



Llywodraeth Cymru  
Welsh Government



# Planning Policy Wales



Technical Advice Note 24:  
The Historic Environment

May 2017

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# 1 Introduction

## Status of the Technical Advice Note

**1.1** This Technical Advice Note (TAN) should be read in conjunction with Planning Policy Wales (PPW) which sets out the land use planning policies of the Welsh Government, including for the Historic Environment. PPW, the TAN, and the Welsh Government's Historic Environment Service (Cadw) best practice guides should be taken into account by local planning authorities in the preparation of their development plans and during the determination of planning applications.<sup>1</sup> They may be material to decisions on individual planning, listed building, scheduled monument and conservation area consent applications and will be taken into account by the Welsh Ministers and Planning Inspectors in the determination of applications and appeals that come before them.

**1.2** Useful reference documents, listed as footnotes, provide additional information which may be read in conjunction with this TAN. The TAN contains annexes that deal specifically with the designation and consent procedures associated with scheduled monuments, listed buildings and registered historic assets.

**1.3** Welsh Office Circulars 60/96 Planning and the Historic Environment: Archaeology; 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas; and 1/98 Planning and the Historic Environment: Directions by the Secretary of State for Wales have been superseded by this TAN and are hereby cancelled.

## Purpose of the Technical Advice Note

**1.4** The purpose of this TAN is to provide guidance on how the planning system considers the historic environment during development plan preparation and decision making on planning and Listed Building (LBC) applications. This TAN provides specific guidance on how the following aspects of the historic environment should be considered:

- World Heritage Sites
- Scheduled monuments
- Archaeological remains
- Listed buildings
- Conservation areas
- Historic parks and gardens
- Historic landscapes
- Historic assets of special local interest

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<sup>1</sup> These documents also support legislation contained in the Ancient Monuments and Archaeological Areas Act 1979, Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment (Wales) Act 2016.



## The Historic Environment, Sustainable Development and Climate Change

**1.5** The Welsh Ministers have wide-ranging powers to protect and support the historic environment in Wales,<sup>2</sup> and have a duty to make appropriate arrangements to promote sustainable development.<sup>3</sup>

**1.6** The Well-being of Future Generations (Wales) Act 2015 places duties on public bodies requiring them to act in accordance with the 'sustainable development principle' (i.e. requiring the body to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs).<sup>4</sup> That Act also establishes well-being goals which include achieving 'a Wales of vibrant culture and thriving Welsh language', described as 'a society that promotes and protects culture, heritage and the Welsh language...'.<sup>5</sup> Further, the Act places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives. Reasonable steps should be taken to meet those objectives in the context of the principle of sustainable development, including those which have regard to the historic environment. A properly protected, conserved and enhanced historic environment can improve the quality of life and well-being for everyone.

**1.7** In policy terms, the historic environment is defined as<sup>6</sup>:

"All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and deliberately planted or managed."

A historic asset is:

"An identifiable component of the historic environment. It may consist or be a combination of an archaeological site, a historic building or area, historic park and garden or a parcel of historic landscape. Nationally important historic assets will normally be designated."

Taken together and set within their cultural context, historic assets contribute to the character and sense of place of different parts of Wales.

**1.8** Changes in the historic environment are inevitable. This can be the result of decay caused by natural processes, damage caused by wear and tear of use, and the need to respond to social, cultural, economic and technological changes.<sup>7</sup>

**1.9** The multiple impacts of climate change on historic assets are a particular challenge. Some of these will be outside the planning process such as sea-level rise, flooding, changes in vegetation and agricultural land use.<sup>8</sup> However, measures that need to be taken in response to the impact of climate

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<sup>2</sup> Government of Wales Act 2006, section 61 and other legislative provisions discussed elsewhere in this document.

<sup>3</sup> Government of Wales Act 2006, section 79 and Planning Policy Wales, chapter 4.

<sup>4</sup> The Well-being of Future Generations (Wales) Act 2015, section 5.

<sup>5</sup> The Well-being of Future Generations (Wales) Act 2015, section 4.

<sup>6</sup> Conservation Principles for the Sustainable Management of the Historic Environment in Wales, Cadw, Welsh Government, 2011, definitions p. 36.

<sup>7</sup> Conservation Principles for the Sustainable Management of the Historic Environment in Wales, Cadw, Welsh Government, 2011, para 1.1.

<sup>8</sup> Historic Environment Group, Climate change and the historic environment of Wales: A summary of potential impacts, National Trust 2013.



change, such as sea and flood defences, and renewable energy projects can fall under the planning system. The public benefit of taking action to reduce carbon emissions, or to adapt to the impact of climate change, should be weighed against any harm to the significance of historic assets<sup>9</sup>.

## Conservation Principles

**1.10** The *Conservation Principles for the Sustainable Management of the Historic Environment in Wales* (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

**1.11** There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

**1.12** Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected. There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

An understanding of these values forms the basis of a statement of significance prepared as part of a heritage impact statement.<sup>10</sup>

**1.13** The final part of Conservation Principles is entitled 'Conservation Principles in Action'. This identifies how to consider different levels of intervention at a particular site or historic asset. The advice ranges from routine management and maintenance, through repair, periodic renewal, where archaeological intervention is needed, restoration to new work and alteration. Consideration is also given to how the historic environment can be accommodated alongside other interests and where enabling development may be acceptable to secure the future of an important historic asset. This part of the document provides tests against which different aspects of a development proposal can be judged.

<sup>9</sup> Significance is described in more detail in Principle 2, *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*, Cadw, Welsh Government 2011.

<sup>10</sup> See paragraph 1.15 for further information on heritage impact assessment.



**1.14** Conservation Principles recognises that the whole of the historic environment is a finite and shared resource. Every place has its own history, which has shaped its character and leaves tangible traces in its present form and fabric. This historic character makes each place unique and gives it a distinctive identity. Historic character should be taken into account in the management of change in order to sustain local distinctiveness and a sense of place. The use of an objective, structured approach to identify the elements of historic character and creating an evidence base is vital.<sup>11</sup>

## Heritage Impact Assessment

**1.15** Heritage impact assessment is a structured process that enables the significance of a designated asset to be taken into account when considering proposals for change.<sup>12</sup> Heritage impact assessments should be proportionate both to the significance of the historic asset and to the degree of change proposed, and should include sufficient information to enable both the significance of the asset and the impact of change to be understood. The results of the heritage impact assessment should be summarised in a heritage impact statement which must form part of any listed building consent, conservation area consent and, when requested, scheduled monument consent applications.<sup>13</sup>

**1.16** In addition, certain planning applications for development require a Design and Access Statement (DAS). Requirements for Design and Access Statements are prescribed by legislation,<sup>14 15</sup> but could include certain types of planning application which could have an impact on historic assets. Local planning authorities should provide advice to applicants on where these studies are required in order to assist in determining consent applications impacting on existing historic assets. When both a DAS and a heritage impact statement are required the local planning authority should advise what is necessary for each to avoid duplication.

## Information on Historic Assets in Wales

**1.17** Information about designated historic assets (scheduled monuments, listed buildings and protected wrecks) and areas on the register of historic parks and gardens and the register of historic landscapes in Wales is available through the Cadw website.<sup>16</sup>

**1.18** Local planning authorities are responsible for designating conservation areas and they hold the definitive information on their boundaries. They may also develop lists of historic assets of special local interest which may be published.

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<sup>11</sup> Managing Historic Character in Wales, Welsh Government, Cadw, 2017.

<sup>12</sup> Heritage Impact Assessment in Wales, Welsh Government, Cadw, 2017, provides further guidance on the heritage impact assessment process.

<sup>13</sup> Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment) Regulations 2017.

<sup>14</sup> Town and Country Planning (Development Management Procedure) (Wales) Order 2012

<sup>15</sup> Welsh Government, Development Management Manual

<sup>16</sup> <http://cadw.gov.wales/historicenvironment/recordsv1/cof-cymru/?lang=en>



**1.19** Designated and registered historic assets form only a small part of the wider historic environment. The most accessible and comprehensive information on all known archaeological sites, historic buildings and other components of the historic landscape is to be found in the historic environment records (HERs).

**1.20** The Welsh Ministers must compile and keep up to date an HER for each local authority area in Wales<sup>17</sup> to support evidence-based decision making relating to the historic environment. They are also required to make these HERs publicly accessible, and ensure that advice and assistance is available to those wishing to retrieve and understand the information that they contain. The Welsh Ministers, through Cadw, have produced guidance on the manner in which certain bodies may contribute to the compilation of HERs and assist in keeping them up to date, and the use of HERs in the exercise of those bodies' functions<sup>18</sup>. This includes the role of the local planning authorities in exercising their planning functions and decision making in relation to the historic environment.

**1.21** The Welsh Ministers discharge their HER duty through the four archaeological trusts in Wales, who have had regional HERs in place since the mid 1970s<sup>19</sup>.

**1.22** The HERs are complemented by the national collection of information about the historic environment, the National Monuments Record of Wales, held by the Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW).<sup>20</sup>

## The Setting of Historic Assets

**1.23** Planning Policy Wales identifies how local planning authorities must treat World Heritage Sites, scheduled monuments, unscheduled nationally important archaeological remains<sup>21</sup>, listed buildings, conservation areas and registered historic parks and gardens in Wales in their consideration of planning applications and producing development plans. This includes the impact of proposed developments within the settings of these historic assets.<sup>22</sup>

**1.24** Local planning authorities are required to consult the Welsh Ministers, through Cadw, on certain development proposals which affect scheduled monuments, registered historic parks, gardens and landscapes and the Outstanding Universal Value of World Heritage Sites and their settings.<sup>23</sup> It is for the local planning authority to consider the effects of proposed developments within the settings of listed buildings, conservation areas, unscheduled monuments of national importance and other undesignated historic assets.

