

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	17 May 2022
Subject:	Local Heritage List Selection Criteria for Tewkesbury Borough. Supplementary Planning Document
Report of:	Planning Policy Manager
Corporate Lead:	Head of Development Services
Lead Member:	Lead Member for Built Environment
Number of Appendices:	2 (Draft Local Heritage List Selection Criteria for Tewkesbury Borough Supplementary Planning Document & Re-Consultation Statement)

Executive Summary:

As part of a national initiative funded by the Department for Levelling Up, Housing and Communities, a draft Local Heritage List Selection Criteria for Supplementary Planning Document (SPD) has been prepared for Tewkesbury Borough. The purpose of the SPD is to establish a robust and standardised procedure for nominating non-designated heritage assets to be included onto the "Local List". The significance of any such heritage assets on the Local List is required to be taken into account in determining planning applications.

In line with statutory procedures, two rounds of public consultation have been undertaken on the draft SPD and a related Consultation Statement following the resolutions of Executive Committee on 17 November 2021 and 2 March 2022 respectively. At the latter meeting, Members resolved to recommend to Council that the SPD be formally adopted, subject to no substantive comments being made during the final consultation.

The latter consultation ran for a four-week period between Friday 4 March 2022 and Monday 4 April 2022. No substantive comments were received which would merit any further amendment to the draft SPD and it is therefore now being recommended that it be formally adopted by Council.

Recommendation:

- 1. That Members NOTE that no substantive comments were received in response to public consultation on the draft Supplementary Planning Document: Local Heritage List Selection Criteria for Tewkesbury Borough and the related Consultation Statement;**
- 2. That the draft SPD be ADOPTED and take immediate effect in accordance with the resolution of Executive Committee on 2 March 2022; and**
- 3. That authority be DELEGATED to the Head of Development Services to make any necessary final corrections and minor amendments to the draft SPD to enable the document to be published in final form.**

Reasons for Recommendation:

To adopt the SPD with immediate effect in accordance with the recommendation of Executive Committee of 2 March 2022.

Resource Implications:

Resource implication on Officer time to conduct the consultation, review responses and make amendments as appropriate.

Legal Implications:

The preparation of an SPD is not a statutory requirement, but a decision for each local planning authority based upon demands for further information to assist in the delivery of sustainable development and to provide further guidance on policies within the Development Plan. An SPD cannot in itself establish planning policy; it must be consistent with national and local planning policies. Before a local planning authority can adopt an SPD, it must carry out formal public consultation, followed by the provision of a Consultation Statement setting out who was consulted in the preparation of the SPD; a summary of the issues raised; and how those issues have been addressed. This must then be consulted on along with the amended SPD. The Draft SPD can then be put forward for adoption. Draft SPDs must also be subject to consideration by the LPA (in consultation with statutory bodies) as to whether the subject matter is likely to require preparation of a formal Strategic Environmental Assessment or Habitats Regulations Assessment. Once adopted, the SPD will be a material consideration in the determination of planning applications.

Risk Management Implications:

There is no statutory requirement to prepare SPDs. However, it is considered important that Tewkesbury Borough Council has appropriate planning guidance for Local Heritage List Selection Criteria. This coincides with the DLUHC (formerly MHCLG) funding to develop a Local Heritage List as supported by Historic England. The scheme has enabled the recruitment of an officer to set up and test the procedures for the development and maintenance of Local Heritage List Selection Criteria and produce a Local Heritage List. It is therefore important to maximise the additional resources available to develop a Local Heritage List and the Selection Criteria SPD to support this.

Performance Management Follow-up:

Subject to the adoption of the SPD, the effectiveness of the SPD and the policies and guidance contained within will be monitored by the Heritage Engagement Officer.

Environmental Implications:

The SPD contains further detail and advice in relation to the emerging Joint Core Strategy and Tewkesbury Borough Plan policies on assessing non-designated heritage assets. The specific objective of the Draft Selection Criteria for Tewkesbury Borough SPD is to identify and highlight locally important non-designated heritage assets within Tewkesbury Borough's historic environment.

