

Local Listing in West Berkshire Process Description

1. Background

The policy framework of Local Listing is provided in West Berkshire Council's approved Core Strategy (July 2012) under the heading Historic Environment and Landscape Character:

“Core Policy 5.139. The Council also intends to compile a ‘local list’ of heritage assets across the District which will be used to support and inform policies.”

“Core Policy CS19. In order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard will be given to:

c) The conservation and, where appropriate, enhancement of heritage assets and their settings.”

The Glossary of the National Planning Policy Framework (March 2012) contains the following definition:

“Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”

Local listing is managed jointly by the West Berkshire Council and the West Berkshire Heritage Forum. The Heritage Forum is a partnership of the parish councils and bona fide voluntary heritage societies of West Berkshire, established to recognise, promote, and protect West Berkshire's heritage. The Forum operates under formal terms of reference and is managed by a Committee which is elected at an Annual General Meeting. Representatives of West Berkshire Council's Heritage Service and Planning Service attend the Committee but do not vote.

2. Definition and Purpose

A heritage asset suitable for Local Listing is one which is considered to enhance the character and attraction of the local area by its distinctive or outstanding architectural or artistic interest, historic connections or value, or archaeological significance, but which has not been nationally designated by English Heritage. The reason that an asset is not nationally designated may be that it is not sufficiently distinctive of its type, the historic connection is solely local, the asset has been altered more than was considered acceptable, or in rare cases it is less than 30 years old. It may also be found that it has been missed by the national listing process. A nationally designated heritage asset which has been taken off the National Heritage List for England (made up of Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Registered Battlefields and Protected Wreck Sites) should be assessed for Local Listing.

The process of Local Listing identifies, assesses and describes a heritage asset against one or more of the attached criteria. The objective is to do so in a robust and consistent manner across the whole District, distinguishing only those assets which are of the greatest merit or local interest. Once identified, assessed, and described, the heritage asset is recommended for Local Listing by a Selection Panel in a public hearing, permitting representation by interested parties. The final listing decision is taken by West Berkshire Council.

Local Listing of a heritage asset will constitute a material consideration when making planning decisions that affect them or their setting. The relevant national policy is found within the National Planning Policy Framework (March 2012) at paragraphs 135 and 136, which state:

- “135. 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 affect directly or indirectly 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.
136. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”

Where an undesignated asset is found to be of national significance a proposal will be made to English Heritage for its inclusion in the National Heritage List for England.

3. Parish Working Groups

Heritage assets will be investigated, evaluated and recommended for listing on a parish basis, by assessors nominated by either the parish council or a local heritage society. It is envisaged that Parish councils and local heritage societies will work together in a Parish Working Group. Assessors may also be members of the Heritage Forum Committee or Council employees.

Training for assessors will be provided by a training course held from time to time by West Berkshire Council and the Heritage Forum. If a training course is available, assessors who have not been trained should attend it. Assessors for whom no training course has been available should work under the supervision of another assessor who has attended the course.

An assessor is subject to the approval of the Chairman or an Officer of the Heritage Forum, who will supply him/her with a letter of authority. Subject to this, Parish Working Groups will assign and direct assessment responsibilities. Assessors must have access to electronic communication and be able to take and transmit digital photographs.

Guidance on the process and approaches to the selection and assessment of heritage assets will be produced by the West Berkshire Heritage Forum. This guidance will set out the key steps, the main research sources and advice on how to identify elements and features of significance. Together with the training the guidance will promote consistency of approach and ensure that assessors produce robust cases for consideration by the Selection Panel.

If no Parish Working Group is formed in a parish where there are assets which appear suitable for local listing, the Heritage Forum may set up a body with an equivalent function.

4. The Selection Panel

Recommendations for Local Listing will be considered, and if found suitable be forwarded for approval, by a Selection Panel comprising persons external to West Berkshire Council or the Heritage Forum who have appropriate qualifications, experience, knowledge, or standing in the heritage sector¹. Meetings of the Panel will comprise a quorum of four of these external specialists and at least one representative each of West Berkshire Council and the Heritage Forum. The Panel will elect its own Chairperson, who may be an external specialist or West Berkshire Council or Forum representative.

The Selection Panel will also hear and rule on objections made by owners of a heritage asset against assessment of their asset for local listing.

¹ Examples of organisations which may be able to recommend such specialists are Universities, RIBA, RICS, Institute of Civil Engineers (Historic Engineering Panel), RTPI, TCPA, SPAB, Council for British Archaeology, Institute for Historic Building Conservation, Historic Towns Forum, and Country Landowners Association.

Decisions of the Selection Panel will be taken by a vote in favour by a majority of the external specialists present, the representatives of West Berkshire Council and the Heritage Forum not voting.

