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## **Environment and Communities Committee**

**27 March 2025**

### **Heritage and Local List Supplementary Planning Document**

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**Report of: Phil Cresswell, Executive Director of Place**

**Report Reference No: EC/19/24-25**

**Ward(s) Affected: all**

**For Decision or Scrutiny: Decision**

#### **Purpose of Report**

- 1 The Cheshire East Local List is a Supplementary Planning Document (SPD) that identifies heritage assets of local importance. It was adopted in 2010, and this report seeks approval to consult on an update to the SPD, including on the proposed selection criteria and methodology for designating a locally listed building.
- 2 In relation to the Cheshire East Plan 2025-29, the proposals support the Council's commitment to 'unlocking prosperity for all' by supporting the protection and enhancement of local heritage that is highly valued by residents and creates an attractive environment that supports business.

#### **Executive Summary**

- 3 The Councils' current Local List of Historic Buildings SPD was adopted in 2010 and there is now a need to review and update the document.
- 4 The proposal here is to prepare a local list methodology and other heritage advice to adopt within an SPD and alongside this, maintain a 'forever green' local list of assets that align to the adopted methodology.
- 5 This approach ensures that the Local List can be updated more frequently and can be more responsive to proposals for local listing, helping the Council protect its local heritage assets without undertaking

a lengthy process of preparing a Supplementary Planning Document each time the list requires updating.

## RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. Agree to the publication of the first draft Heritage and Local List SPD (appendix 1) for public consultation, for a minimum of four weeks.
2. Publish the associated Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (“SEA”) (appendix 2).
3. Publish the associated Equalities Impact Assessment Screening Report (“EQIA”) (appendix 3).

## Background

- 6 Supplementary Planning Documents (SPDs) are material considerations in planning decisions and provide further guidance on how planning policies will be applied in practice. Non-designated heritage assets (NDHAs) are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions because of their heritage interest but which do not meet the criteria for designated heritage assets. They are defined in the Planning Practice Guidance at Paragraph 039<sup>1</sup> and can include those identified by a local planning authority such as ‘local interest’ buildings.
- 7 Once defined as a NDHA, relevant policies of the NPPF<sup>2</sup> and Local Plan may then be applied in decision making. Designation allows the Site Allocations and Development Policies Document (part two of the Local Plan) policy HER7 ‘Non-Designated Heritage Assets’ to be applied to decision making with clarity<sup>3</sup>.
- 8 Buildings marked on conservation area plans as making a positive contribution to conservation areas are also considered to be Non-Designated Heritage Assets. They add to the unique character of Cheshire East, individually and sometimes collectively. The existing Cheshire East Local List of Historic Buildings contains a list of Non-Designated Heritage Assets in Cheshire East.
- 9 The adopted SPD is a snapshot in time of buildings that have been assessed against relevant criteria in place in at the time of assessment.

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<sup>1</sup> Planning Practice Guidance Para.039: [Historic environment - GOV.UK](https://www.gov.uk/guidance/historic-environment)

<sup>2</sup> NPPF para. 216

<sup>3</sup> Policy HER7: ‘When considering the direct or indirect effects of a development proposal on a non-designated heritage asset (including locally listed buildings), a balanced judgement will be required, having regard to the significance of the heritage asset and the scale of any loss or harm’.

Continuing this approach means that if candidate local list sites are identified outside of the SPD process, they cannot formally be identified as NDHAs, often giving rise to dispute in decision making and at planning appeals. Such assets cannot be added to the Local List until the formal procedure for updating and adopting an SPD has been completed. This can take around 12 months, sometimes longer. Therefore, to ensure important protection is given to our local heritage assets, we are proposing to move toward an 'evergreen' approach keeping a live catalogue, via a digital Local List, of local heritage assets that meet a newly defined set of criteria as set out in an updated SPD.

- 10 It is therefore proposed that the SPD will consist of two elements: 1) the Cheshire East Local List criteria, linking to the digital local list which identifies the specific heritage assets that form the 'Local List', alongside evidence of how these assets meet the selection criteria, and 2) other guidance on heritage matters such as the information required to submit as part of a planning application and how to deal with improvements that support adaptations to climate change a low carbon economy.
- 11 This approach means that the Local List can be updated more frequently and regularly, capturing assets that may be brought to our attention through neighbourhood plan groups, planning applications and by other third-party stakeholders.