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<sup>17</sup> Historic Environment (Wales) Act 2016, section 35.

<sup>18</sup> Historic Environment Records in Wales: Compilation and Use, Welsh Government, Cadw, 2017.

<sup>19</sup> Archwilio (<http://www.archwilio.org.uk>) provides online access to the core information held in the HERs and this is supported by further material held by the four Welsh Archaeological Trusts.

<sup>20</sup> The web portal to this information is [Coflein](#).

<sup>21</sup> Not all nationally important archaeological remains will be scheduled – see Planning Policy Wales, paragraph 6.4.7.

<sup>22</sup> Setting of Historic Assets in Wales, Welsh Government, Cadw, 2017.

<sup>23</sup> The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (S.I. 2012/801) (W. 110), articles 14 and 15 and paragraph (l) of the table in Schedule 4.



**1.25** The setting of an historic asset includes the surroundings in which it is understood, experienced, and appreciated embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.<sup>24</sup> Setting is not a historic asset in its own right but has value derived from how different elements may contribute to the significance of a historic asset.<sup>25</sup>

**1.26** It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings. These principles, however, are equally applicable to all historic assets, irrespective of their designation. For any development within the setting of a historic asset, some of the factors to consider and weigh in the assessment include:

- The significance of the asset and the contribution the setting makes to that significance
- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset such as noise.

The local planning authority should be able to provide guidance to the applicant during pre-application discussions on the amount of information required to support a proposal. This may include providing a heritage impact statement if the proposal is likely to have an impact on a historic asset. How setting is to be addressed by the applicant should also be considered as part of any pre-application discussions.<sup>26</sup>

**1.27** Other factors which may affect the setting of a historic asset include; inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

**1.28** There will be cases where a proposed development will enhance the setting of a historic asset and this will be treated as a benefit resulting from the development. Mitigation of damaging effects could be achieved through good design and in some cases screening or landscaping.

**1.29** The local planning authority will need to make its own assessment of the impact within the setting of a historic asset, having considered the responses received from consultees as part of this process. A judgement has to be made by the consenting authority, on a case-by-case basis, over whether a proposed development may be damaging to the setting of the historic asset, or may enhance or have a neutral impact on the setting by the removal of existing inappropriate development or land use.

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<sup>24</sup> This expands the definition provided in Conservation Principles for the Sustainable Management of the Historic Environment in Wales.

<sup>25</sup> Setting of Historic Assets in Wales, Welsh Government, Cadw, 2017.

<sup>26</sup> Heritage Impact Assessment in Wales, Welsh Government, Cadw, 2017.



## Nature Conservation and the Historic Environment

**1.30** There are inextricable links between the natural and historic environments. The habitats which support Wales' biodiversity have all been influenced to a greater or lesser extent by past human activity.<sup>27</sup>

**1.31** Common potential impacts on wildlife when working on historic buildings are on roosting bats, breeding birds and flora associated with lime-mortared walls. Vegetation clearance or groundworks associated with works at an archaeological site or works associated with or repair to a historic building may affect protected species such as dormice, reptiles and amphibians or interfere with breeding birds.

**1.32** Applicants have a duty to ensure that their proposed works do not lead to negative impacts on wildlife that might cause them to commit a criminal offence<sup>28</sup>. They should also be aware that planning applications affecting historic assets may lie within an area of land designated for nature conservation such as a Special Area of Conservation (SAC) or Site of Special Scientific Interest (SSSI) and need to consider all the relevant legislative requirements. When assessing an application for planning permission, listed building, conservation area or scheduled monument consent, the competent authority must consider the possible impacts of the proposed works on nature conservation.

**1.33** It is important to identify where there is a need for any ecological survey at an early stage and this issue should form part of any pre-application discussion.<sup>29</sup> Should protected species be identified, then licences may need to be issued.<sup>30</sup> These licences may include conditions which lead to modifications both in pre-application investigations and to the intended works. Where possible, these modifications to the design of works should be made before the submission of any listed building, conservation area or scheduled monument consent application.

**1.34** For planning applications which require a ecological survey, the local planning authority will only validate the application where this survey is provided by the applicant.<sup>31</sup>

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<sup>27</sup> Guidance on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation is provided in TAN5, Nature Conservation and Planning.

<sup>28</sup> As set out in the Conservation of Habitats and Species Regulations 2010, Wildlife and Countryside Act 1981 and Protection of Badgers Act 1992.

<sup>29</sup> Technical Advice Note 5 section 4.2.2.

<sup>30</sup> Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), part 5.

<sup>31</sup> Welsh Government, Development Management Manual Section 7 Annex provides a list of validation requirements for planning applications, including details on where ecology (biodiversity) survey is required.



## 2 Local Development Plans

### Preparing the Local Development Plan

**2.1** Planning Policy Wales sets out how the historic environment should be considered in the preparation of local development plans. This includes the regard that must be given to national policies on the historic environment and the need to include locally specific policies for the conservation and enhancement of historic assets if appropriate. National and local policies provide an important part of the framework for the consideration of individual proposals for development and help guide developers in preparing planning applications.

**2.2** A Sustainability Appraisal (SA) is a mandatory requirement in the preparation of a local development plan<sup>32</sup> and incorporates a Strategic Environmental Assessment (SEA).<sup>33</sup> It must consider the historic environment as part of its wider consideration of the environment of the plan area. The SA should use up-to-date information drawn from the historic environment record.<sup>34</sup> Cadw is a statutory consultee on the SEA.

**2.3** The SEA must include targets and indicators for the period covered by the local development plan. Monitoring of historic environment issues should be undertaken as part of this process. The scope and content of any indicators included within the SEA on the historic environment should be based on local evidence and circumstances.

**2.4** Supplementary Planning Guidance may be developed and adopted by a local planning authority to assist them in delivering policies in the local development plan.<sup>35</sup> Specific guidance relating to the historic environment might include topics such as:

- World Heritage Sites;<sup>36</sup>
- Archaeologically Sensitive Areas — where it is probable that archaeological remains will be a material consideration in the determination of any planning applications (see section 4);
- A list of historic assets of special local interest;<sup>37</sup>
- The use of characterisation to inform regeneration or the enhancement of town centres;<sup>38</sup>
- Design guidance for development briefs containing significant historic assets;<sup>39</sup>
- Conservation area management plans.<sup>40</sup>

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<sup>32</sup> Welsh Government, Local Development Plan Manual, section 3 and Planning and Compulsory Purchase Act 2004, sections 19(5) and 62(6). Planning Policy Wales, section 2.4.

<sup>33</sup> Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (S.I.2004/1656) (W. 170).

<sup>34</sup> Managing Historic Environment Records in Wales: Compilation and Use, Welsh Government, Cadw, 2017.

<sup>35</sup> Planning Policy Wales para 6.4.2.

<sup>36</sup> Managing Change in World Heritage Sites in Wales, Welsh Government, Cadw, 2017.

<sup>37</sup> Managing Lists of Historic Assets of Special Local Interest in Wales, Welsh Government, Cadw, 2017.

<sup>38</sup> Managing Historic Character in Wales, Welsh Government, Cadw, 2017.

<sup>39</sup> Technical Advice Note 12: Design section 5.6 The Historic Environment.

<sup>40</sup> Managing Conservation Areas in Wales, Welsh Government, Cadw, 2017.



## 3 World Heritage Sites

**3.1** World Heritage Sites are inscribed under the UNESCO *Convention Concerning the Protection of the World Cultural and Natural Heritage* 1972 (normally referred to as the *World Heritage Convention*). The UK Government ratified the convention in 1984 and is the “State Party” for World Heritage Sites in the United Kingdom.

**3.2** World Heritage Sites are places of Outstanding Universal Value. Outstanding Universal Value is defined as meaning ‘cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity’.<sup>41</sup> As well as meeting specific criteria for selection, World Heritage Sites have to demonstrate integrity, authenticity and that they have operational mechanisms for appropriate protection and management.

**3.3** Some World Heritage Sites have a buffer zone defined around or attached to their boundaries which is used as a management tool to help protect the World Heritage Site. The buffer zone itself is not of Outstanding Universal Value but can be used to highlight areas where potential impacts need to be given careful consideration by developers and decision makers.

**3.4** Currently there are three World Heritage Sites in Wales: Castles and Town Walls of King Edward in Gwynedd (inscribed 1986), Blaenavon Industrial Landscape (inscribed 2000), and Pontcysyllte Aqueduct and Canal (inscribed 2009).

### Principles and Policies for the Protection of World Heritage Sites

**3.5** The Welsh Government’s planning policy objectives for World Heritage Sites are set out in Planning Policy Wales.<sup>42</sup>

**3.6** Local planning authorities must preserve the Outstanding Universal Value of World Heritage Sites by carefully managing development within and adjacent to them. Each World Heritage Site must have a management plan which specifies how the Outstanding Universal Value should be preserved.<sup>43</sup> Local planning authorities are required to consult the Welsh Ministers, through Cadw, on those developments likely to have a significant impact on the Outstanding Universal Value of a World Heritage Site.<sup>44</sup>

**3.7** The approach to the protection and sustainable management of World Heritage Sites is based on the statutory designation of specific historic assets within each site, collaborative creation and implementation of World Heritage Site management plans and the use of the planning system to guide appropriate development.<sup>45</sup>

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<sup>41</sup> The Operational Guidelines for the Implementation of the World Heritage Convention, para 49.

<sup>42</sup> Planning Policy Wales, Chapter 6 paras 6.4.5 and 6.5.2–6.5.4.

<sup>43</sup> Operation Guidelines, para 108 and Cadw, Managing Change in World Heritage Sites in Wales.

