

Committee Name and Date of Committee Meeting

Cabinet – 17 October 2022

Report Title

Rotherham Local Heritage List

Is this a Key Decision and has it been included on the Forward Plan?

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Jonathan Bell, Assistant Conservation Officer
01709 823811 or jon.bell@rotherham.gov.uk

Winsze Lam, Planning Policy Officer
01709 822874 or winsze.lam@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

Local heritage lists identify locally valued heritage assets, nominated mainly by members of the public and local interest groups. Such a list includes heritage assets that are not nationally designated (for example, not listed buildings or scheduled monuments) but have local value and/or heritage interest. The Council does not currently have a process in place for establishing and maintaining a local heritage list. As such, local heritage listing is recommended to help identify heritage assets that would warrant consideration in the planning process.

South Yorkshire Archaeology Service (SYAS), as a joint service for the whole of South Yorkshire, has been awarded Government funding to lead on the establishment of a local heritage list for Barnsley, Doncaster, Rotherham and Sheffield. In discussion with officers from the four authorities, and using guidance produced by Historic England, SYAS has proposed a local heritage listing process to be followed by each authority. The process will ensure that nominations received are appropriately assessed prior to inclusion onto the local heritage list. The outcome will give greater weight to the protection of locally valued heritage assets when making planning decisions.

The report sets out the proposed process for local heritage listing, including delegation to the Head of Planning and Building Control to allow for efficient and timely changes to the list.

Recommendations

1. That Cabinet notes the production of a local heritage list for the whole of South Yorkshire in general and Rotherham in particular.
2. That, in order to compile the full Rotherham Local Heritage List, Cabinet approves the proposed process for local listing as set out in the report.
3. That Cabinet approves delegation to the Head of Planning and Building Control, in consultation with the Cabinet Member for Jobs and the Local Economy, to include, amend or delete heritage assets on the Rotherham Local Heritage List.

List of Appendices Included

- Appendix 1 South Yorkshire Local Heritage List – Assessment Criteria
- Appendix 2 South Yorkshire Local Heritage List – Assessment Process Terms of Reference
- Appendix 3 Equality Part A – Screening
- Appendix 4 Carbon Impact Assessment

Background Papers

National Planning Policy Framework

<https://www.gov.uk/guidance/national-planning-policy-framework>

Rotherham Local Plan 2013-2028

<https://www.rotherham.gov.uk/planning-development/guide-local-plan/1>

Local heritage listing: Identifying and Conserving Local Heritage (Historic England)

<https://historicengland.org.uk/listing/what-is-designation/local/local-designations/>

Local heritage list Campaign: Announcement of Successful Areas

<https://www.gov.uk/government/publications/local-heritage-list-campaign-call-for-expressions-of-interest/local-heritage-list-campaign-guidance>

South Yorkshire Local Heritage List website

<https://local-heritage-list.org.uk/south-yorkshire>

Consideration by any other Council Committee, Scrutiny or Advisory Panel

N/A

Council Approval Required

No

Exempt from the Press and Public

No

Rotherham Local Heritage List

1. Background

1.1 Central Government and Historic England encourage local authorities to maintain local heritage lists that identify heritage assets (such as buildings, parks & gardens, archaeological sites etc.) that are valued by the local community. Such assets can then be better considered in the planning process when new development is proposed.

1.2 Although local listing provides no additional planning controls, local heritage list sites and buildings would be a material consideration when determining planning applications, as set out in the National Planning Policy Framework (NPPF). Paragraph 203 of the NPPF states:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

1.3 In the Council’s adopted Local Plan, Policy SP 45 Locally Listed Buildings states:

“The Council will seek to ensure and encourage the preservation and enhancement of Locally Listed Buildings and will use its powers where possible to protect their significance, character and setting...”

1.4 Creating a local heritage list is a way for local councils and communities to identify and celebrate historic buildings that enrich and enliven their area. Local heritage lists sit within a continuum of measures for identifying and protecting heritage, which includes national designations such as listed buildings, scheduled monuments, and conservation areas.

1.5 The production of a local heritage list requires time, money and staff resources that have previously been unavailable, particularly since the onset of the Covid-19 pandemic. However, the Department of Levelling Up, Housing & Communities, supported by Historic England, is running a campaign to encourage local heritage listing by providing funding to 22 areas to develop new or update existing lists.

1.6 South Yorkshire is one of the areas selected and the South Yorkshire Archaeology Service (SYAS), as a joint service, is leading on the project for Barnsley, Doncaster, Rotherham and Sheffield. This has given a window of opportunity to create a local heritage list for Rotherham using not only in-house expertise but also the greater resources of SYAS and the conservation officers of the adjoining local authorities.