## **Consultation and Engagement**

- 12 An SPD is not part of the statutory development plan. It is a recognised way of putting in place additional planning guidance and can be a material consideration in determining planning applications in the borough.
- 13 Providing clear, detailed guidance about policy expectations should enable applicants to better understand policy requirements. The SPD should assist applicants when making relevant planning applications, and the Council in determining them.
- 14 SPDs require two stages of consultation before they can be adopted by the Council and brought into effect. This report requests approval to initiate a first round of consultation on proposals as set out at Appendix 1.
- 15 The proposals have been developed by professional Planning and Heritage Officers, following guidance from Historic England and benchmarking against other Planning Authorities' approaches to this matter.

- 16 It is proposed to consult for a period of 4 weeks, aligning to requirements set out in the councils' Statement of Community Involvement (SCI), and publicising the draft SPD to relevant stakeholders and more widely to the general public. Consultation will be undertaken digitally and promoted via direct email, notices and press releases.
- 17 Following consultation, feedback will be reviewed, summarised and changes will be made where appropriate. A second round of consultation on the final draft SPD will then be proposed to this committee and carried out in due course. Following the second stage of consultation, further changes will be made to the document and the SPD will be proposed for adoption.

### **Reasons for Recommendations**

- 18 The proposal aligns to the corporate plans' objective to secure a 'thriving and sustainable place' and is recommended to support this objective and for two key reasons:
- 19 Firstly, the existing SPD is now some 15 years old and references national policies which no longer exist, references local policies which no longer form part of the Development Plan, and relies on a selection criteria and methodology that, whilst consistent with the updated national guidance, needs to be updated<sup>4</sup>.
- 20 Secondly, defining which assets are to be considered as NDHAs within an SPD means that the only mechanism to update that list is through a full review of the SPD. This is a resource intensive exercise requiring multiple stages of publication, consultation and decision making by the council (as set out at para.15 above). To ensure the council has the ability to update the Local List as and when opportunities arise to protect a local heritage asset, it is proposed that the SPD contains the selection methodology which clarifies when and how NDHAs will be identified, and that the Local List is held separately to the SPD. On this basis the Local List will contain only those buildings and assets that have met the criteria set out in the SPD. This approach means that buildings and other assets can periodically be added when necessary, enabling the assets' status as a NDHA to be clarified quickly for decision making and therefore ensuring that relevant heritage policies can be applied with certainty when development proposals are considered.

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<sup>4</sup> See Historic England advice on Local Heritage Listing: [Local Heritage Listing: Identifying and Conserving Local Heritage | Historic England](#)

## Other Options Considered

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Option	Impact	Risk
Do not nothing	The Heritage and Local List SPD could not progress through the stages required by legislation and therefore could not be adopted.	The improved outcomes that could be achieved through additional guidance on how developers are expected to address policies of the local plan, would not be achieved.
Prepare an SPD that specifically identifies Locally Listed buildings within it	Any future additions to the Heritage and Local List could only be included upon a full review and update of the SPD which could take 12-18months to complete	The council is less able to respond quickly to ensure that identified heritage assets are specified as locally listed and therefore may not be able to apply relevant heritage polices to locally important assets.

## Implications and Comments

### *Monitoring Officer/Legal*

- 22 This report is coming before the Environment and Communities committee as its responsibilities include development and delivery of the Local Development Framework including the Local Plan and Supplementary Planning Documents.
- 23 The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012 provide the statutory Framework governing the preparation and adoption of SPDs. These include the requirements in Section 19 of the 2004 Act and various requirements in the 2012 Regulations including in Regulations 11 to 16 that apply exclusively to producing SPDs.