<sup>44</sup> The Town and Country Planning (Development Management Procedure) (Wales) Order 2016, articles 14 and 15 and paragraph (l)(v) of the table in Schedule 4.

<sup>45</sup> Managing Change in World Heritage Sites in Wales, Welsh Government, Cadw, 2017.



**3.8** Local planning authorities must take account of the international and national policies for the protection of World Heritage Sites. Where a World Heritage Site designation exists within a local planning authority area, this should be reflected in the authority's policies and strategies for economic development, regeneration and tourism. World Heritage Site policies must be taken into account during the determination of planning applications impacting on such designations. Significant weight should be given to the need to protect World Heritage Sites for the benefit of future generations as well as our own. The effective management of a World Heritage Site is therefore concerned with the identification and promotion of change that will conserve and enhance its Outstanding Universal Value, and with the modification or mitigation of proposed changes that might alter those values.

**3.9** Where necessary, local policies for the protection and sustainable use of a particular World Heritage Site should apply both to the site itself and, as appropriate, to its setting, including any buffer zone or equivalent.

**3.10** All three World Heritage Sites in Wales lie within more than one local planning authority, so cooperation between authorities is essential. This is best achieved by the relevant local planning authorities, adopting consistent policies in their respective Local Development Plans for the protection and sustainable management of the World Heritage Site, its setting, and buffer zone. Local planning authorities should also take a collaborative approach in the preparation and adoption of shared Supplementary Planning Guidance, which provides consistent planning guidance on further details to be taken into account in guiding future development.<sup>46</sup>

## World Heritage Site Management Plans

**3.11** Local planning authorities must follow UNESCO's *Operational Guidelines* where each World Heritage Site must have an appropriate management plan which specifies how the Outstanding Universal Value of a property is to be preserved.<sup>47</sup>

**3.12** The management plan should establish short, medium and long-term objectives to protect, conserve and present the World Heritage Site. An integrated approach to planning and management is essential to guide the evolution of properties over time, whilst retaining all aspects of their Outstanding Universal Value.

**3.13** It is good practice to adopt all or part of the management plan as supplementary planning guidance.

## Development Proposals within World Heritage Sites

**3.14** The impacts of proposed development on the Outstanding Universal Value of a World Heritage Site and its setting and, where it exists, the World Heritage Site buffer zone, is a material consideration when determining planning applications.

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<sup>46</sup> A model for such guidance is the Pontcysyllte Aqueduct and Canal Supplementary Planning Document adopted in 2012, revised 2013: <http://www.denbighldp.co.uk/Webfiles/SPG/spg26.pdf>

<sup>47</sup> UNESCO Operational Guidelines for the Implementation of the World Heritage Convention, para 108: <http://whc.unesco.org/en/guidelines/>



**3.15** A World Heritage Site is considered a 'sensitive area' under the *Environmental Impact Assessment Regulations*.<sup>48</sup> Schedule 3 (2) (viii) of these Regulations identifies 'landscapes of historical, cultural or archaeological significance' as one of the selection criteria for screening Schedule 2 developments. World Heritage Sites are such landscapes. Local planning authorities will take this into consideration when asked to give a screening opinion on whether a proposed development falls within Schedule 2 and therefore requires an Environmental Impact Assessment. When an Environmental Impact Assessment is required, it should include a heritage impact assessment using a methodology that focuses on evaluating the effect of the development on the Outstanding Universal Value of the World Heritage Site and the attributes that contribute to it<sup>49</sup>.

**3.16** In all cases that are likely to have a significant impact on the Outstanding Universal Value of a World Heritage Site and its setting, it is best practice to carry out pre-application discussions with the local planning authority to ensure that the implications of the proposal are fully understood and reflected in supporting documents.<sup>50</sup> Certain developments within a World Heritage Site, including the provision of one or more dwelling houses or the provision of a building or buildings where the floor space created by the development is 100 square metres or more, will require a design and access statement.<sup>51</sup> The Welsh Ministers must be consulted, through Cadw, on planning applications that are likely to have an impact on the Outstanding Universal Value of a World Heritage Site.<sup>52</sup>

**3.17** Where a buffer zone exists it includes the immediate setting of the World Heritage Site, important views and other areas that are functionally important to protecting the Outstanding Universal Value of the World Heritage Site. The buffer zone highlights areas where potential impacts need to be given careful consideration to avoid adversely impacting on the Outstanding Universal Value of the World Heritage Site. In addition, there will be development proposals of a size, height or prominence which could also adversely affect the setting of a World Heritage Site and lie outside any buffer zone. Consideration of how to assess impacts upon the setting of a historic asset, such as a World Heritage Site, is provided in paragraphs 1.23 to 1.29 of this Technical Advice Note.

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<sup>48</sup> Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (S.I. 2016/58) (W. 28).

<sup>49</sup> Guidance on Heritage Impact Assessment can be found on the ICOMOS website at the following:  
<http://www.icomos-uk.org/world-heritage/>

<sup>50</sup> Heritage Impact Assessment in Wales, Welsh Government, Cadw, 2017.

<sup>51</sup> The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, Article 7.

<sup>52</sup> The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, articles 14 and 15 and paragraph (l)(v) of the table in Schedule 4.



## 4 Archaeological Remains

### The Importance of Archaeological Remains and their Records

**4.1** Archaeological remains are a finite and non-renewable resource. In many cases they are highly fragile and vulnerable to damage and destruction. Produced by human activity over thousands of years, they are the only evidence of our prehistoric past and complement historic records from the last 2,000 years. Archaeological remains include evidence buried below the ground and the surviving fabric of historic buildings and other structures. Their significance, as evidence of the past development of our civilisation and as part of Wales' identity, is not necessarily related to their size, visibility or popularity.

### Archaeological Remains and the Development Management Process

**4.2** The conservation of archaeological remains is a material consideration in determining a planning application. When considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation *in situ*, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains (see Annex A). In cases involving less significant archaeological remains, local planning authorities will need to weigh the relative importance of the archaeological remains and their settings against other factors, including the need for the proposed development.

**4.3** Where development might reveal, disturb or destroy archaeological remains, including palaeo-environmental evidence, it is important that the opportunities to record archaeological evidence are taken and that archaeological remains are not needlessly destroyed. The ability to record such evidence should not be a factor in deciding whether controlled removal should be permitted.

**4.4** The needs of archaeology and development may be reconciled and potential conflicts between development proposals and the preservation of significant archaeological remains can often be avoided through pre-application discussion. This should be between the applicant, the local planning authority, their archaeological advisors and, in cases where scheduled monuments may be affected, Cadw. In the case of those local authorities that do not have in-house archaeological advisors, they could draw upon the expertise and advice of the curatorial sections of the Welsh Archaeological Trusts.

**4.5** Where there is a possibility that archaeological remains may be present, applicants are encouraged to make an enquiry with the body with responsibility for the relevant historic environment record<sup>53</sup> and seek advice from the local planning authority's archaeological advisor at an early stage in considering their development proposal. This will help determine if the proposal might impact on known archaeological remains. Certain major developments require pre-application consultation with the local planning authority and, where specialist advice is required, the Welsh Ministers through Cadw.<sup>54</sup>

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<sup>53</sup> The historic environment records for each local authority area are maintained by the Welsh archaeological trusts on behalf of the Welsh Ministers.

<sup>54</sup> The Town and Country Planning (Development Management Procedure) (Wales) Order 2012.



**4.6** In exceptional circumstances, where a local planning authority is aware of a threat to a known archaeological site as a result of the potential exercise of permitted development rights, they may wish to consider the use of their powers to withdraw those rights and require planning permission be obtained before the development can proceed.<sup>55</sup>

**4.7** Where archaeological remains are known to exist, or considered likely to exist, and a study has not already been undertaken by the applicant, the local planning authority should ask an applicant to undertake a desk-based archaeological assessment and, where appropriate, an archaeological evaluation. These should be done by a qualified and competent expert to the appropriate standard.<sup>56</sup> The reports of these investigations will form part of the planning application. Applicants should show they have modified their development proposals to minimise any negative impact on the identified archaeological remains, and how they intend to mitigate any remaining negative impacts.

**4.8** The need for a desk-based assessment, and field evaluation where appropriate, should be discussed with the local planning authority prior to submission of a application, and where required the results of these studies should be submitted as part of the planning application. Failure to provide sufficient archaeological information of the appropriate standard may be a valid reason for the local planning authority to refuse planning permission.

**4.9** When considering planning applications that affect known or potential archaeological remains, the local planning authority should consult with their archaeological advisor,<sup>57</sup> about the impact, including the potential scale and harm, of the development on archaeological remains, and/or the adequacy of the mitigation of what has been proposed. These two factors are material considerations in determining the planning application. Where a planning application directly affects a scheduled monument and its setting then the local planning authority is required to consult the Welsh Ministers through Cadw.<sup>58</sup>

**4.10** The case for the preservation of archaeological remains that are not considered to meet the criteria for national importance (see Annex A.2), must be assessed on the individual merits of each case. The local planning authority must take into account relevant policies and material considerations, and will need to weigh the significance of the remains against the benefits of and need for the proposed development. In cases where there are issues of more than local importance, applications may be called in for determination by the Welsh Ministers.<sup>59</sup>

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<sup>55</sup> The Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418), Article 4.

<sup>56</sup> The Welsh Ministers endorses the use by Welsh local planning authorities of the Chartered Institute for Archaeologists' standards and guidance for desk-based assessment and field evaluation: <http://www.archaeologists.net/codes/ifa>

<sup>57</sup> Chartered Institute for Archaeologists' standards and guidance for archaeological advice by historic environment services: <http://www.archaeologists.net/codes/ifa> and, where relevant, Welsh Archaeological Trusts' Curators Code of Practice (<http://www.ggat.org.uk/archplan/curators.html>).