Members will be invited to join the Selection Panel by the Chairman or an Officer of the Heritage Forum, with the prior agreement of West Berkshire Council. Membership will be for a period of two years and may be renewed with the same agreement.

The Secretary of the Selection Panel will be provided by Heritage Forum. The Secretary will:

- (i) Convene meetings of the Selection Panel.
- (ii) Arrange for announcements of its meetings on West Berkshire Council's web site 20 days in advance.
- (iii) Prepare and issue an agenda to Selection Panel members attending the meeting.
- (iv) Copy the agenda to the Parish Working Group and the owner of the asset or his/her nominated curator, who will be informed that they can speak.
- (v) Issue to the Selection Panel members attending the meeting the papers for each case supplied by the Parish Working Group.
- (vi) Issue summary minutes of decisions.

Meetings of the Selection Panel will be open to the public and press.

All communications on Selection Panel proceedings and all distribution of relevant documents will be made electronically.

5. The Process

5.1 A heritage asset may be proposed for Local Listing by the public, the parish council, the heritage society, or an assessor. The Parish Working Group will make a preliminary evaluation of all proposals.

5.2 Assessment by the Parish Working Group

If a Parish Working Group considers that an asset merits consideration, it will request the assessor to prepare an initial report. If this is favourable:

- (i) The assessor will advise the identity and address of the asset to the Heritage Forum, which will assign it a unique identification number to be used for all subsequent references until it is approved for Local Listing.
- (ii) The assessor will identify the owner and advise the Heritage Forum of the owner and the asset, and the outline reasons for recommendation.
- (iii) An Officer of the Heritage Forum will, if he/she agrees, write to the owner to advise him/her that the asset is being considered for local listing, the outline reasons if appropriate, the name of the assessor whom he/she will be dealing, and the process being followed.

The owner may not be formally contacted until this letter is sent, although if informal contacts already exist they should of course continue. If the owner is in agreement, the assessor will work with the owner or custodian of the asset to prepare a formal report. If the owner objects, he/she will have six weeks in which to appeal to the next session of the Selection Panel, when the objection will be formally considered. At the Selection Panel, representations will be heard in the following order:

- The assessor or the Parish Working Group.
- The owner of the asset.

Each such representation will be permitted 5 minutes, after which the Panel may ask questions.

After the representations, discussion is by the Panel alone. The Panel may:

- (a) Rule that the asset is considered for Local Listing.
- (b) Rule that the asset is not considered further.
- (c) Defer a decision to the next meeting of the Panel, while asking for further information or evaluation by the assessor, the owner, or an outside specialist body, or carrying out a site visit.

5.3 Formal Report

The formal report prepared by an assessor on a heritage asset will comprise the following information:

- (i) The name of the asset.
- (ii) The name and address of the owner of the asset.
- (iii) One or more photographs of the asset.
- (iv) The criterion or criteria under which it qualifies for listing, identified by its number.
- (v) The known or believed date of construction.
- (vi) The present use.
- (vii) A description of the asset.
- (viii) The reason for the recommendation.
- (ix) The date of the report.

When the formal report is completed, it is forwarded to the owner and/or a curator nominated by the owner, to the Heritage Forum, and to the Secretary of the Selection Panel. 20 days must elapse between production and submission of the formal report and its consideration by the Selection Panel at a formal hearing.

5.4 Formal hearing

The Selection Panel will consider at formal hearing each formal report on a heritage asset recommended for local listing.

At the formal hearing, representations will be invited in the following order from:

- (a) The assessor or the Parish Working Group.
- (b) Members of the public who wish to speak.
- (c) The owner of the asset or his/her nominated curator.

Each such representation will be permitted 5 minutes, after which the Panel may ask questions.

After the representations, discussion is by the Panel alone. The Panel may:

- (i) Recommend the asset for Local Listing.
- (ii) Reject the asset for Local Listing.
- (iii) Defer a recommendation to the next meeting while asking for further information or evaluation by the assessor, the owner, or an outside specialist body.
- (iv) Defer a recommendation to the next meeting while carrying out a site visit.
- (v) Recommend to West Berkshire Council that the asset be proposed to English Heritage for inclusion in the National Heritage List for England.

When the Panel considers that a decision on an asset provides guidance for future assessments, it will publish its reasons.

If the asset is not recommended, it may be re-submitted at a later date with further information. The Panel may refuse such a re-hearing.

5.5 Approval

Each recommendation by the Selection Panel of an asset for Local Listing will be considered by the Head of Planning and the Portfolio Holder for Planning, who will approve or not approve it on behalf of the Council. If the asset is approved, the Secretary of the Selection Panel will assign it a sequential Local Listing identification number for the whole District and arrange to publish details on West Berkshire Council's web site. These details will comprise the formal report and the information established at the formal hearing:.