- 24 Amongst other things, the 2012 regulations require that an SPD contain a reasoned justification of the policies within it and for it not to conflict with adopted development plan policies.
- 25 The National Planning Policy Framework and the associated Planning Practice Guidance also set out national policy about the circumstances in which SPDs should be prepared.
- 26 SPDs provide more detailed guidance on how adopted local plan policies should be applied. They can be used to provide further guidance for development on specific sites, or on issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.
- 27 Any public consultation should comply with the 'Gunning Principles':
- (a) proposals are still at a formative stage - A final decision has not yet been made, or predetermined, by the decision makers
  - (b) there is sufficient information to give 'intelligent consideration' - The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response
  - (c) there is adequate time for consideration and response - There must be sufficient opportunity for consultees to participate in the consultation.
  - (d) 'conscientious consideration' must be given to the consultation responses before a decision is made. Decision-makers should be able to provide evidence that they took consultation responses into account

#### *Section 151 Officer/Finance*

- 28 There are no significant direct financial costs arising from consultation on the SPD and the proposal has no impact on the council's MTFS. The costs of delivering the proposal will be met through from existing budgets and staff resource within the planning service.
- 29 The proposal requires no additional budget to be delivered.
- 30 Whilst the proposal will not reduce in-year budget requirements, neither will it increase them. In the longer-term the clarity that the SPD will afford to whether an asset is, or is not, a NDHA will assist the council in minimising the risk of appeals on this basis.

- 31 The proposal is unlikely to increase or decrease budgets that will be considered in the next business planning cycle and whilst the project will be delivered from existing resources we still recognise the importance of ensuring value for money in the way those resources are used.

*Policy*

- 32 The SPD will provide guidance on existing development plan policies related to the delivery of biodiversity net gain from development sites. The SPD will give additional advice to applicants on how they can demonstrate they have complied with relevant policies of the development plan related to this matter.

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<p><b>An open and enabling organisation</b></p> <p>n/a</p>	<p><b>A Council which empowers and cares about people</b></p> <p>n/a</p>	<p><b>To reduce our impact on our environment.</b></p> <p>To improve preservation of heritage in the borough.</p> <p>Better guidance on local heritage helps the Local Planning Authority make decisions on how best to preserve and enhance the heritage of the borough.</p>
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*Equality, Diversity and Inclusion*

- 34 The Council has a duty under Section 149 of the Equalities Act to have due regard to the need to: eliminate discrimination; advance equality of opportunity between persons who share a “relevant protected characteristic” and persons who do not share it; foster good relations between persons who share a “relevant protected characteristic” and persons who do not share it.
- 35 The first draft Heritage and Local List SPD provides guidance on how the Local Planning Authority will identify Non-Designated Heritage Assets and how they will be treated in the development process. The draft SPD is consistent with the LPS and SADPD which were themselves the subject of an Equalities Impact Assessment (EQiA) as part of an integrated Sustainability Appraisal. The draft SPD is supported by an

EQiA (appendix 3) and will be published alongside the draft SPD for comment.

### *Human Resources*

- 36 The first draft Heritage and Local List SPD does not give rise to any particular risk management measures because the process for the preparation of an SPD is governed by legislative provisions (as set out in the legal section of the report).

### *Risk Management*

- 37 The first draft Heritage and Local List SPD does not give rise for any particular risk management measures because the process for the preparation of an SPD is governed by legislative provisions (as set out in the legal section of the report).

### *Rural Communities*

- 38 The first draft Heritage and Local List SPD seeks to provide further guidance on the approach to and management of local heritage assets, some of which may be located in rural communities. Overall, a positive impact is anticipated as the guidance will better enable the preservation and protection of valuable heritage assets.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 39 The first draft SPD seeks to provide additional guidance on identifying heritage assets that should be subject to heritage policy. Protection and preservation of our cultural heritage has a generally positive impact on the borough and in a limited way this creates a positive impact on these groups.

### *Public Health*

- 40 The first draft SPD will contribute to the protection and preservation of heritage assets which can have a positive impact on public health by supporting the delivery of high-quality places. A greater positive impact is expected in locations where heritage assets may be found, often but not limited to more urban areas (where there may be a higher volume of assets in a smaller geography), across all age groups.

### *Climate Change*

- 41 The draft SPD sets out and re-iterates national guidance in relation to development of heritage assets for the purposes of energy generation

and efficiency. The clarity provided will help deliver carbon positive improvements (such as solar PV) where appropriate.

<b>Access to Information</b>	
Contact Officer:	Tom Evans, Strategic and Environmental Planning Manager  Tom.Evans@cheshireeast.gov.uk
Appendices:	Appendix 1: Draft Heritage and Local List SPD Appendix 2: SEA / HRA Screening Report Appendix 3: Draft Equalities Impact Assessment Screening Report
Background Papers:	NA