<sup>58</sup> The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, articles 14 and 15 and paragraph (I)(i) and (ii) of the table in Schedule 4.

<sup>59</sup> Planning Policy Wales, section 3.7.



## Preservation, or Partial Preservation of Archaeological Remains *in situ*

**4.11** Measures can be taken to minimise the impact of a development proposal on identified archaeological remains and allow their preservation *in situ*. For example, those aspects of a proposal that might cause damage, such as drains and other services, may be relocated. Similarly, foundations may be redesigned so as not to penetrate archaeological layers, or augered piling may prove more acceptable than large-scale deep excavation. In considering these solutions, a local planning authority must consider both direct and indirect impacts, such as changes to the hydrology and soil chemistry of a site, and be confident that the development can be removed at a future date without additional impacts upon the buried remains. In some cases, it may be possible to enable the partial preservation of archaeological remains. However, leaving 'islands' of preserved archaeology is not desirable. Careful design can also minimise the effect upon setting, through detailed siting of the development, considering external appearances, the use of screening or by mitigating the visual impact of the proposals by removal of existing unsightly elements.

## Recording and Furthering Understanding of Archaeological Evidence

**4.12** Having considered all policies and other material considerations and the need for the development, the local planning authority may decide that the significance of the archaeological remains is not sufficient to justify their physical preservation. In these cases, the local planning authority must satisfy itself that the necessary and proportionate arrangements for the excavation and recording of these archaeological remains are secured, and the results of this archaeological work are properly analysed and published<sup>60</sup> and that arrangements are made for the deposition of the resulting archive to the appropriate standards.<sup>61</sup> This can be achieved by the local planning authority issuing a brief setting out the scope of the archaeological work that is required, which should be prepared in consultation with their archaeological advisor.

**4.13** Planning conditions will normally require the applicant to commission a qualified and competent expert to submit a written scheme of archaeological investigation (WSI) which describes the different stages of the work and demonstrates that it has been fully resourced and given adequate time.<sup>62</sup> In approving this WSI, the local planning authority will identify who will act as their archaeological advisor<sup>63</sup> for the programme, how it will be monitored both during the excavation/fieldwork and post-excavation/fieldwork stages, and how each stage will be certified as fulfilling the planning conditions. The WSI may have to be amended between the outline and full planning applications and will need to be kept under regular review during the discharge of the conditions.

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<sup>60</sup> The Welsh Government endorses the use by Welsh local planning authorities of the Chartered Institute for Archaeologists' standard and guidance for excavation. (<http://www.archaeologists.net/codes/ifa>).

<sup>61</sup> The Welsh Government endorses the use of the National Standards for Archaeological Archives in Wales: <http://www.welshmuseumsfederation.org/en/news-archive/resources-landing/Collections/national-standard-and-guidance-for-collecting-and-depositing-archaeological-archives-in-wales-2017.html>

<sup>62</sup> Welsh Government Circular, The Use of Planning Conditions for Development Management, October 2014, conditions 22-4.

<sup>63</sup> The advisor would normally be the local planning authority's in-house archaeological advisor or the curatorial section of one of the Welsh archaeological trusts.



**4.14** Any programme of archaeological excavation and recording should precede the start of work on the development, unless there are exceptional circumstances which prevent this from occurring. In certain circumstances, e.g. where the site is occupied, the work could be integrated into the initial phase of groundworks and demolitions following written agreement with the local planning authority and their archaeological advisors. The developer must give sufficient time for the archaeological contractor to complete the site work to the appropriate standard before allowing the main contractor free access to that part of the development. An archaeological watching brief may be agreed as part of the WSI or be the subject of a planning condition<sup>64</sup> that would require such work to be carried out while the development is underway.<sup>65</sup> The applicant's responsibilities are not finally discharged until the results are analysed and published and the archive has been deposited.

**4.15** Failure to comply with archaeological planning conditions can be subject to enforcement in the same way as any other breach of planning control.<sup>66</sup>

## Unexpected Archaeological Discoveries

**4.16** Developers should have a contingency to deal with unexpected archaeological discoveries and be able to call on archaeological advice when needed. Appropriate remedial measures will need to be agreed between the developer, the local planning authority and their archaeological advisors.

**4.17** Where unexpected archaeological discoveries are considered to be of national importance, the Welsh Ministers have the power to schedule the site (see Annex A). In the event of scheduling, the developer must seek separate scheduled monument consent before work can continue. It is also open to the local planning authority and the Welsh Ministers to revoke or modify a planning permission under these circumstances, in which case there is provision for the compensation of the developer for loss of value and expenditure incurred.<sup>67</sup>

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<sup>64</sup> See Circular 16/2014 Model Conditions 22 and 23 for examples of conditions on archaeological watching briefs.

<sup>65</sup> The Welsh Government endorses the use by Welsh local planning authorities of the Chartered Institute for Archaeologist's standard and guidance for an archaeological watching brief:

[http://archaeologists.net/sites/default/files/CIfAS&GWatchingbrief\\_2.pdf](http://archaeologists.net/sites/default/files/CIfAS&GWatchingbrief_2.pdf)

<sup>66</sup> Planning Policy Wales section 3.6.

<sup>67</sup> Town and Country Planning Act 1990, sections 97, 100 and 107.



## 5 Listed Buildings

### Listed Building Designation

**5.1** Listed buildings are nationally important assets which represent a unique source of information about the past and make a valuable contribution to the quality and character of Welsh landscapes and townscapes. Buildings are listed when they are considered to be of special architectural or historic interest.

**5.2** The Welsh Ministers have a statutory duty to maintain a list of any buildings which, in their opinion, meet the published criteria as being of special architectural and historic interest (see Annex B).<sup>68</sup> Buildings are added to the statutory lists either as a result of systematic survey of particular areas or building types, or following requests from local authorities, amenity societies, other bodies, or individuals, relating to particular buildings ('spot-listing'). In all cases, the decision to list a building must be based on the special architectural or historic interest of the building. Information on listed buildings is available through Cof Cymru<sup>69</sup> and the National Monuments Record of Wales.<sup>70</sup>

**5.3** The lists include a description of each building which is principally to aid identification. List descriptions may draw attention to features of the building which led to listing, and explain why the building is of special interest, but they are not intended to provide a comprehensive record of all the features of importance. Features that are not mentioned in the list description may nevertheless be of special interest, and consent may be needed before they can be removed or altered.

**5.4** Requests for spot listing should draw attention to any new evidence which may not have been available previously, or otherwise explain why the building's special interest may have been overlooked. New evidence may sometimes justify reconsideration of a previous decision not to list, but earlier decisions are unlikely to be reviewed unless such evidence is provided. Although all requests for spot-listing are considered, it is preferable for buildings to be assessed before planning permission is granted. Proposals for spot listing made when buildings are under imminent threat of alteration or demolition, can often mean delay, sometimes with serious practical and financial consequences for the developer.

**5.5** Requests to de-list buildings can also be made, but will only be considered in the light of new evidence relating to the special architectural or historic interest of the building. The condition of a building, and the cost of repairing or maintaining it are not grounds for delisting: where there are development proposals, these issues are most appropriately addressed through the listed building consent process. Applications for de-listing will not normally be considered if the building is the subject of an application for listed building consent, or an appeal against refusal of consent, or if action by a local planning authority has commenced because of unauthorised work or neglect. Both listed building consent and enforcement appeal procedures give appellants the right to argue that a building is not of special interest and should be removed from the list, and the issue of delisting should normally be addressed in this way.

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<sup>68</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, section 1.

<sup>69</sup> Cof Cymru: <http://cadw.gov.wales/historicenvironment/recordsv1/cof-cymru/?lang=en>

<sup>70</sup> National Monuments Record of Wales: <http://www.coflein.gov.uk/>



**5.6** If the Welsh Ministers propose to include a building on the list or remove one from the list they must consult the owner and occupier of the building and the relevant local planning authority. Interim protection applies from the beginning of the consultation period.<sup>71</sup> The provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (other than provisions relating to compulsory acquisition of listed buildings<sup>72</sup>) have effect as if the building were a listed building. Owners and occupiers also have an opportunity to request a review of the Welsh Ministers' decision to list a building.

**5.7** Local planning authorities have the power to serve building preservation notices where they consider buildings are of special architectural or historic interest, and are in danger of demolition or alteration in such a way as to affect their special character. While a building preservation notice is in force the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (other than provisions relating to compulsory acquisition of listed buildings) have effect as if the building were a listed building. It takes effect immediately once it is served. A copy of the notice together with a location plan and photographs should be sent to Cadw as soon as the notice has been served so that the building can be considered for inclusion on the statutory list. The notice remains in force for up to six months to allow this consideration to be made. If a notice is not upheld by listing, a local authority may become liable to pay compensation for any loss or damage resulting from the service of the notice. If the Welsh Ministers are minded to list a building they must consult with the owners and occupiers. Interim protection supersedes the building preservation notice and liability for compensation should the building not be listed transfers to the Welsh Ministers.<sup>73</sup>

**5.8** Any person may apply in writing at any time to the Welsh Ministers (through Cadw) for a Certificate of Immunity (Col) against the listing of a particular building/s for a period of five years. A Col does not remove the requirement to apply for conservation area consent (see paras 6.10-6.12 below) for demolition of such a building in a designated area. If a Col is issued, Cadw will notify the local planning authority.

