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**Report of:** *Mick Crofts, Executive Director of Place*

**Report to:** *Co-operative Executive*

**Date of Decision:** *16/03/2022*

**Subject:** *South Yorkshire Local Heritage List - Process*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Executive Member Portfolio does this relate to? <i>City Futures, Development, Culture and Regeneration</i>		
Which Scrutiny and Policy Development Committee does this relate to? <i>Overview and Scrutiny Management Committee</i>		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>1161</i>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		

## Purpose of Report:

Sheffield City Council does not currently have a process in place for establishing and maintaining a Local Heritage List - a list of locally valued heritage assets, nominated mainly by members of the public and local interest groups. Such a list flags up heritage assets that are not designated (for example, not a listed building or a scheduled monument) but that have value. As such, Local Heritage Listing is recommended to help identify heritage assets that would warrant consideration in the planning process.

South Yorkshire Archaeology Service, as a joint service, has been awarded funding by the Department for Levelling Up, Housing & Communities 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

on Local Heritage Listing produced by Historic England, we are proposing a Local Heritage Listing process that it is hoped can be followed for each authority. The process will ensure that nominations received are appropriately assessed prior to inclusion onto the Local Heritage List. The outcome will be allowing greater weight to the protection of locally valued heritage assets when planning decisions are made.

This report sets out the process proposed for Local Heritage Listing, for formal adoption, including delegating the approval of heritage assets for inclusion to the Head of Planning.

**Recommendations:**

The report recommends approval of the proposed process for Local Heritage Listing, including:

- setting 7 selection criteria, as established by Historic England, weighted to reflect South Yorkshire's distinctive local historic character;
- using a panel of officers and members of key local heritage groups and/or other relevant experts, to make recommendations based on these criteria;
- delegating powers for the Head of Planning to approve the recommended inclusions, amendments or deletions from the Local Heritage List.

**Background Papers:**

1. Assessment Criteria – outlines the criteria that nominated heritage assets should meet to be included on the Local Heritage List.
2. Assessment Panel – outlines the terms of reference for the Local Heritage List assessment panel.

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Sarah Uttley/Thomas Haines</i>
		Legal: <i>Patricia Evans</i>
		Equalities: <i>Adele Robinson/Louise Nunn</i>
2	<b>EMT member who approved submission:</b>	<i>Mick Crofts, Executive Director of Place</i>
3	<b>Executive Member consulted:</b>	<i>Cllr Mazher Iqbal</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> <i>Dinah Saich</i>	<b>Job Title:</b> <i>Principal Archaeologist</i>
	<b>Date:</b> <i>31-01-22</i>	



## 1. PROPOSAL

- 1.1 Local Authorities are encouraged 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 taken into account in the planning process, when new development is proposed. Local listing provides no additional planning controls but conservation of heritage assets is a material consideration when deciding planning applications - as set out in the National Planning Policy Framework (NPPF) – see [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](http://www.gov.uk).
- 1.2 Currently Sheffield does not have a Local Heritage List – although a number of historic parks & gardens of local interest were identified by the Unitary Development Plan and are considered locally listed. An attempt to put together a Local List of buildings for Sheffield stalled in 2011, when officer time became unavailable to progress the work needed.
- 1.3 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 ([Local heritage list campaign: announcement of successful areas - GOV.UK \(www.gov.uk\)](http://www.gov.uk)). South Yorkshire was one of the areas selected and South Yorkshire Archaeology Service, as a joint service, is leading on the project for Barnsley, Doncaster, Rotherham and Sheffield.
- 1.4 To allow Local Heritage Listing to go ahead in Sheffield, a process needs to be established and adopted by the City 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 heritage assets to be assessed collectively and then included onto the South Yorkshire Local Heritage List.
- 1.5 The Historic England advice note on Local Heritage Listing ([Local Heritage Listing: Identifying and Conserving Local Heritage | Historic England](http://www.gov.uk)) recommends a process, which will be followed:
- i) Using 7 standard selection criteria to select suitable heritage assets, weighted to reflect the distinct historic character of South Yorkshire – see Appendix 1.
  - ii) Seeking public nominations for heritage assets that could be suitable for inclusion (via the dedicated website <https://local-heritage-list.org.uk/south-yorkshire>).
  - iii) Carrying out a public consultation (over a minimum of 4 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. The

public consultation phase will include notification of the Local Area Committees, in Sheffield.

iv) Holding an assessment panel meeting, to consider public nominations received against the selection criteria. NB To ensure the process continues to include the community, as well as officers from the 4 South Yorkshire authorities (Conservation Officers and South Yorkshire Archaeology Service Officers) the panel will include members of relevant groups/societies - for Sheffield this would include:

- Sheffield Conservation Advisory Group,
- Hunter Archaeological Society, and
- South Yorkshire Industrial History Society.

The panel will make recommendations on inclusion (or exclusion), taking all information received into consideration - see Appendix 2.

v) Taking the recommendations of the panel to the relevant Head of Planning, for approval.

- 1.6 In addition, it should be noted that the Local Heritage List project website is designed to support information flow from the local listing process to the South Yorkshire Historic Environment Record (formerly known as the Sites & Monuments Record), which is maintained by South Yorkshire Archaeology Service. Integration with this record is a key component of the project, helping ensure that information gathered through the local listing process can be used to enhance existing records and support the work of the service.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 The decision to adopt the process outlined will mean that, for the first time, Sheffield will have a process that allows a Local Heritage List to be maintained - a process that it is anticipated will ensure consistency of approach across South Yorkshire.

