

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	<b>Cllr Bob Goodman, Cabinet Member for Development and Neighbourhoods</b> <b>Cllr Tim Warren, Leader of the Council</b>	
MEETING/ DECISION DATE:	<b>On or after 23<sup>rd</sup> March 2018</b> (for single Member decision)	EXECUTIVE FORWARD PLAN REFERENCE:
		<b>E 3055</b>
TITLE:	Public consultation on draft Locally Listed Heritage Assets Supplementary Planning Document.	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report:</b></p> <p>Appendix 1: Locally Listed Heritage Assets SPD Consultation Draft (January 2018)  Appendix 2: Nomination form  Appendix 3: Equality Impact Assessment/Equality Analysis  Appendix 4: Risk Assessment  Appendix 5: Consultation questionnaire</p>		

### 1 THE ISSUE

- 1.1 A draft supplementary planning document (SPD) has been prepared in relation to non-designated heritage assets (also referred to as locally listed heritage assets) located within the area of Bath and North East Somerset. The document is included as Appendix 1, together with nomination form (as referenced in the document) Appendix 2. This has involved internal liaison with the relevant council services and Council Members. Public consultation now needs to take place on the draft document. Once finalised, the SPD will enable better informed development management decisions regarding the conservation and enhancement of local character, as well as informing current and future council strategies. The document also aims to raise the profile and encourage recognition of the contribution that non-designated heritage assets make to the special character of BANES.

### 2 RECOMMENDATION

- 2.1 The Cabinet Members are requested to give permission for a six week public consultation March/April 2018 on the draft Locally Listed Heritage Assets SPD.

### 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The cost of preparing the guidance and the public consultation is within existing Development Management budgets.
- 3.2 There are not considered to be any financial implications related to the decision.

### 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The identification and conservation of local heritage as part of the planning process is supported by Central Government in the National Planning Policy Framework (2012), which in paragraph 126 states that the local planning authorities (LPAs) should “*set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance*”. It is considered that non-designated heritage assets are often found to be at higher risk due to lesser statutory protection and ongoing development pressures that threaten their features of special interest or lead to complete loss of these assets.
- 4.2 In determination of planning applications Paragraph 135 of the National Planning Policy Framework requires local authorities to take into account the effect on the significance of non-designated heritage assets. Also, para 169 of NPPF states that LPAs should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to the environment. LPAs should either maintain or have access to a historic environment record (HER)
- 4.3 National Planning Practice Guidance<sup>1</sup> encourages LPA’s to consider making clear and up to date information on their identified non-designated heritage assets, both in terms of the criteria used to identify assets and information about the location of existing assets, accessible to the public.
- 4.4 The Council’s Core Strategy policy CP6 and Placemaking Plan policy H1 reflect the above government policy and advice.

## 5 THE REPORT

- 5.1 The Locally Listed Heritage Assets SPD will provide clear selection criteria for designating locally listed heritage assets by defining core areas of potential interest and their contribution to the positive characteristics of the locality. It will provide an opportunity to identify such assets in a number of situations, for example as part of the assessment of potential development sites, development management process or other planning processes including conservation area character appraisals or preparation of neighbourhood plans. The consultation process and the SPD itself seek to raise the profile of locally important heritage and involve local communities in identifying and maintaining the character that gives areas of BANES their local distinctiveness and special qualities.
- 5.2 It is intended that the SPD document itself will not contain a list but be aimed at providing a clear framework for identification, designation and future management of the assets.

The draft document is now ready for public consultation. A consultation questionnaire will support the process; Appendix 5 follows Historic England guidance<sup>2</sup> and includes:

- Definition of a local heritage asset
- Planning policy context
- Selection criteria
- Ways to identify assets for local listing
- Assessment and nomination procedures
- Explanation of how the information will be recorded and accessed

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<sup>1</sup> Planning Practice Guidance: Conserving and Enhancing the Historic Environment. Para 006, 039, 041 ref. ID 18a-006-20140306  
Also, Para 007 ref ID 18a-007-20140306 (neighbourhood plans)

<sup>2</sup> Local Heritage Listing, Historic England Advice Note 7 published 11 May 2016

- Protection of the assets through development management process
- References for policy and guidance

5.3. The SPD document sets out a more formal process through which the assets are to be nominated and recorded. It does not contain the list of LLHAs. The list is on the HER records and is constantly being updated. The process of identifying and recording of LLHA will be set out in the SPD.

5.4 The work is being funded from the existing budgets and this report seeks permission to undertake a six week public consultation on the draft Locally Listed Heritage Assets SPD from March to April this year.

## **6 RATIONALE**

6.1 The Locally Listed Heritage Assets SPD will be the means by which the non-designated assets are identified. It will provide a consistent and transparent process as well as raising the profile of locally important heritage. It will give greater certainty to officers, members, the public and developers in relation to the importance of local heritage and in consistency of decision-making.

## **7 OTHER OPTIONS CONSIDERED**

7.1 No other options have been considered as this approach is national best practice.

## **8 CONSULTATION**

8.1 The draft Locally Listed Heritage Assets SPD has been developed through internal discussions with councillors and council officers. Wider public consultation is now necessary to ensure that proactive, comprehensive and inclusive engagement is achieved in accordance with the requirements of the statute<sup>3</sup>, the NPPF<sup>4</sup> and the council's own Cabinet Single Member Decision procedures. The relevant services within Bath & North East Somerset Council will also be further consulted at this time.

8.2 This will build on the strong ongoing partnership working between the Council, as Local Planning Authority and the community, including parish and town councils, through consultation and collaboration in production of neighbourhood plans and SPD documents. Updating the list is more likely to reflect the breadth of opinion on the historic environment in an area and play an important part in supporting the overall process, especially in relation to development of the selection criteria and the nomination process. It will also assist in developing a dialogue with owners of the assets and provide them with information on the process and implications of a nomination early on.

8.3 Involvement and advice from relevant organisations such as Historic England and local amenity societies at the consultation stage will ensure that their experience and knowledge are drawn upon and that the most up-to-date guidance is followed. This could also aid the later process of identification of potentially suitable assets in collaboration with these organisations.

8.4 Formal public consultation from March to April will be locally advertised and include the Town and Parish Councils, Historic England, local amenity societies and the local communities. The relevant services within Bath & North East Somerset Council will also be consulted at this time. A copy of the draft SPD document will be made available on the Council's website together with hard copies deposited for viewing at local libraries.

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<sup>3</sup> Planning and Compulsory Purchase Act 2004;  
Part 5 of The Town and Country Planning (Local Planning)(England) regulations 2012

<sup>4</sup> Para 153, 155, 157 of the NPPF

8.5 Following the public consultation all contributions will be scrutinised, the SPD amended accordingly and single member decision progressed for adoption. Publishing of the relevant notices as required by the legislation<sup>5</sup> will then follow.

## 9 RISK MANAGEMENT

9.1 There is a risk of challenge to the council associated with not undertaking a public consultation process. No other risks have been identified at this stage. See Risk Assessment Appendix

<b>Contact person</b>	<i>Caroline Power 01225 477642</i>
<b>Background papers</b>	<p>Appendix 1: Locally Listed Heritage Assets SPD Consultation Draft (January 2018)  Appendix 2: Nomination form  Appendix 3: Equality Impact Assessment/Equality Analysis  Appendix 4: Risk Assessment  Appendix 5: Consultation questionnaire</p> <p><i>The draft document which will be available for inspection during the consultation period on the Council's website. Hard copies will be available for inspection at the Council's offices and libraries.</i></p>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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<sup>5</sup> The Town and Country Planning (Local Planning)(England) regulations 2012