## Listed Building Consent

**5.9** The Planning (Listed Buildings and Conservation Areas) Act 1990 requires any works of demolition, alteration and/or extension which would affect the character of a listed building to be authorised through the process of listed building consent.<sup>74</sup> It is a criminal offence to carry out such works without consent, which should be sought from the local planning authority. When considering any applications for listed building consent, the local planning authority or the Welsh Ministers must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.<sup>75</sup> Consent is not normally required for repairs, unless they involve changes that would affect the character of the listed building. If in any doubt owners are advised to contact their local planning authority to seek clarification on whether or not consent is needed.

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<sup>71</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, sections 2A and 2B.

<sup>72</sup> Section 47-51 and 59 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

<sup>73</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, sections 28B and 29.

<sup>74</sup> Outlined in detail in Annex B.

<sup>75</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, section 16(2).



**5.10** The controls that apply to a listed building also apply to any objects or structures fixed to the building or that are within its curtilage.<sup>76</sup> The exact definition of what constitutes a fixture and curtilage may have to be treated on a case-by-case basis and has been the subject of case law.<sup>77</sup>

**5.11** There are some buildings which are both listed and scheduled. In these cases, its designation as a scheduled monument takes precedence and any consent application for works will be determined by the Welsh Ministers (through Cadw) (see Annex A).<sup>78</sup>

**5.12** Applicants for listed building consent are required to provide a heritage impact statement.<sup>79</sup> This presents the results of a heritage impact assessment, which is a process designed to ensure that the significance of the building is taken into account in the development and design of proposals for change. Heritage impact assessment should be proportionate both to the significance of the listed building, and to the degree of change proposed, and the statement should provide enough information to allow the local planning authority to judge significance and impact when considering applications for listed building consent.

**5.13** When determining a listed building consent application, the local planning authority should consider the following issues:

- The importance and grade of the building and its intrinsic architectural or historic interest.
- The physical features of the building which justify its listing and contribute to its significance, (for example its form and layout, materials, construction and detail) including any features of importance such as the interior, which may have come to light after the building's inclusion on the list.
- The contribution of curtilage and setting to the significance of the building, as well as its contribution to its local scene.
- The impact of the proposed works on the significance of the building.
- The extent to which the proposed works would bring substantial community benefits for example, by contributing to the area's economy or the enhancement of its local environment.

The listing grade may be a material consideration, but is not in itself a reliable guide to the sensitivity of a building to alteration or extension. For example, many grade II buildings are humble, once common building types, listed precisely because they are relatively unaltered examples of their kind and their special interest can be damaged by inappropriate alteration or extension.

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<sup>76</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, section 1(5).

<sup>77</sup> See discussion in: Charles Mynors, *Listed Buildings, Conservation Areas and Monuments*, 4th ed., (London: Sweet & Maxwell, 2006), chapter 4.

<sup>78</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, section 61.

<sup>79</sup> See *Heritage Impact Assessment in Wales*, Welsh Government, Cadw, 2017.



**5.14** Many listed buildings can sustain a degree of sensitive alteration and extension to accommodate continuing or new uses. Past changes that reflect the history of use and ownership may themselves be aspects of the special interest of the listed building.<sup>80</sup> When applicants and the local planning authority assess the heritage values and significance of a listed building, which is the subject of a consent application, they must consider the sensitivity of that building to the proposed changes. Sustaining the special interest and significance of a listed building through the process of alteration, extension or re-use is exacting, and should always be based on specialist knowledge and skill in order to realise the benefits that well-designed interventions can bring.<sup>81</sup>

**5.15** An application for the demolition of a listed building should be made in exceptional circumstances and only as an option of last resort. Consent for demolition should not be given simply because redevelopment is economically more attractive than the repair and re-use of a historic building. The following factors need to be considered:

- The condition of the building, the cost of repair and maintenance in relation to its importance and the value derived from its continued use. Where a building has been deliberately neglected, less weight will be given to these costs.
- The efforts made to keep the building in use or to secure a new use, including the offer of the unrestricted freehold of the building for sale at a fair market price that reflects its condition and situation.
- The merits of the alternative proposals for the site, including whether the replacement buildings would meet the objectives of good design<sup>82</sup> and whether or not there are substantial benefits for the community that would outweigh the loss resulting from demolition.

**5.16** The Welsh Ministers have directed<sup>83</sup> that local planning authorities are required to give notice of applications for listed building consent and of the decisions taken by them on applications for demolition or alteration of a listed building which includes an element of demolition to the national amenity societies<sup>84</sup> and the Royal Commission on the Ancient and Historical Monuments of Wales. The purpose of notifying the national amenity societies is to enable them to comment on all applications at the earliest possible stage and to allow local planning authorities to take their comments into account as part of the decision making process. The Royal Commission on the Ancient and Historical Monuments of Wales must be notified by the local planning authority of a decision to grant listed building consent for demolition and be given at least one month to access and record the building<sup>85</sup>.

**5.17** The preservation of façades alone or the gutting and reconstruction of interiors is not usually considered an acceptable approach to the re-use of a listed building.

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<sup>80</sup> Managing Change to Listed Buildings in Wales, Welsh Government, Cadw, 2017.

<sup>81</sup> The Design Commission for Wales Design Review Service can provide advice to local planning authorities, public authorities, developers, designers and others.

<sup>82</sup> Welsh Government, Technical Advice Note 12: Design.

<sup>83</sup> <http://cadw.gov.wales/historicenvironment/policy/historicenvironmentpolicy/?lang=en>

<sup>84</sup> The National Amenity Societies are the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings and the Victorian Society.

<sup>85</sup> Planning (Listed Building and Conservation Areas) Act 1990, Section 8(2).



## Notification to Welsh Ministers

**5.18** Where a local planning authority proposes to grant listed building consent it must first notify the Welsh Ministers (through Cadw).<sup>86</sup> This arrangement gives the Welsh Ministers 28 days from receipt of the application in which to decide either to recommend that they want to call in the application for their own determination, or allow the local planning authority to determine the application itself. If a decision is not taken within 28 days, the timeframe may be extended. If the planning authority decides to refuse listed building consent, it can do so without notifying the Welsh Ministers.

**5.19** The Welsh Ministers rarely call in listed building applications for their own determination. An application could be called in if the Welsh Ministers consider it raises issues of more than local importance and is of exceptional significance or controversy. This may include cases where the local planning authority has not had proper regard to national policy for the protection of the historic environment, or has disregarded it altogether.

**5.20** Wherever possible, the Welsh Ministers are keen for listed building consent decisions to be undertaken at a local level. They are able to direct that certain categories of application need not be notified to them by a local planning authority.<sup>87</sup> The Welsh Ministers have directed<sup>88</sup> that Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (i.e. the notification process) shall not apply to an application for listed building consent for the carrying out of work affecting the interior only of a Grade II (unstarred) listed building. Section 13 will still apply to any application which involves:

- (i) the demolition of a listed building;
- (ii) a grade I or II\* listed building; and
- (iii) works to the exterior of a grade II (unstarred) listed building.

**5.21** The Welsh Ministers can direct that, subject to the local planning authority obtaining prior written agreement from Cadw, Section 13 shall not apply to any application for works to Grade II (unstarred) buildings (other than demolition) providing that the local planning authority obtains the advice of a named specialist building conservation officer. If the local planning authority's proposed decision to approve the application is not strictly in accordance with the advice provided by the specialist building conservation officer, or where, for whatever reason, the specialist building conservation officer will not be able to offer advice on that application, then Section 13 will continue to apply and the Welsh Ministers must be notified of the application.

## Local Authority Listed Building Consent and Conservation Area Consent

**5.22** Local authorities must set examples of good practice to other owners in sustaining their listed buildings. Where a local authority is the applicant, all listed building applications must be submitted to the relevant local planning authority. The local planning authority must undertake the consultation and notification requirements set out in regulation 9 of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 before referring the listed building or conservation area consent to the Welsh Ministers for determination.

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<sup>86</sup> Planning (Listed Building and Conservation Areas) Act 1990, Section 13(1).

<sup>87</sup> Planning (Listed Building and Conservation Areas) Act 1990, Section 15(1).

<sup>88</sup> <http://cadw.gov.wales/historicenvironment/policy/historicenvironmentpolicy/?lang=en>



**5.23** Before applying, the local authority is encouraged to undertake pre-application discussions with the local planning authority's conservation officer and a representative of Cadw. The local planning authority should provide a written assessment of the scheme to supplement the application, prior to the application being referred to the Welsh Ministers for determination.

## Appeals

**5.24** An applicant has a right to appeal against certain decisions or failure to take a decision by the local planning authority on a listed building consent. An appeal may be made in circumstances including the following:

Where a local planning authority<sup>89</sup>:

- Refuses an application for listed building consent;
- Grants an application for listed building consent subject to conditions;
- Refuses an application for the variation or discharge of conditions attached to a listed building consent;
- Refuses an application for approval required by a condition imposed on the granting of listed building consent; or
- Fails to determine an application for listed building consent within 8 weeks of its validation by the local planning authority.

An applicant may also include as the ground or one of the grounds of the appeal a claim that the building is not of special architectural or historic interest and does not merit listed building status<sup>90</sup>.

An appeal is made to the Welsh Ministers on a form<sup>91</sup> within six months of the applicant being notified of the local planning authority's decision<sup>92</sup>.

## Purchase Notices

**5.25** An applicant who has been refused listed building consent or been granted consent subject to conditions may, in certain circumstances, serve a listed building purchase notice on the local planning authority requiring it to purchase an interest in the building and land.<sup>93</sup>

## Revocation of Listed Building Consent

**5.26** There are circumstances where a local planning authority, or in certain cases, the Welsh Ministers, have the power to make an order revoking or modifying a listed building consent. In making such an order, they must have regard to any material considerations that are relevant.<sup>94</sup> The revocation does not affect works that have already been carried out. Compensation may be payable for abortive expenditure or other loss or damage caused by the order.<sup>95</sup>

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<sup>89</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, section 20(1).