1.0 INTRODUCTION/BACKGROUND

- 1.1** A Local Heritage List consists of a list of undesignated heritage assets, which have special local architectural or historic interest and contribute to the character of a place. A Local Heritage List provides information on the location of these assets and what it is about them that is significant. In 2019, MHCLG announced it would support the development of local heritage lists across the country. This national campaign has provided £1.5 million to 22 counties for this purpose. In Gloucestershire, Gloucester City Council and Tewkesbury Borough Council have been selected as part of this campaign to involve local communities in listing non-designated buildings, green spaces, and other non-designated heritage assets as part of the planning process.
- 1.2** The purpose of this draft Local Heritage List Selection Criteria for Tewkesbury Borough SPD is to establish a robust and standardised procedure for nominating assets onto a Local Heritage List. The draft SPD therefore includes guidance on identifying the historic, archaeological, or architectural value of a non-designated heritage asset. It also outlines nomination categories and the general principles of selection.
- 1.3** The creation by local planning authorities of such an SPD is considered best practice by Historic England and DLUHC in accordance with the National Planning Policy Framework. Tewkesbury Borough Council's recently adopted Local Heritage Strategy identifies a Local Heritage List within its Action Plan. Policy HER5 of the emerging Tewkesbury Borough Plan which concerns Locally Important Heritage Assets also stipulates the importance of a Local Heritage List. The draft SPD highlights the relevant statutory and local policies pertaining to the creation of a Local Heritage List.
- 1.4** The publication of the draft SPD runs in tandem with the creation of a Local Heritage List for Tewkesbury Borough. Thus, the draft Local Heritage List Selection Criteria for Tewkesbury Borough SPD enables Tewkesbury Borough Council to test the nomination process and provides evidence for the robustness of the selection process.

2.0 ADOPTION OF THE SUPPLEMENTARY PLANNING DOCUMENT

- 2.1** In line with statutory Regulations, and the resolution of Executive Committee on 17 November 2021, public consultation was undertaken on the draft SPD between December 2021 and January 2022. Subsequently, at its meeting of 2 March 2022, Executive Committee considered the responses received and authorised further public consultation to be undertaken on an amended version of the SPD, together with a Consultation Statement detailing how the Council had taken consultees' comments into account. In addition, Executive Committee resolved to recommend to Council that the SPD be formally adopted, subject to no substantive comments being raised by any parties during the second consultation.
- 2.2** The second consultation ran for a four-week period between Friday 4 March 2022 and Monday 4 April 2022. Over 165 organisations and individuals, including Parish Councils, neighbouring local authorities, Gloucestershire County Council and statutory consultees were invited to comment on the draft SPD and the consultation statement.

2.3 A total of five responses were received from statutory consultees on the Draft SPD. No substantive comments were raised which would merit any further amendment to the draft SPD and these responses are recorded in an updated “Re-Consultation Statement” attached as Appendix 2 to this report. Furthermore, relevant statutory consultees (Natural England, the Environment Agency and Historic England) have separately confirmed that they see no reason to challenge the Council’s view that neither a formal Strategic Environmental Assessment nor a Habitats Regulations Assessment are required to be carried out.

2.4 Accordingly, it is now being recommended that the SPD be formally adopted by Council.

2.5 Members are also being requested to delegate authority to the Head of Development Services to make any necessary final corrections and minor amendments prior to publication. These would need to include minor revisions to the section titled: “*Creating a Heritage List*” on page 3 of the draft SPD. As currently drafted, that section is not sufficiently clear that the Council’s Constitution delegates responsibility for all Local Heritage List matters to the Head of Development Services. For the avoidance of doubt, therefore, references in the draft SPD to the roles of the Lead Member for the Built Environment and the informal panel should be updated to clarify that these are advisory, and intended to enable the Head of Development Services to make well-informed decisions.

3.0 OTHER OPTIONS CONSIDERED

3.1 None.

4.0 CONSULTATION

4.1 As set out within the report.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Joint Core Strategy Policy SD8 - Historic Environment.

Draft Tewkesbury Borough Plan (2011-2031) Policy HER5 - Locally Important Heritage Assets.

Tewkesbury Borough Council Draft Heritage Strategy August 2021.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 National Planning Policy Framework.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 Resource implication on officer time to conduct the consultation, review responses and make any amendments as appropriate.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 The preparation of the Draft Local Heritage List Selection Criteria for Tewkesbury Borough SPD provides a rare opportunity to develop a standardised method of assessing non-designated heritage assets of local importance. In turn, the selection criteria will provide officers, historic societies, and members of the public the means to register non-designated heritage assets of local importance. This will increase awareness of locally important heritage assets in the built environment with regards to planning and development. It is also an opportunity for local people and institutions to celebrate what makes Tewkesbury Borough special and locally distinctive.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 None.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 Executive Committee – 17 November 2021 and 2 March 2022.

Background Papers: None.

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Appendices:

1. Draft Local Heritage List Selection Criteria for Tewkesbury Borough Supplementary Planning Document.
2. Re-Consultation Statement for Draft Local Heritage List Selection Criteria for Tewkesbury Borough Supplementary Planning Document.