 It should be noted that whilst identification assists in making planning decisions (being a heritage asset is a material planning consideration), it does not result in any statutory protection. Identification does not affect the Permitted Development Rights that an existing home owner already enjoys furthermore.

- 2.6 The Criteria is consistent with Government policy and associated guidance from Historic England.
- 2.7 The publication of a Criteria document will provide clarity on the types of asset that can be found in Newark & Sherwood District and what it is about them that is significant, helping to ensure that strategic local planning properly takes account of the desirability of their conservation. Sometimes it may also help identify overlooked assets of high significance, which may warrant consideration for designation at the national level, too.

#### Creation of a Local Heritage List

- 2.8 It is envisaged that an adopted Criteria will be used to produce a robust Local Heritage List which shall celebrate the breadth of the historic environment in Newark and Sherwood District by encompassing the full range of heritage assets that make up the historic environment and ensure the proper validation and recording of local heritage assets. The Criteria will provide a consistent and accountable way of identifying local heritage assets, to the benefit of owners and developers who need to understand local development opportunities and constraints. Local Heritage Lists thus complement national designations in building a sense of place and history for localities and communities. Local heritage listing is intended to highlight heritage assets which are of local heritage interest in order to ensure that they are given due consideration when change is being proposed.
- 2.9 The process of preparing a local heritage list not only allows communities to identify local heritage that they would like recognised and protected, but it is also an opportunity for local authorities and communities to work in partnership. Creating a local heritage list also helps to improve access to clear, comprehensive and current information about the historic environment at the local level through resources such as the Nottinghamshire Historic Environment Record (HER) which can speed up the planning process.
- 2.10 There is a logical order for setting up and running a Local Heritage List which supports the selection Criteria by providing the processes and procedures against which assets can be nominated and their suitability for addition to the local heritage list assessed. A range of methods can be used to identify heritage assets, though no single method will produce a definitive Local Heritage List. In our case, the key proposal is that the Conservation Team will undertake a three year review of the entire District on a parish by parish basis once the Criteria is adopted (this would run between 2022-25; or longer as needed). The methodology for the survey work allows us to discount buildings within conservation areas since they already enjoy protection, and in any case will be surveyed as part of the conservation area review process (although this does not preclude local groups from doing their own surveys in such areas if they so wish). In addition, of the 1500+ entries currently on the HER labelled as being NDHA, we anticipate that a significant number will not meet the Criteria.
- 2.11 There are other ways in which buildings/features can be identified:
- Via planning application. In this scenario, the Conservation Team will produce a report explaining how the potential asset meets the Criteria. The applicant will also be able to scrutinise the assessment via their own Heritage Impact Assessment. It is anticipated that this will be tested through the planning appeal process;

- Via Neighbourhood Plan/community-led surveys (e.g. Parish Councils, Civic Society, local history groups etc);
- Via the proforma in the Criteria (this will be available at all times, and will enable stakeholders to challenge identification).

2.12 The Criteria is intended to give a robust framework in which to consider suitability for identification. It does not follow that every nomination will result in automatic identification. A rigorous assessment of each nomination is required with an individual report explaining why it does or does not meet the Criteria. Where practicable to do so, this will be shared for comment with the owner in the same way that Historic England share draft list entries with owners prior to designation. The Conservation Team will take into account the views of owners where they relate to the architectural and historic significance of the heritage asset. Unless requested by the owner, however, this will not be necessary for assessments in which the threshold of identification has not been met in the opinion of the Conservation Team.

2.13 The subsequent 'Local Heritage List' will be submitted to Members at the end of the three year Review. Any objections to inclusion will be shared with Members. Challenge to inclusion can also be made using the proforma at the back of the Criteria document at any time, or otherwise engaging the Conservation Team. This process will be encouraged and seen as an iterative process. We recognise that local knowledge is very important and should be taken into account.

2.14 Over time, it is anticipated that the Local Heritage List will be updated and approved by Members, perhaps on an annual basis. Importantly, the reports underpinning identification will be available to the public.

### **3.0 Proposals**

3.1 That Members approve the NDHA Criteria document for publication.

3.2 Delegated authority is sought to undertake a comprehensive survey of the District 2022-2025 using the Criteria to create a Local Heritage List.

### **4.0 Equalities Implications**

4.1 There are no specific equalities implications for the District Council when identifying non-designated heritage assets. However, appropriate consideration has been given to consultation strategies and access to documents in accordance with public expectations for consultation as set out in the Statement of Community Involvement. The creation of a Local Heritage List will need to ensure that there is equality of opportunity and that no individuals or groups are disadvantaged or discriminated against because of race, sex, disability, religion or belief, sexual orientation, gender reassignment, maternity and pregnancy, marriage or civil partnership, age, or social inequality.

4.2 The publication of a Criteria document will provide clarity on the types of asset that can be found in Newark & Sherwood District and what it is about them that is significant, helping to ensure that strategic local planning properly takes account of the desirability of their conservation. Sometimes it may also help identify overlooked assets of high significance, which may warrant consideration for designation at the national level, too. The process of

preparing a Local Heritage List not only allows communities to identify local heritage that they would like recognised and protected, but it is also an opportunity for local authorities and communities to work in partnership. Creating a Local Heritage List also helps to improve access to clear, comprehensive and current information about the historic environment at the local level through resources such as the Nottinghamshire HER which can speed up the planning process.

## **5.0 Digital Implications**

5.1 There are no direct implications for ICT. However, the production of spatial mapping is an essential element of the creation of a Local Heritage List. It is anticipated that GIS support within the Planning Team will be able to manage this workload.

## **6.0 Financial Implications FIN21-22/2301**

6.1 This report has no direct financial implications. The proposals are not expected to impact the number of planning applications received by the Council, and sufficient employee resource is budgeted for in 2022/23 to deliver the proposals.

## **7.0 Community Plan – Alignment to Objectives**

7.1 The community engagement on the Local Heritage List accords with the desire to increase participation with the Council and within local communities. It will also align with the objective that seeks to ensure the district continues to be a place where people choose to live, work, invest and spend their recreational time. The positive management of the historic environment will contribute to our well-being and sense of place.

## **8.0 Comments of Director**

8.1 The National Planning Policy Framework (NPPF) advises local planning authorities to set out 'a positive strategy for the conservation and enjoyment of the historic environment' in their Local Plan. Emphasis is placed on 'sustaining and enhancing the significance of heritage assets' and recognising that heritage assets are an 'irreplaceable resource' and should be conserved 'in a manner appropriate to their significance'. The definition of heritage assets in Annex 2 of the NPPF includes local heritage listing. In accordance with paragraph 203 of the NPPF, non-designated heritage assets are material in planning decisions.

8.2 The Council's policy on non-designated heritage assets is set out in Core Policy 14 of the Newark & Sherwood Amended Core Strategy. This policy seeks to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The adoption of the Criteria will assist in making robust planning decisions affecting the historic environment. The formulation of a Local Heritage List will contribute to our knowledge, sense of place and will promote pride within the community.

## **9.0 RECOMMENDATION**

**That the Committee approves the adoption of the Non-Designated Heritage Asset Criteria and allows the Conservation Team to produce a Draft Local Heritage List.**

**Reason for Recommendation**

**To accord with paragraphs 190, 192 and 193 of the NPPF.**

**Background Papers**

Non-Designated Heritage Assets: Criteria (March 2022)

Non-designated Heritage Assets Criteria; Consultation document March 2022

For further information please contact Oliver Scott on Ext 5847.

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