<sup>90</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, section 21(3).

<sup>91</sup> Form can be downloaded via the Planning Appeals section of the Welsh Government website.

<sup>92</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 21 and 22; the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 Regulations (S.I. 2012/793) (W. 108), regulation 12.

<sup>93</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, sections 32-37.

<sup>94</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, sections 23-26.

<sup>95</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, section 28.



## Building Recording

**5.27** Works undertaken as the result of a listed building consent will often present the opportunity to make a record of features of the building that are to be removed or altered, or which may be revealed during the course of works. Works associated with a listed building consent may also reveal archaeological remains of earlier phases of the building or items that are associated with the building. When considering a listed building consent application, the local planning authority must decide whether a programme of building recording and/or archaeological investigation is required to record the features that might be revealed or destroyed. They may seek the advice of their archaeological advisors and impose a suitable condition relating to recording (see 4.13). Applicants should contact the local planning authority when unexpected discoveries are made during the course of works. The Royal Commission on the Ancient and Historical Monuments of Wales must be given an opportunity to record a listed building proposed for demolition.<sup>96</sup>

## Ecclesiastical Exemption

**5.28** There are exemptions from listed building and conservation area consent processes for certain denominations<sup>97</sup> when making changes to their ecclesiastical buildings that remain as places of worship. The exemption only applies to those denominations and faiths which have set up internal systems of control that provide the same level of consultation and scrutiny as applied by local planning authorities when considering applications for the demolition, alteration and extension of listed buildings, and which have been approved by Welsh Ministers.<sup>98</sup> The principles of the detailed planning advice set out in this Technical Advice Note apply to those denominations exempt from consent processes when making changes to their ecclesiastical buildings.

**5.29** Proposals should be submitted for approval by an independent body, which should obtain advice from people with expert knowledge of historic church buildings. The decision making process should provide for consultation with the local planning authority, national amenity societies and Cadw, allowing them 28 days to comment. Proposals should also be publicised. The decision-making body should take into account any representations made as well as the desirability of protecting historic buildings and features of special interest. There should also be an enforcement procedure for dealing with any breaches of the control system.

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<sup>96</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, Section 8.

<sup>97</sup> The Church of England, the Church in Wales, the Roman Catholic Church, the Methodist Church, the Baptist Union of Great Britain and the Baptist Union of Wales, and the United Reformed Church.

<sup>98</sup> See Dept of National Heritage and Cadw, *The Ecclesiastical Exemption: What it is and How it works*, September 1994.



## Other Controls

**5.30** Local authorities should exercise their responsibilities for the safety of listed buildings under the building regulations and fire legislation with sympathy, when programmes of repair and conversion have been proposed. They should try to find a balance between meeting those objectives and retaining the character of the building.<sup>99</sup> Conversely, local planning authorities should be sympathetic towards the alteration of listed buildings to help them meet the building regulations having due regard to the significance of the building as well as to the overall benefit of change. The same approach should be applied to considering proposals for access and meeting other requirements under the Equality Act 2010.<sup>100</sup>

**5.31** Further advice on the approach to the alteration of listed buildings is provided in *Managing Change to Listed Buildings* and general advice is also available in British Standard 7913:2013 *Guide to the conservation of historic buildings* is recommended.<sup>101</sup>

## Enforcement

**5.32** Enforcement has a key role to play in the protection of listed buildings; conversely, however poorly targeted enforcement can undermine effective protection. It is a criminal offence to execute, or cause to execute, work to a listed building which affects its character as a building of special architectural or historic interest without listed building consent. It is also an offence to fail to comply with any conditions of a listed building consent.

**5.33** When faced with a breach of listed building control, local planning authorities will need to consider whether to take enforcement action or to prosecute or both. Enforcement may be desirable for the benefit of the building in question, while the work entailed by enforcement may represent a sufficient response to the offence without the additional need for prosecution. Further detail regarding prosecution and enforcement is set out in Annex B.

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<sup>99</sup> See Building Regulations 2010 – regulations 21, 37A and 44B.

<sup>100</sup> Cadw, *Overcoming the Barriers: Providing Physical Access to Historic Buildings*, 2002. <http://cadw.gov.wales/historicenvironment/help-advice-and-grants/makingchanges/disabilityaccess/?lang=en>

<sup>101</sup> Published by the British Standards Institute in 2013.



## 6 Conservation Areas

### Designation and Review of Conservation Areas

**6.1** The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to identify areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and designate them as conservation areas.<sup>102</sup> They should review their areas from time to time to consider whether further designations or revisions are called for.<sup>103</sup> The Welsh Ministers also have powers to designate conservation areas after consultation with the local planning authority. This is a reserved power that is used in exceptional cases, for instance, where an area is of more than local interest.<sup>104</sup>

**6.2** Conservation area designation provides the basis for policies designed to preserve or enhance all the aspects of character or appearance that define an area's special interest: this might include the pattern of settlement and the organisation of space and routes as well as the style and type of building, and the use of materials and detail. Green infrastructure may also be important, but conservation area designation is not likely to be an appropriate means of protecting landscape features, except where they form an integral part of the historic built environment.

**6.3** Local planning authorities must from time to time formulate and publish proposals for the preservation and enhancement of conservation areas in a management plan. In accordance with best practice, this should be every five to ten years. It is good practice for local planning authorities to adopt the management plan as supplementary planning guidance. They must also give special attention to the desirability of preserving or enhancing conservation areas when taking planning decisions. In exceptional circumstances where part or the whole of a conservation area no longer possesses the special interest which led to its designation, the designation may be amended or cancelled.

### Conservation Area Appraisal

**6.4** A conservation area appraisal is the foundation for any proposals for preservation and enhancement. It provides a detailed picture of the special interest of an area and identifies opportunities and priorities for action which can provide the basis for a more detailed management plan. It should include an analysis of the policy and management needs of the area, including an assessment of the effectiveness of current planning controls, the need for supplementary protection and the identification of ways in which special character can be preserved or enhanced. Local development plan policies and development management decisions which relate to conservation areas will have a sounder basis and make more positive contributions to long-term aims if the character of each conservation area is defined and policies for its preservation and enhancement are set out in detail in a management plan. Consideration can also be given to whether to introduce Article 4 Directions in these areas.<sup>105</sup>

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<sup>102</sup> Managing Conservation Areas in Wales, Welsh Government, Cadw, 2017.

<sup>103</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, section 69.

<sup>104</sup> Managing Conservation Areas in Wales, Welsh Government, Cadw, 2017.

<sup>105</sup> The Town and Country Planning (General Permitted Development) Order 1995.



**6.5** By their very nature, conservation areas have multiple stakeholders and management arrangements should provide opportunities for participation and engagement in plan and decision making. Proposals for preservation and enhancement will also be most effective when all council departments understand the significance of designation and work together. A development team approach that recognises the contribution of other departments, such as highways and housing, is therefore strongly recommended.

## Planning in Conservation Areas

**6.6** Local development plans may include locally specific policies for the protection or enhancement of conservation areas. In such circumstances, the local development plan should make clear that development proposals will be judged against their effect on the character or appearance of a conservation area as identified in the appraisal and management document. Certain development proposals within a conservation area, including the provision of one or more dwelling houses, the provision of a building or buildings where the floor space created by the development is 100 square metres or more, will require a design and access statement.<sup>106</sup>

**6.7** Many conservation areas include the commercial centres of towns and villages. Generally, there will be an emphasis on controlled and positive management of change that encourages economic vibrancy and social and cultural vitality, and accords with the area's special architectural and historic qualities. Many conservation areas include sites or buildings that make no positive contribution to, or indeed detract from the character or appearance of the area; their replacement should be a stimulus to imaginative, high-quality design and an opportunity to enhance the area.<sup>107</sup>

## Advertisement Control

**6.8** One of the purposes of the advertisement control system is to encourage the display of outdoor advertisements which make a positive contribution to the appearance of the environment. It is reasonable to expect that the local planning authority's duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area will result, in practice, in more exacting standards when the authority considers whether to grant consent for a proposed advertisement in such an area.

**6.9** In conservation areas it is important for local planning authorities to be flexible in their use of their powers under the Town and Country Planning (Control of Advertisements) Regulations 1992, because many areas include retail and commercial premises ranging from small corner shops to thriving commercial centres. Outdoor advertising is essential to commercial activity and the success of local businesses will usually help owners and tenants of commercial premises to maintain buildings in good repair and attractive in appearance.<sup>108</sup>

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<sup>106</sup> The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, regulation 7.

<sup>107</sup> Technical Advice Note 12: Design, section 4 and sections 5.5 and 5.6.

<sup>108</sup> Technical Advice Note 7: Outdoor Advertisement Control.



## Conservation Area Consent

**6.10** Conservation Area Consent is required for the demolition of an unlisted building in a conservation area, though there are some exceptions.<sup>109</sup> In this context, the courts have ruled that demolition amounts to pulling down a building so that it is destroyed completely or at least to a very significant extent.<sup>110</sup> Therefore the removal of an entire building except its facade could also count as demolition.

