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Dear Sir

**IHBC Response to HE Consultation:
Historic England Advice Note 7 (second edition) - Local Heritage
Listing: Identifying and conserving local heritage**

The Institute of Historic Building Conservation is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

IHBC is very pleased to have the chance to comment on the consultation document. The Institute's comments are as follows:

IHBC agrees that Local heritage builds and reinforces local character and distinctiveness in the historic environment and that can be identified in various ways, one of which is through a local heritage list. We agree that this advice is needed to support communities and local authorities in introducing a local heritage list in their area or making changes to an existing list. In that regard IHBC advocates that consistent principles for identifying and conserving local heritage are required:

- such assets should be defined by a set of clearly established and relevant (formally adopted) criteria
- they should have been the subject of formal public consultation with the owners and occupiers of the nominated properties and with the public within the council's administrative area;
- that following consultation any resultant schedule of assets (or individual additions) should have been formally approved by the relevant council committee and made publicly available; and
- that the schedule should be the subject of periodic review.

These procedures are needed to ensure that selection is based within a broad and consistent overview, has public support and avoids capricious inclusion without proper public scrutiny and approval. It is only through the implementation of such a framework that consistency in the identification and management of local heritage assets can be achieved which will result in the creation of benefits to owners and developers in understanding local development opportunities and constraints.

The Advice notes states that non-designated heritage assets can be identified in a number of ways, including:

- Local heritage lists
- Local and neighbourhood plans
- Conservation area appraisals and reviews
- Decision-making on planning applications

While para 190 of the NPPF [02-2019] encourages LPAs to identify heritage assets as part of the development management process, some caution needs to be introduced in the HEAN related to those assets identified solely in determining planning applications precisely because they need to be placed in a wider context that is likely to be absent without a formally approved list in place. This becomes more problematic still where [a] the list is no more than an address list; and/or the assets are located outside conservation areas. Another key issue often overlooked is the concept of intactness. Local list entries should be architecturally authentic and substantially unaltered, and as they are likely to be subject to PD rights any formally approved lists should be rigorously reviewed periodically and if necessary pruned accordingly.

The draft HEAN also states that this advice focuses on the creation and review of local heritage lists. However we suggest that the Advice Note should indicate the most appropriate way of strengthening the protection of such structures identified as being of architectural interest by local communities. There may be a number of options to consider and the advice note should set out an analysis of the various options to be considered. Local listing, Conservation Areas, Neighbourhood Plans should complement each other but a stronger rationale is needed to distinguish the appropriateness of different measures which should be set out methodically in this advice note. The use of Web consultation and public meetings for consulting for a large group of buildings, particularly as part

of complementary processes like Conservation Area review and preparing Neighbourhood Plans could be emphasised more as a valuable tool.

This Advice Note should also strengthen and clarify the advice given about the protection which is afforded to non-designated heritage assets within a Conservation Area and the protection which is afforded where non-designated heritage assets that are not in a Conservation Area. IHBC has concerns about the demolition of structures which are non-designated heritage assets but are of local importance and contributing positively to the character of a place. This may be done if records generated by a community be endorsed by the relevant LPA through an appropriate policy. However without that endorsement the protection for non-designated heritage assets is not strong and it is good practice to have a relevant policy in the plan and this point needs to be stressed more strongly.

It is useful for the Advice note to explain how the NPPF defines a designated heritage asset and a non-designated heritage asset. This is followed by the statement that non-designated heritage assets can be identified in a number of ways as aforementioned. The need for public goodwill towards heritage and designation processes, could be stressed more in this Advice Note. Local listing should be both a community effort and supported by the LPA. The question which should be asked is whether the procedure to produce and compile a local list is clear and simple enough to be implemented by volunteers? IHBC wishes to highlight that the term 'local listing' might not be clearly distinguishable for members of the public from statutory listing? This might be worth highlighting for those who do not understand the distinction.