2. Key Issues

- 2.1 To allow local heritage listing to go ahead in Rotherham, a process needs to be established and adopted by the Council that should be sustainable in the long term. Following discussions with all four local authorities, a process that will ensure consistency in local listing across South Yorkshire is proposed and similar steps towards adoption are being taken by the other authorities. Adopting the proposed process will allow nominated local heritage assets to be assessed collectively and be included onto the South Yorkshire local heritage list even after the pilot project funding period ends.
- 2.2 The Historic England advice note on local heritage listing recommends a process to be followed by all local authorities. The suggested process adapted for South Yorkshire is as follows:
1. The use of seven standard selection criteria to select suitable heritage assets, weighted to reflect the distinct historic character of South Yorkshire (see Appendix 1).
 2. Seeking public nominations for heritage assets that could be suitable for inclusion via the dedicated website.
 3. Carrying out a public consultation (over a minimum of four weeks), once sufficient nominations have been received, seeking additional information on the nominated heritage assets. This consultation phase will also allow anyone with any objection to a possible local listing to respond.
 4. Holding an assessment panel meeting to consider public nominations received against the selection criteria.
 5. Taking the recommendations of the panel to the relevant South Yorkshire Head of Planning for approval.
- 2.3 To ensure the process continues to include the community, as well as conservation officers from the four South Yorkshire local authorities and SYAS officers, the panel can include members of relevant groups and societies. For example, Rotherham Civic Society, that has previously carried out valuable work of their own on local heritage list, has chosen to be a nominator.
- 2.4 The local heritage list identifies buildings that are not recognised by national statutory designations but have local value and heritage interest meriting consideration in planning decisions. Inclusion on a local heritage list delivers a sound, consistent and accountable way of identifying local heritage assets to support planning decisions and good strategic planning for the area and to the benefit of owners and developers wishing to understand local development opportunities and constraints.
- 2.5 In order to make the best use of resources, the South Yorkshire project focuses on undesignated heritage assets outside areas that already have a level of protection, eg Conservation Areas or Registered Parks and Gardens.

Similarly, where neighbourhood plans have established their own local heritage list, this project will only consider those types of heritage asset that were not considered for inclusion.

- 2.6 A further positive outcome of the project is the linkage with the South Yorkshire Historic Environment Record. The adoption of a new digital platform for the creation, enhancement and long-term maintenance of local heritage lists will support information flow into the record. This will help ensure that information can be stored about candidate assets that are not then added to a local heritage list, encouraging wider community engagement with the process as all information gathered will be seen to be of value.
- 2.7 Once a local heritage list for South Yorkshire is established, there will also be the issue of how best to protect those buildings and structures identified. At present, local listing does not affect the requirements for planning permission. Some buildings can be demolished without planning permission and local listing does not affect that, although an Article 4 Direction issued by the local planning authority can reinstate the requirement for planning permission for demolition of a locally listed buildings and sites. Central Government is considering amending the legislation in order to further protect local heritage list sites and buildings, although further details are awaited.
- 2.8 One of the additional purposes of the project is to identify and submit any local heritage listed sites and buildings that may be suitable for national listing. So far, several candidates for national listing have been identified both in South Yorkshire and Rotherham.
- 2.9 Local heritage lists can also be identified through the creation of neighbourhood plans. Most neighbourhood plans identify locally listed buildings and confirmation has been received from Historic England that these then become the definitive local heritage list for their particular town or parish.
- 2.10 In Rotherham, the Dinnington and Wickersley Neighbourhood Plans have been adopted as part of the Local Plan and the draft Maltby Neighbourhood Plan has completed its first round of public consultation. Officers work with town and parish councils preparing neighbourhood plans in order to bring some consistency on assessment criteria. This has been productive and worthwhile as the buildings identified will then feed into the South Yorkshire local heritage list.

3. Options considered and recommended proposal

3.1 Option 1: adopt the local heritage list process

Adopting the process will mean that, for the first time, Rotherham will have a process that allows a local heritage list to be compiled and maintained. This process will also ensure consistency across South Yorkshire.

- 3.2 As local heritage listing is essentially community-led, adopting the process will mean that everyone will be able to get involved with the heritage of their

area. Identifying local heritage assets ahead of development proposals will help identify concerns that should be considered through the planning process. This, in turn, will ensure the council is more aware of potential concerns at an early stage, helping guide development management decisions and pre-application advice.

3.3 Obtaining the relevant delegation to the Head of Planning and Building Control would allow local heritage listing to proceed in an efficient and timely manner.

3.4 **Option 2: decline to take forward the local heritage list process**

Although there is no statutory requirement for the Council to maintain a local heritage list, not doing so increases the risk that non-designated heritage assets of local significance are not being considered in the planning process. This increases the risk of local communities feeling their concerns about locally valued buildings are not taken into account.

3.5 With the financial support of Government available, adopting the process is a good opportunity to ensure consistent approach to local heritage listing by all the South Yorkshire local authorities. Not doing so would be a missed opportunity.

3.6 Option 1 is the recommended option.

4. Consultation on proposal

4.1 For local heritage listing to be successful, it relies on the involvement of local people. Communal value is a key consideration in the assessment of nominations. As such, engagement and consultation has been undertaken from the outset. At the expression of interest stage potential local stakeholders, such as local heritage and archaeological societies, were contacted to assess the level of support for the project. Once confirmation was received that the project was going ahead, these community groups have also been consulted on the approach and methodology.