**6.11** The Welsh Ministers may direct that Conservation Area Consent is not required for certain<sup>111</sup> descriptions of buildings and the Welsh Ministers have directed<sup>112</sup> that Conservation Area consent is not required for certain works. These works include the demolition of a building with a total cubic content not exceeding 115 cubic metres and the demolition of a built boundary feature that is less than one metre high where abutting a highway, waterway or open space, or less than two metres high in any other case. This means that many works which involve the destruction of the fabric of part of a building will not be works of demolition and will not require conservation area consent.<sup>113</sup>

**6.12** Applications for consent to demolish must be made to the local planning authority<sup>114</sup>. Applications for Conservation Area Consent will require a heritage impact statement, which should explain why demolition is desirable or necessary alongside a broader assessment of the impact of the proposals on the character or appearance of the area.<sup>115</sup>

**6.13** There should be a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (see 5.15). In cases where it is considered a building makes little or no contribution, the local planning authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given without acceptable and detailed plans for the reuse of the site unless redevelopment is itself undesirable. The local planning authority is entitled to consider the broad principles of a proposed development, such as its scale, size and massing, when determining whether consent should be given for the demolition of an unlisted building in a conservation area.

**6.14** It may be appropriate to impose a condition on the grant of consent for demolition so that it does not take place until full planning permission has been granted and a contract for carrying out the development work has been made.<sup>116</sup>

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<sup>109</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, section 74.

<sup>110</sup> Shimizu (UK) Ltd v. Westminster Council (1997) 1 All E. R. 481.

<sup>111</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, Section 75(2).

<sup>112</sup> <http://cadw.gov.wales/historicenvironment/policy/historicenvironmentpolicy/?lang=en>

<sup>113</sup> Managing Conservation Areas in Wales, Welsh Government, Cadw, 2017.

<sup>114</sup> <http://www.planningportal.gov.uk/planning/applications/paperforms>

<sup>115</sup> Heritage Impact Assessment in Wales Welsh Government, Cadw, 2017.

<sup>116</sup> Planning (Listed Buildings and Conservation Areas) Act 1990 Section 17(3) as applied by Section 74(3) and regulation 16 of and Schedule 3 to the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012.



## Trees in Conservation Areas

**6.15** Local planning authorities have the power to protect trees and woodlands by making tree preservation orders. In addition, there is a special provision for trees in conservation areas which are not the subject of tree preservation orders.<sup>117</sup> Anyone proposing to cut down, top or lop a tree in a conservation area is required to give the local planning authority six weeks notice, during which time the local planning authority can decide whether to protect that tree with a tree preservation order.<sup>118</sup>

**6.16** When considering whether to extend protection to trees in conservation areas, local planning authorities should always take into account the visual, historic and amenity contribution of trees. In some instances, new or re-plantings may be desirable where this would be consistent with the character or appearance of the area.<sup>119</sup>

## Enforcement

**6.17** Enforcement has a key role to play in the protection of conservation areas and local planning authorities should consider a more proactive approach, including monitoring development activity and ensuring compliance with the terms of regulatory controls, rather than just investigating when a formal complaint is made. A positive and active approach to enforcement will help to reduce the number of contraventions and secure sustained improvements in environmental quality.<sup>120</sup>

## Appeals

**6.18** An applicant has a right to appeal against certain decisions or failure to take a decision by the local planning authority on a conservation area consent. An appeal may be made in circumstances including the following:

Where a local planning authority:

- Refuses an application for conservation area consent;
- Grants an application for conservation area consent subject to conditions;
- Refuses an application for the variation or discharge of conditions attached to a conservation area consent;
- Refuses an application for approval required by a condition imposed on the granting of conservation area consent; or
- Fails to determine an application for consent within 8 weeks of its validation by the local planning authority.

**6.19** An appeal is made to the Welsh Ministers on a form within six months of the applicant being notified of the local planning authority's decision.

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<sup>117</sup> Town and Country Planning Act 1990 section 211 Preservation of Trees in Conservation Areas; Technical Advice Note 10: Tree Preservation Orders, section 13.

<sup>118</sup> Town and Country Planning Act 1990 section 211 Preservation of Trees in Conservation Areas; Technical Advice Note 10: Tree Preservation Orders, section 13.

<sup>119</sup> Welsh Office Circular 64/78 and Technical Advice Note 10: Tree Preservation Orders.

<sup>120</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, Part 1, Chapter 4.



# 7 Register of Historic Parks and Gardens and the Register of Historic Landscapes in Wales

## The Register of Historic Parks and Gardens in Wales

**7.1** The Welsh Ministers have a statutory duty to compile and maintain a register of historic parks and gardens in Wales.<sup>121</sup>

**7.2** Planning Policy Wales identifies that local planning authorities should protect and conserve parks and gardens, and their settings, included in the register of historic parks and gardens in Wales. Whilst inclusion in the register does not introduce any new consent regimes, registered historic parks and gardens, and their settings, may be protected through the planning system.

**7.3** The Welsh Ministers must be consulted, through Cadw, on planning applications that are likely to affect the site of a registered historic park and garden or its setting which should be a material consideration in the determination of the proposal. Local planning authorities may also consult the Welsh Historic Gardens Trust.

**7.4** It is for the applicant to show that they understand the significance of the registered park or garden and the impact that the proposal is likely to have on it. It is for the local planning authority to consider if the impact is likely to be unacceptably damaging. It is recommended that applicants hold pre-application discussions with the local planning authority about the proposed works that require planning permission and Cadw can be invited to attend any meetings to give their advice to the applicant.<sup>122</sup>

**7.5** Proposals affecting designated historic assets within a registered park and garden will require the relevant consents and permissions. It is for the applicant to ensure that these are in place before work commences.

## The Register of Historic Landscapes in Wales

**7.6** The *Register of Historic Landscapes in Wales* is a non-statutory advisory register (see Annex C.5–C.7). Its purpose is two-fold. Firstly, when major change might be contemplated, it is intended to inform policy making and decision making at a strategic level about the historic importance of the areas identified. Secondly, information on the register should be taken into account when determining planning applications where the development requires Environmental Impact Assessment or, if on call in, in the opinion of Welsh Ministers, is of a sufficient scale to have more than a local impact on the historic landscape. The register should ensure that necessary change is accommodated without sacrificing the essential integrity and coherence of historic landscape areas. The wider purpose of the register is to promote the value of the historic landscape as a resource for social and economic well-being.

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<sup>121</sup> Ancient Monuments and Archaeological Areas Act 1979, section 41A (to be commenced).

<sup>122</sup> Managing Change to Registered Historic Parks and Gardens in Wales, Welsh Government, Cadw, 2017.



**7.7** Any developments that require Environmental Impact Assessment (EIA) and affect an area on the *Register of Historic Landscapes* will have to take the register entry into account in the production of the Environmental Statement.<sup>123</sup> The results of any analysis of LANDMAP<sup>124</sup> may also be taken into account. The regulations differentiate between Schedule 1 developments, which always require EIA, and Schedule 2 developments, which require EIA 'if it is likely to have significant effects on the environment by virtue of factors such as its size, nature or location'.<sup>125</sup> When screening Schedule 2 projects, the local planning authority must take account of the selection criteria in Schedule 3 to the Regulations. Paragraph (2)(c)(viii) of Schedule 3 to the Regulations identifies 'landscapes of historical, cultural or archaeological significance'. In Wales, an area on the *Register of Historic Landscapes* should be considered to meet this criterion.

**7.8** Best practice guidance has been developed to assist local planning authorities and the Planning Inspectorate in their consideration of planning proposals affecting areas on the *Register of Historic Landscapes*. Proposed developments within a registered historic landscape that require an Environmental Impact Assessment may require an appropriate assessment of the impacts as part of the Environmental Statement.<sup>126</sup> The Welsh Ministers must be consulted, through Cadw, on such developments.<sup>127</sup>

## 8 Historic Assets of Special Local Interest

**8.1** Historic assets that the local planning authority may consider to be of special local interest<sup>128</sup> are not accompanied by any additional consent requirements over and above those required for planning permission. However, if such assets are to contribute successfully to the conservation or enhancement of local character their status needs to be clear in the development management process. If a local planning authority chooses to identify historic assets of special local interest, it must include policies for their preservation and enhancement in the local development plan.

**8.2** Supplementary planning guidance linked to such policies is a material consideration in the planning process and can provide an effective tool for the management of historic assets of special local interest.<sup>129</sup>

**8.3** Historic assets of local interest in conservation areas benefit from the general control over demolition that is afforded by the Planning (Listed Buildings and Conservation Areas) Act 1990.<sup>130</sup>

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<sup>123</sup> Welsh Office Circular 11/99 Environmental Impact Assessment remains the current guidance on Environmental Impact Assessment in Wales. It is based on the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999-SI 1999 No 293 which implements the Council Directive No 85/337 EEC but also contains relevant guidance for the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016.

<sup>124</sup> LANDMAP is an all-Wales landscape resource where landscape characteristics, qualities and influences on the landscape are recorded and evaluated. <http://landmap-maps.naturalresources.wales/>

<sup>125</sup> Welsh Office Circular 11/99 Environmental Impact Assessment, Para 28.

<sup>126</sup> As described in Cadw and CCW A Guide to Good Practice on Using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process revised (2nd edition) (2007), para 2.8.

<sup>127</sup> The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, paragraph (I)(iv) of Schedule 4.

<sup>128</sup> Managing Lists of Historic Assets of Special Local Interest in Wales, Welsh Government, Cadw, 2017.

<sup>129</sup> Managing Lists of Historic Assets of Special Local Interest in Wales, Welsh Government, Cadw, 2017.

<sup>130</sup> Planning (Listed Buildings and Conservation Areas Act) 1990, section 74.