- (i) The name of the asset.
- (ii) One or more photographs of the asset.
- (iii) The criterion or criteria under which it qualifies for listing, identified by its number.
- (iv) The known or believed date of construction.
- (v) The present use.
- (vi) A description of the asset.
- (vii) The reason for the recommendation.
- (viii) The date of approval.
- (ix) The Local Listing number.

Copies of the formal report will be deposited in the West Berkshire Historic Environment Record, as the primary index of the physical remains of past human activity in the unitary authority.

If the asset is not approved, the Council may reject it or refer it to the Selection Panel for further consideration or information. A further formal hearing and recommendation by the Selection Panel would be necessary before the Council could re-consider it.

6. Publicity

All publicity on the Local Listing process will be subject to approval by both the Heritage Forum and West Berkshire Council.

7. Conflicts of interest

No assessor or Selection Panel member may be involved in evaluating a heritage asset in which he/she has a material interest, either direct or indirect. Such a conflict of interest should obviously be declared as early as possible. In case of doubt, a potential conflict would be declared and adjudged at a meeting of the Selection Panel. At a formal hearing, a Selection Panel member with such a material interest would leave the room. If in consequence the Selection Panel were not quorate the case could not be considered at that Panel meeting.

8. Expenses

Expenses are not payable to assessors or Selection Panel members other in exceptional circumstances. Any payments by the Heritage Forum must be approved by two Officers.

Anthony Pick
Chairman, West Berkshire Heritage Forum
24th July 2012

West Berkshire Heritage Forum
Criteria for Local Listing

Definition of a Heritage Asset

A heritage asset may be:

- (i) A building, in whole or part.
- (ii) The curtilage or outbuildings of a locally or nationally listed building.
- (iii) A group of buildings.
- (iv) An archaeological site.
- (v) A designed landscape, park, or garden.
- (vi) A site or landscape with exceptional local or national historic connections.
- (vii) An outdoor artistic feature.
- (viii) A memorial or monument.
- (ix) An item of outdoor furniture or signage.
- (x) A landmark.

Definition of "Local"

"Local" may mean, according to context:

- (a) The local town or parish.
- (b) A sub-district of West Berkshire.
- (c) West Berkshire.

The Criteria

A building, structure, site, monument or landscape should be considered for local listing if it satisfies any one or more of the following.

Architectural or Artistic Interest

- 1. Does it contain any significant features dating from before 1700?
- 2. If 1700-1840, does it substantially retain its original design and architecture?
- 3. If 1840-1919, is its design and architecture characteristic of the period?
- 4. If 1919-1939, is its design and architecture of exceptional interest and quality?
- 5. If after 1939, is its design and architecture of outstanding interest and quality?
- 6. Is it of innovative and distinctive design, architecture, or materials?
- 7. Is it an exceptional instance of local design, architecture, or materials?
- 8. Is it of exceptional aesthetic merit?
- 9. Was it built or designed by a nationally important architect, artist, or designer?
- 10. Was it built or designed by a locally important architect, artist, or designer?

Historic Interest

- 11. Is it associated with a person of national historic reputation?
- 12. Is it associated with a person of local historic reputation?
- 13. Had it a significant and distinctive role in local history, such as cultural, political, civic, educational, social, religious, economic, industrial, agricultural, transport, or military history?
- 14. Had it a significant role in national history?
- 15. Is it recognised as a national or local war memorial?
- 16. Does it commemorate an event of particular national or local historical significance?

Archaeological Interest

- 17. Is it a site with the demonstrable and definable potential to contain deposits and/or artefacts of regional or local archaeological significance*?

18. Has it surviving visible remains (such as earthworks, walls, or structures) of regional or local archaeological significance?

Designed Landscapes of Interest

19. Does it retain some or all of its historic features, layouts, and planting?
20. Does it possess special local significance for its recreational, cultural, historic, or aesthetic value?
21. Does it provide views of the surrounding townscape which are visually significant or satisfying?

Group Interest

22. Does it contribute significantly to the character, ambience, or setting of a nationally or locally listed heritage asset?
23. Does it contribute significantly to the townscape, landscape, street scene, or perspective of a nationally or locally listed heritage asset?
24. Does it contribute to the character of an approved conservation area?
25. Is it a landmark asset in the area, due to its strong communal or historical associations or its striking aesthetic value?
26. Does it indicate a boundary of historic significance?

*The level of archaeological significance is to be determined using the criteria set out by the Department for Media, Culture and Sport in 2010 for Scheduled Monuments, as advised by the West Berkshire Archaeology Service.

Anthony Pick
Chairman, West Berkshire Heritage Forum
30th May 2012