4.2 Draft assessment criteria were circulated widely, and comments received were then used to fine tune the weighting of the criteria to be used. Information has also been disseminated publicly through the local heritage list website, news stories, social media, and online workshops to make residents aware of the initiative and to call for and encourage input.

4.3 It is intended that consultation will continue through these channels at key points, particularly to call for comments and additional information on potential candidates for local listing once sufficient nominations have been received. This public consultation phase is helpful as it will allow for any errors in supporting information to be identified.

4.4 Community input is also sought for the assessment process, with members of relevant local societies being invited to participate in the assessment panel.

4.5 Local people will, therefore, be key to both nominations and good decision making with regard to the local heritage list.

5. Timetable and Accountability for Implementing this Decision

5.1 The pilot project is being delivered by SYAS as a regional planning partnership for South Yorkshire. SYAS report to a Joint Advisory Committee, made up of members of the four local authorities and key community groups on an assessment panel.

5.2 Because of the short-term nature of the project, it is proposed to establish a monitoring group of local authority partners that will meet monthly to ensure scrutiny of the project. As continuing consistency with new and reviewed listing proposals across South Yorkshire is essential, SYAS has approached the South Yorkshire Mayoral Combined Authority, to establish if they could act as an umbrella for such a panel.

5.3 Subject to approval by Cabinet, officers in the Planning Service will be responsible for implementing the adopted process for the Rotherham Local Heritage List.

6. Financial and Procurement Advice and Implications

6.1 There are no direct procurement implications arising from the recommendations detailed in this report.

6.2 The production of a Local Heritage List including specifically the aspects for Rotherham including the relevant processes will be funded from existing approved budgets.

7. Legal Advice and Implications

7.1 Agreement to the officers' recommendations in the report would assist in safeguarding local heritage assets in the community. Local heritage listed sites and buildings would be a material consideration when determining planning applications as set out at paragraph 203 of the National Planning Policy Framework 20 July 2021.

8. Human Resources Advice and Implications

8.1 The proposals do not have a direct impact on current staffing resources.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no direct implications arising from the report. The South Yorkshire local heritage list project presents an opportunity for young people to engage with their local environment and nominate buildings they feel should be valued and protected.

10. Equalities and Human Rights Advice and Implications

- 10.1 The Rotherham Local Heritage List will help to deliver the policies set out in the Local Plan. Specifically, it will implement the commitment in Policy SP 45 Locally Listed Buildings to produce and maintain a local list.
- 10.2 The published Integrated Impact Assessments (IIA) that supported the preparation, examination and adoption of the Rotherham Local Plan provide a comprehensive Equalities Assessment of all the policies of the Local Plan.

11. Implications for CO2 Emissions and Climate Change

- 11.1 Local listing of sites and buildings, where it leads to their retention, can help to address the climate emergency by negating the need for demolition and new development, which are processes that use significant amounts of energy and result in emissions.
- 11.2 In the long term, it can be more difficult to achieve high levels of energy performance in older buildings than in new builds.
- 11.3 There are therefore potentially either positive or negative effects, and schemes will need to be assessed at the relevant Planning and Building Regulations application stage in terms of their compliance with the Council's policies.

12. Implications for Partners

- 12.1 Adoption of the recommended process will ensure consistency with the approach to local heritage listing by all the South Yorkshire local authorities.

13. Risks and Mitigation

- 13.1 The level of protection afforded by local heritage listing depends on how the local heritage list is prepared. The sounder the basis for the addition of an asset to the local heritage list, the greater the weight that can be given to preserving the significance of the asset. Publication of clear selection criteria that relate to the definition of significance in the National Planning Policy Framework to support the listings, is essential to achieving effective protection.
- 13.2 The absence of any particular asset from the published local heritage list does not necessarily mean that it has no heritage value. It might be the case that the asset is yet to be identified or does not currently meet the criteria for inclusion. A particular asset may only be identified when a planning application comes forward, in which case its significance can be assessed against the published selection criteria, and it may be treated as a non-designated heritage asset in the decision making process. It is good practice to regularly review and update the local heritage list, at which point any newly identified assets meeting the selection criteria can be added.

13.3 Discussions on the pilot project have concluded that any use of Article 4 Directions would be down to the discretion of individual planning authorities as it can be both time consuming and costly. It is not practical to issue a blanket Article 4 Direction for the whole list therefore this power will have to be used on a case by case basis reacting to perceived threats to retention of the asset, should these arise.

13.4 Both public and private interests are to be considered in the exercise of the Council's powers and duties. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest in protecting heritage assets that have local special interest, which contribute to the character and local distinctiveness of the area.

14. **Accountable Officers**

Simon Moss, Assistant Director – Planning, Regeneration and Transport

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	03/10/22
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	29/09/22
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	29/09/22

*Report Authors: Jonathan Bell, Assistant Conservation Officer
01709 823811 or jon.bell@rotherham.gov.uk*

*Winsze Lam, Planning Policy Officer
01709 822874 or winsze.lam@rotherham.gov.uk*

This report is published on the Council's [website](#).