



London Borough of Enfield

Title:	Review of Local Heritage List
Report to:	Councillor Ergin Erbil, Interim Leader of the Council
Cabinet Member:	Councillor Ergin Erbil, Interim Leader of the Council
Directors:	Perry Scott, Executive Director of Environment and Communities Brett Leahy, Director of Planning and Growth
Report Author:	Nicholas Page, Principal Heritage Advisor
Ward(s) affected:	All
Key Decision Number	KD 5561
Classification:	Part I Public
Reason for exemption	n/a

Purpose of Report

1. This report seeks authorisation to undertake public consultation on proposed revisions to the Local Heritage List, including consultation with relevant property owners. Following completion of the public consultation and consideration of representations received, a revised Local Heritage List will be prepared and for approval by the interim portfolio holder, Councillor Ergin Erbil.

Recommendations

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| <ol style="list-style-type: none">1. Approval to agree to the commencement of public consultation for a period of 4 calendar weeks. |
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Background and Options

2. The 2023 National Planning Policy Framework¹ (NPPF) states at paragraph 196 that plans should set out ‘*a positive strategy for the conservation and enjoyment of the historic environment.*’ At paragraph 195 it recognises that heritage assets are ‘*an irreplaceable resource, and should be conserved in a manner appropriate to their significance.*’
3. National Planning Policy Guidance² (PPG) paragraph 040 (Ref. ID: 18a-040-20190723) says that ‘it can be helpful if local planning authorities keep a Local Heritage List of non-designated heritage assets’ and that these should include ‘such assets which are identified by neighbourhood planning bodies.’
4. A Local Heritage List is a means for a community and a local authority to jointly identify heritage assets that are valued as distinctive elements of the local historic environment. Local heritage assets are defined as buildings, structures and sites which have special local interest, but which are not included in the national list of buildings of special architectural or historic interest, or in the national register of historic parks and gardens.
5. The Local Heritage List supports and upholds the planning policy framework for heritage within Enfield's adopted Core Strategy 2010, DMD 2014 and Heritage Strategy 2019-2014 and forms part of the evidence base for the draft new Local Plan. It also provides an up-to-date policy background to support Development Management decisions, including appeals and minimises the risk of undesignated heritage assets being identified late in the application process.
6. Guidance on the preparation of Local Heritage Lists is in Historic England Advice Note 7 (2nd edition) ‘Local Heritage Listing: Identifying and Conserving Local Heritage’.

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https://assets.publishing.service.gov.uk/media/669a25e9a3c2a28abb50d2b4/NPPF_December_2023.pdf

² <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#non-designated>

7. The current Local Heritage List was approved in 2018 and in accordance with Objective 6 of the Council's Heritage Strategy 2019-2024, now requires a review. This review has been delayed through the pandemic and consequently the project has a more formal aspect than the annual reviews anticipated.
8. The review has been run in partnership with The Enfield Society and has been undertaken by trained volunteers. Volunteers reviewed existing entries and concentrated on aspects of the borough's heritage that are less well represented in the existing List including: heritage to the east of the borough; industrial heritage; war-time heritage; heritage of communities who have settled in the borough since the end of the C19th; and, art/sculpture.
9. Volunteers' recommendations were tested against the criteria used for the 2018 review, developed from Historic England best practice. Proposed inclusions, deletions and amendments to entries were subject to scrutiny by a Review Board. The Local Heritage List Review Board was convened from Council officers and stakeholders across the project including Council officers, The Enfield Society, Historic England and volunteers.
10. In accordance with the PPG 040 the draft revised list also includes non-designated heritage assets identified in the Hadley Wood Neighbourhood Plan 2022-2039³.
11. A revised Local Heritage List has now been produced for public consultation. Members of the public will be invited to provide feedback on new inclusions, deletions and significant updates to addresses. Minor amendments to existing entries will not be subject to consultation though members of the public will be able to suggest amendments to the existing text.
12. Public consultation will be undertaken for a period of four calendar weeks. This is consistent with the Council's Statement of Community involvement for Supplementary Planning Documents. It will be undertaken by direct mail out to affected property owners (new inclusions, deletions and significant updates to addresses) and through the Council website.
13. As with the previous reviews of the Local Heritage List, the consultation will make clear that any request to remove an asset will only be normally considered if there is a factual error and it can be demonstrated that the asset is not of heritage value.

Risks that may arise if the proposed decision and related work is not taken

14. The existing list which dates from 2018 has been used to support Development Management decisions, including appeals. However, some updates are required to avoid duplication of curtilage Listed Buildings as

³https://www.enfield.gov.uk/_data/assets/pdf_file/0025/37762/HW8-HWNP-Composite-Version-Planning.pdf

defined by the Planning (Listed Buildings and Conservation Areas) Act 1990. There are risks associated with not making those updates.