- 2.2 As Local Heritage Listing is essentially community-led, adopting the process outlined will mean that everyone will be able to get involved with the heritage of their area, including the Local Area Committees. Identifying local heritage assets ahead of development proposals will help identify concerns that will need to 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.

- 2.3 The One Year Plan aims for all communities to love and be proud of where they live and for the City Council to put the communities and people of Sheffield at the heart of everything we do. The proposed Local Heritage Listing process will help the City Council with its ambition that people play a full part in life in their local area and with finding new ways of listening to more views and connecting with communities.

- 2.4 Local heritage contributes to local distinctiveness and local character. These can be important contributors to a sense of place and belonging for residents - as the One Year Plan states "Sheffield is a place rooted in its history".

### **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 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/archaeology societies, were contacted to assess the level of support for the project. Once we had confirmation that the project was going ahead, we have involved such community groups to help us with our approach and methodology.
- 3.2 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, online workshops, etc. to make residents aware of the initiative and call for and encourage input.
- 3.3 Consultation will continue through these channels at key points, particularly to call for comments and additional information on potential candidates, once sufficient nominations have been received. This public consultation phase is helpful as it will allow for errors or mistakes in supporting information to be identified.
- 3.4 Community input is also sought for the assessment process, with members of relevant local societies being invited to participate in the assessment panel.
- 3.5 Local people will, therefore, be key to both nominations and good decision-making with regard to the Local Heritage List.

### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

#### **4.1 Equality of Opportunity Implications**

- 4.1.1 The Social & Communal Value is included as a criterion for assessment of heritage assets nominated for Local Heritage Listing, and this can include whether a place has a value to a specific community of interest, as well as to a geographic community.
- 4.1.2 Participation in heritage activities often is not very diverse and this may be partly to do with financial privilege. This may affect the nomination of heritage assets for Local Heritage Listing.
- 4.1.3 Equality monitoring of those participating with the Local Heritage Listing

project will take place, as representation is important. We will undertake to convene a group and ensure that we undertake relevant equality monitoring during the project.

#### 4.2 Financial and Commercial Implications

4.2.1 Sheffield City Council has been awarded a grant of £68,752 from the Department of Levelling Up, Housing & Communities to fund this programme of work. The funding allows us to employ a full-time project officer for 12 months, providing much needed capacity to bring local partners together, to build on the recent Local List work undertaken by Barnsley MBC, Rotherham MBC and Doncaster MBC. The funding also allows for some IT development for the website that will host the Local Heritage List and for publicity / events.

4.2.2 Other than a small amount of officer time there are no direct revenue implications as a result of approving and bringing into effect a process for establishing and maintaining a Local Heritage List. This project is funded by a grant; the lead officer will be seeking funding from other sources should it be proposed to extend the project beyond the original period.

#### 4.3 Legal Implications

4.3.1 Section 9D of the Local Government Act 2000 states that any function of the local authority that is not specified in regulations under subsection (3) is to be the responsibility of an executive of the authority under executive arrangements. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 does not specify that the functions proposed here are by law the responsibility of the Council, and therefore they are an executive function.

Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

Both public and private interests are to be taken into account in the exercise of the council's powers and duties. Any interference with a Convention right must be necessary and proportionate. The executive must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest of protecting heritage assets that have local special interest, which contribute to the character and local distinctiveness of the area.



- 4.3.2 Under the provisions of the NPPF a building, structure or place that is on a 'Local List' is considered to be a non-designated heritage asset. Non-designated heritage assets are defined as buildings, monuments, sites, places, areas or landscapes identified by local planning authorities as having a degree of significance meriting consideration in planning decisions, but which are not formally designated. Whilst local listing provides no additional planning controls, the fact that a building or site is on a Local List means that its conservation as a heritage asset is a material consideration when determining a planning application.

The level of protection afforded to a property on the Local List is influenced by the manner in which the list is prepared. The sounder the basis for the addition of an asset to the list – particularly the use of selection criteria and consultation - the greater the weight that can be given to preserving the significance of the asset.

- 4.3.3 However, it should be noted that the absence of any particular heritage asset from the local list does not necessarily mean that it has no heritage value, simply that it does not currently meet the selection criteria or that it has yet to be identified or nominated.

#### 4.4 Other Implications

- 4.4.1 N/A

### **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 The recommendation made is considered by Officers to be the most sustainable approach to Local Heritage Listing, by sharing the assessment process with the other South Yorkshire authorities, as well as seeking to ensure consistency with local listing by those authorities. The Council could do nothing but this would increase the risk that non-designated heritage assets of local significance are picked up late in the planning process, increasing the risk of issues arising and of local communities feeling their concerns are not listened to.

### **6. REASONS FOR RECOMMENDATIONS**

- 6.1 The proposed assessment process will allow the City Council to have a method for Local Heritage Listing for the first time, improving services to local residents.
- 6.2 Adoption of the recommended process will help ensure consistency with the proposed approach to Local Heritage Listing by the other South Yorkshire authorities.
- 6.3 Obtaining the relevant delegation would allow Local Heritage Listing to proceed, in a sustainable manner.

- 6.4 The outcome we are seeking is to allow greater weight to the protection of a heritage asset on the Local Heritage List, when planning decisions are made.