It might be helpful to refer to more examples of good practice in this HEAN. For example local heritage has been successfully managed by the Hackney Society which has conducted a full survey of the local list, which included documenting each building by taking photographs, writing short architectural descriptions and assessing their condition. The data has been added to an online catalogue at hackneybuildings.org and submitted to the Historic Environment Record. The project resulted in a [tool kit for other local authorities to use](#). It also assessed new buildings to be added to the list. It was supported by [Hackney Council](#). It might be useful to reference this project:

<http://www.hackneysociety.org/category/lovelocallandmarks>

The advice note does indicate that other methodologies can be used and some planning authorities in practice write their own guidance /procedures. However if these procedures are too time consuming for Local Authority Staff to implement they will not have time to develop local lists. Some Local Lists are no more than address lists and if the criteria on which individual entries have been selected have not been made

explicit (usually fulfilling at least two of the selection criteria in e.g. the present HE guidance) these will have no credibility. Simply identifying such buildings on conservation area maps under various titles should not be considered good practice.

It should be noted that that Conservation Areas will give protection from demolition without an Article 4 Direction. This means that Local Listings within a CA benefit in this way. The importance of articulating the contribution of an individual building should be stressed more. Also it could be pointed out that local listing can reinforce 'key building' status in Conservation Areas. Also groupings of local listing can identify appropriate areas for Conservation Area assessment and potential designation. It might be of value to suggest that where the loss of an asset fails the harm or substantial harm test from the CA designation it can still be saved by the need for clear and convincing justification for harm to a non-designated heritage asset. Unless Article 4 Directions are imposed at the point of designation, they are more difficult to implement effectively later. This is usually in response to a perceived or active threat of unsympathetic alterations undermining the authenticity of the very buildings then identified as potential non-designated heritage assets.

Neighbourhood planning and the historic environment: May establish policies for the development and use of land in a neighbourhood and development by community of a shared vision. Some successful case studies indicating other options to strengthen the protection could be cited. Would HE advise that a Neighbourhood Plan be a stronger instrument and indicate where it would be most appropriate to use that method? The Advice note might point out more strongly that one way of identifying and protecting undesignated heritage assets where the local authority is reluctant to compile a local list is through the Neighbourhood Development Plan process. The advice needs to highlight the fact that you can then have adopted policies which do actually protect them. If you can identify and justify a 'Heritage Area' to which these policies apply you can protect assets outside as well as within designated conservation areas. This strategy was used in a plan for Dorchester on Thames – see article 'Creative Thinking in a Neighbourhood Plan', *Context*, No 159, May 2019¹

Local Lists and archaeology

Clarity as to where there is potential for the discovery of such archaeological heritage assets is helped if plans, both local and neighbourhood, indicate areas where such potential exists, and these can be noted in the Historic Environment Record. Identify and highlight both locally and nationally important, but unscheduled, archaeological sites, helping them to be given the appropriate level of consideration in planning decisions. This process may need informed input and some technical advice might be required.

¹ <https://ihbconline.co.uk/context/159/38/>

IHBC agree with the value, when compiling Local heritage lists, of building strong partnership between the community and local authorities, including town and parish councils, are more likely to reflect the breadth of opinion on the historic environment in an area. We agree that a well-considered promotion and outreach campaign, working across both heritage and communities' teams at local authority level, and in partnership with leaders of diverse local community organisations, charities and heritage groups, is the best way of ensuring that local lists are inclusive and representative of the communities that surround them. We agree that local heritage listing is a good opportunity to develop a dialogue with owners. Even where there is an active and enthusiastic community body the production of local lists may need some level of capacity building within the community. Any community-led process has to be informed (possibly with training); there has to be criteria/ standards for selection); and must be the subject of owner notification, formal LA approval and review.

Where a local heritage list is to cover an area wider than a Neighbourhood Plan area, it may be useful to take a strategic approach to its preparation: Thematic; asset type; geographic; and building on existing lists or sources of information. The heritage gateway; public nomination with accompanying information re location administrative information; local significance and photographs. Use of local experts voluntary organisation or local authority staff. Periodic review and revision. This may need to be facilitated by the local Authority or a professional expert to establish a process and a methodology.

Yours sincerely

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