15. The most significant risk of not updating the Local Heritage List relates to listed buildings. The proposed changes to the Local Heritage List include removing assets which are curtilage listed buildings. There is specific legislation relating to structures within the curtilage of listed buildings that is covered in the Planning (Listed Buildings and Conservation Areas) Act 1990. To do works to a listed building without the necessary consent is a criminal offence. It is potentially misleading to continue to include properties in the Local Heritage List where it is reasonable to expect that they should be subject to the tests for curtilage listing.
16. The Council's Heritage Strategy SPD includes at objective 6 a commitment to review the Local Heritage List on an annual basis. The Local Heritage List has not been updated since 2018 owing to disruption resulting from the pandemic. To continue without updating the Local Heritage List would mean that objective 6 of the Heritage Strategy SPD has not been met and best practice has not been followed.
17. There are some omissions and inconsistencies in the existing Local Heritage List. Under the current review volunteers were asked to give additional consideration to; heritage in the east of the borough; industrial heritage; war-time heritage; heritage of communities who have settled in the borough since the end of the C19th and art/sculpture. To not update the list would mean that these categories of local heritage would remain under-represented and more vulnerable to loss.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

18. The Local Heritage Review process has been conducted in accordance with practice for the 2018 review, Historic England policy and National Planning Policy Framework guidance. The set of proposed new entries, deletions and significant amendment is therefore considered suitable for public consultation.
19. There is a risk that some property owners will be difficult to contact and may not be aware of the public consultation. However, this will be mitigated by direct mail to affected addresses and a consultation in tandem on the Council website. As with the previous review, all reasonable measures will be undertaken to ensure that contact is made with the relevant property owner.
20. There is also a risk that some property owners will not want their property included in the Local Heritage List or will reject the attributed value. The Review has followed the model of the Review of 2018 using best practice as set out in Historic England Guidance. The recommendations of the Local Heritage Review Board that are the subject of this consultation and therefore considered robust. Requests for removal will only be considered if there is a factual error and it can be demonstrated that the asset is not of heritage value.

Preferred Option and Reason for Preferred Option

21. An updated Local Heritage List will be a more robust document that will help to meet the objectives of the Heritage Strategy SPD and provide up to date information to support Development Management decision making.
22. It is therefore recommended that authority is given to start a four calendar week period of consultation on the proposed new inclusions, removals or significant amendments to the Local Heritage List by direct mail to property affected owners (new inclusions, deletions and significant updates to addresses) and through the Council website.
23. An alternative option would be not to update the existing Local Heritage List. However, as set out in paragraphs 14-17 there are risks associated with the existing inclusion of structures that should be subject to tests of curtilage to listed buildings, with not meeting the objectives of the Heritage Strategy SPD and with not providing an up-to-date base for Development Management decision making.
24. Another alternative would be to approve the Local Heritage List without undertaking consultation with both the public and with building owners. Should consultation not be undertaken, the Local Heritage List would not have been prepared in accordance with best practice or the Council's own Statement of Community Involvement, will not be robust and will be open to legal challenges.

Relevance to Council Plans and Strategies

25. *Clean and green places* – Buildings and the construction industry are one of the largest carbon polluters in the UK today. Retaining, conserving and responsibly adapting heritage assets allows the retention of their embodied carbon and making substantial energy savings.
26. *More and better homes* - The Local Heritage List includes heritage assets across the borough which are important to local character and distinctiveness and give context and a sense of place to existing and new development.
27. *Strong, healthy and safe communities* - Volunteer engagement through the Local Heritage List process offers opportunities to improve wellbeing. Research has demonstrated that a greater engagement with heritage can lead to stronger place attachment. The shared Council and communities' production and maintenance of the List allows for more confidence in Council decision-making.
28. *An economy that works for everyone* - Maintaining a Local Heritage List brings communities together with the Council to support and shape sustainable growth, the development of the draft new Local Plan and aspirations of the Council's Heritage Strategy SPD.

Financial Implications

29. This report is seeking the approval of consultation on the draft revised Local Heritage List. Associated costs of the mail-out to affected property occupiers / owners will be borne by the strategic planning and design budget and have already been factored in.
30. Enfield Council owns properties are currently on the Local Heritage List and others that have been considered as additions to the Local Heritage List as part of the review process. Some of these premises may be subject to proposals for change or development. Inclusion on the Local Heritage List will be a material consideration which will have to be taken into account in developing any proposals in the same way as privately owned properties. The cost of bringing forward proposals will need to be met as part of any scheme's develop costs. These costs would depend upon the individual site circumstances cannot therefore be quantified at this stage.
31. Inclusion of the Local Heritage List does not result in any new planning restrictions. A Local Heritage List gives greater clarity to owners by defining the heritage value of an asset which can inform future proposals. This can help avoid abortive costs associated with assets being identified at a late stage in the planning process.
32. Any costs that are incurred in the updating of the Local Heritage List – for example printing and consultation mailout – will need to be met from within approved revenue budgets.

Legal Implications

33. The National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
34. Inclusion in the Local Heritage List does not give the building any statutory protection. As with Statutory Listed Buildings, any works carried out should preserve or enhance the building and any features of architectural or historic interest retained and appropriate materials used.
35. The Council proposes to consult for a period of 4 calendar weeks. Local Authorities have a wide discretion as to how to carry out a consultation, although there are clear guidelines from the authorities as to how a lawful consultation ought to be conducted. The leading authority is *R v London Borough of Brent ex parte Gunning [1985]* set down the four key principles of a fair consultation, commonly referred to as “the Gunning principles” In summary, to satisfy the Gunning principles any consultation (1) Must be carried out at a time when proposals are still at a formative stage; (2) The proposer must give sufficient information for any proposal to allow for intelligent consideration; (3) Adequate time must be given for consultation and response; and (4) The product of the consultation must be conscientiously taken into account in making the decision.
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Equalities Implications

37. An Equalities Impact Assessment was prepared at the start of the Review and revised following the meeting of the Local Heritage Review Board. Potential adverse impacts were identified associated with accessibility for volunteers and digital inclusion, along with suggested mitigations.
38. Mitigating actions to be taken:
- a. To ensure that all can participate in this consultation, owners / occupiers will be given the option of providing comments via post rather than email. Upon request we can also provide hard copies to individuals without access to the internet.
 - b. A digital-first consultation will allow owners / occupiers to increase the text size, translate text and utilise technologies such as screen readers.
 - c. To ensure that all can participate in this consultation, owners / occupiers will be informed of the opportunity to access the internet and computers for free at their local library.

HR and Workforce Implications

39. Enfield Council staff are located in properties that are currently included in, or proposed for inclusion in, the Local Heritage List.
40. The proposals which will be set out in the consultation will not have any impact upon members of staff.

Environmental and Climate Change Implications

41. Guidance from Historic England on historic properties and climate change is that reusing buildings is one of the most effective ways to reduce carbon emissions and eliminate unnecessary waste. Identifying heritage assets through the Local Heritage List will encourage reuse and adaptation based on best practice advice across the sector and so contribute to reducing construction waste and embodied carbon emissions, which accounts for an increasing proportion of emissions over operational carbon.
42. A growing set of resources is available to help upgrade historic properties to increase energy efficiency and generation in a sensitive way. Owners of historic buildings are encouraged to seek opportunities to improve the energy efficiency of their property in line with emerging best practice.

Public Health Implications

43. The Local Heritage List seeks to enhance the local environment and thereby promote physical and mental wellbeing. The preservation and enhancement of cherished local heritage helps increase communities' sense of belonging, civic pride and self-confidence, contributing to mental well-being and enjoyment.

Property Implications

44. Enfield Council owns properties that are currently on the Local Heritage List and others that have been considered as additions to the Local Heritage List, as part of the review process. Many of these are properties that contribute to the local heritage and are also important assets to the local authority.

45. Inclusion of the Local Heritage List does not result in any new planning restrictions. A Local Heritage List gives greater clarity to owners by defining the heritage value of an asset which can inform future proposals. This can help avoid abortive costs associated with assets being identified at a late stage in the planning process.

Housing and Regeneration Implications

46. Enfield Council owns properties that are currently on the Local Heritage List and others that have been considered as additions to the Local Heritage List, as part of the review process. Many of these are properties that contribute to the local heritage and are also important assets to the local authority.

47. Inclusion of the Local Heritage List does not result in any new planning restrictions. A Local Heritage List gives greater clarity to owners by defining the heritage value of an asset which can inform future proposals. This can help avoid abortive costs associated with assets being identified at a late stage in the planning process.

Procurement Implications

48. This report is seeking the approval of consultation on the draft revised Local Heritage List. Any procurement or purchasing linked to any actions from this will need to be in line with the Council's Contract Procedure Rules.

Risk Management Implications

49. N/A

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Appendices

Enfield Equality Impact Assessment (EqIA)

Background Papers

[Enfield Local Heritage List](#) (May 2018)

[Local Heritage List - Guidance on Selection Criteria](#) (2018)

Local Heritage List – An Explanation of the Local Heritage List and What It Means (2018)