## 9 Annexes

### Annex A: Scheduled Monuments

#### *Designating Historic Assets as Scheduled Monuments*

**A.1** The Welsh Ministers have a duty to compile and maintain a schedule of monuments; monuments on the schedule have statutory protection. The historic environment records of Wales contain over 175,000 records of historic assets. Those considered to be of national importance can be designated by the Welsh Ministers as scheduled monuments.<sup>131</sup> There are over 4,000 scheduled monuments in Wales, the vast majority of which are in private ownership. Cadw maintains and presents to the public 130 of these monuments on behalf of the Welsh Government.<sup>132</sup> Scheduling archaeological remains ensures that the case for preservation is fully considered when any proposals for development or other work which might adversely impact the monument are being considered (see 4.2–4.11). Not all nationally important archaeological sites are scheduled. Nationally important sites can be found by chance or as the result of systematic archaeological surveys and may be considered for scheduling by the Welsh Ministers.<sup>133</sup>

**A.2** The following criteria (which are not in any ranking order) are used for assessing the national importance of an ancient monument and considering whether scheduling is appropriate. The criteria should not, however, be regarded as definitive; rather they are indicators which contribute to a wider judgement based on the individual circumstances of a case.

- a. Period:** all types of monuments that characterise a category or period should be considered for preservation.
- b. Rarity:** there are some monument categories, which are so scarce in certain periods that all surviving examples, which still retain some archaeological potential, should be preserved. In general, however, a selection must be made which portrays the typical and commonplace as well as the rare. This process should take account of all aspects of the distribution of a particular class of monument, both in a national and a regional context.
- c. Documentation:** the significance of a monument may be enhanced by the existence of records of previous investigation or, in the case of more recent monuments, by the supporting evidence of contemporary written records.
- d. Group Value:** the value of a single monument (such as a field system) may be greatly enhanced by its association with related contemporary monuments (such as a settlement and cemetery) or with monuments of different periods. In some cases, it is preferable to protect the complete group of monuments, including associated and adjacent land, rather than to protect isolated monuments within the group.

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<sup>131</sup> Ancient Monuments and Archaeological Areas Act 1979 section 1. The Secretary of State's functions under the Act have been transferred to the Welsh Ministers in relation to Wales.

<sup>132</sup> Ancient Monuments and Archaeological Areas Act 1979, sections 12-16.

<sup>133</sup> <http://cadw.gov.wales/historicenvironment/protection/monuments/?lang=en>



- e. **Survival/Condition:** the survival of a monument's archaeological potential both above and below ground is a particularly important consideration and should be assessed in relation to its present condition and surviving features.
- f. **Fragility/Vulnerability:** highly important archaeological evidence from some field monuments can be destroyed by a single ploughing or unsympathetic treatment; vulnerable monuments of this nature would particularly benefit from the statutory protection which scheduling confers. There are also existing standing structures of particular form or complexity, whose value can be severely reduced by neglect or careless treatment, which are similarly well suited by scheduled monument protection, even if these structures are already listed historic buildings.
- g. **Diversity:** some monuments may be selected for scheduling because they possess a combination of high-quality features; others because of a single important attribute.
- h. **Potential:** on occasion, the nature of the evidence cannot be specified precisely but it may still be possible to document reasons anticipating its existence and importance, and therefore demonstrate the justification for scheduling. This is usually confined to sites rather than upstanding monuments.

### ***Scheduled Monument Consent***

**A.3** Works that would directly affect a scheduled monument require the prior consent of the Welsh Ministers.<sup>134</sup> This is in addition to any planning permission required for development. There are ten class consents in place that allow specified types of work at such sites (see paragraph A.8).

**A.4** Applications for scheduled monument consent are made to the Welsh Ministers through Cadw.<sup>135</sup> Applicants are encouraged to request a pre-application meeting on site to discuss their proposals. When submitting their applications they must show that they have understood and considered the significance of the monument when designing the programme of works, and include sufficient information and drawings to illustrate the direct effects on the significance of the site. This information forms the basis of a heritage impact assessment where one is required.<sup>136</sup> Applications for scheduled monument consent will normally require the same level of information as that required for full planning consent.

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<sup>134</sup> Works that have the effect of demolishing, destroying, removing, repairing and altering, adding to, flooding or burying the monument all need prior scheduled monument consent.

<sup>135</sup> Link to guidance for applicants for scheduled monument consent: <http://cadw.gov.wales/historicenvironment/help-advice-and-grants/makingchanges/schedmonconsent/?lang=en>

<sup>136</sup> Heritage Impact Assessment in Wales, Welsh Government, Cadw, 2017.



**A.5** The main purpose of scheduling is ensuring the preservation of ancient monuments and there is a presumption in favour of their physical preservation when considering an application for scheduled monument consent. This means that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains. Applicants are expected to demonstrate that no practicable alternative route or location, avoiding the monument, exists and that the need to undertake the work outweighs the presumption in favour of the protection of the scheduled monument. Cadw will usually require an applicant to commission a qualified and competent expert to undertake a desk-based archaeological assessment and/or a field evaluation to the appropriate standard (see 4.7 above) before a determination is made. Any programme of archaeological excavation and recording required as mitigation will be established by conditions (see 4.12–4.15). Applicants will be offered the right to a hearing against refusal of, or against conditions attached to a scheduled monument consent.

**A.6** The Welsh Ministers can enter into a management agreement with the occupier of a scheduled monument to carry out an agreed programme of maintenance and/or capital works to benefit or facilitate public enjoyment of the site.<sup>137</sup> Management agreements for scheduled monuments are normally time limited and may attract grant aid. Certain works which are executed in accordance with such a management agreement will benefit from class consent (see paragraph A.8).<sup>138</sup>

**A.7** Where a scheduled monument is on Crown Land, the relevant Government department should follow a non-statutory procedure known as scheduled monument clearance when proposing works at such a site. The procedures for clearance will follow those for scheduled monument consent and Government departments are required to abide by any conditions attached to such a clearance.

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<sup>137</sup> Ancient Monuments and Archaeological Areas Act 1979, section 17.

<sup>138</sup> The Ancient Monument (Class Consents) Order 1994 S.I. 1994/1381.



## Ancient Monuments Class Consents

**A.8** Classes or descriptions of works for the execution of which, scheduled monument consent is granted by article 2 of the Ancient Monuments (Class Consents) Order 1994.

Class	Permitted works
1	<p>Agricultural, horticultural and forestry works of the same kind as those previously carried out lawfully in the same location and on the same spot within that location within the period of six years immediately preceding the date on which the works commence; but excluding works falling into one or more of the following categories—</p> <p>a) in the case of ploughed land, any works likely to disturb the soil of any part of that land below the depth at which ploughing of that part has previously been carried out lawfully;</p> <p>b) in the case of land other than ploughed land, any works likely to disturb the soil below the depth of 300 millimeters;</p> <p>c) sub-soiling, drainage works, the planting or uprooting of trees, hedges or shrubs, the stripping of top soil, tipping operations, or the commercial cutting and removal of turf;</p> <p>d) the demolition, removal, extension, alteration or disturbance of any building, structure or work or of the remains thereof;</p> <p>e) the erection of any building or structure;</p> <p>f) in the case of works other than domestic gardening works, the laying of paths, hard-standings or foundations for buildings or the erection of fences or other barriers.</p>
2	Works executed more than 10 meters below ground level by any licensed operator within the meaning of the Coal Industry Act 1994.
3	Works executed by the Canal & River Trust in Wales, in relation to land owned or occupied by them, being works of repair or maintenance, not involving a material alteration to a scheduled monument, which are essential for the purpose of ensuring the functioning of a canal.
4	Works for the repair or maintenance of machinery, being works which do not involve a material alteration to a scheduled monument.
5	Works which are urgently necessary in the interests of safety or health provided that: <p>(a) the works are limited to the minimum measures immediately necessary; and</p> <p>(b) notice in writing justifying in detail the need for the works is given to the Welsh Ministers as soon as reasonably practicable.</p>
6	Does not apply in Wales
7	Works of archaeological evaluation carried out by or on behalf of a person who has applied for consent under section 2 of the Act being works carried out: <p>a) in order to supply the Welsh Ministers with information required by them for the determination of that application;</p> <p>b) under the supervision of a person approved for that purpose in writing by the Welsh Ministers; and</p> <p>c) in accordance with a written specification approved for that purpose by the Welsh Ministers.</p>
8	Works for the maintenance or preservation of a scheduled monument or its amenities being works executed in accordance with the terms of a written agreement between the occupier of the monument and the Welsh Ministers under section 17 of the Act.
9	Works for the preservation, maintenance or management of a scheduled monument being works executed in accordance with the terms of a written agreement under which the Welsh Ministers defray, or contribute towards, the cost of those works pursuant to their powers under section 24 of the Act.
10	Works consisting of the placing of survey markers to a depth not exceeding 300 millimeters for the purpose of measured surveying of visible remains undertaken by the Royal Commission on the Ancient and Historical Monuments of Wales.



## **Offences Relating to Scheduled Monuments**

**A.9** It is a criminal offence to destroy or damage a scheduled monument, to undertake works without scheduled monument consent or not to comply with its conditions.<sup>139</sup> Cadw will take the lead in the investigation into reports of damage and may report substantiated incidents to the police. A conviction for the offence of damaging a protected monument can be punishable by a fine or imprisonment or both.

**A.10** Where Cadw has identified that damage is occurring at a scheduled monument it will seek an immediate cessation of works through the issue of a temporary stop notice requiring the specified works to cease for up to 28 days.<sup>140</sup> A copy of the notice will be posted on the site and copies served on the person carrying out the works, the occupier and anyone else considered to have an interest in the monument or land. Non-compliance with a scheduled monument temporary stop notice is a criminal offence punishable by fine.

**A.11** Where damage or unauthorised works to a scheduled monument have taken place, as well as considering the potential for prosecution, the Welsh Ministers have the power to serve a scheduled monument enforcement notice. The enforcement notice can require the restoration of the monument to its former state or, where this is not practical or desirable; require works to take place to alleviate the effects of the damage or unauthorised works. Unauthorised works will often cause irrevocable loss of archaeology which cannot be recovered by enforcement action. Such works might include an appropriate scheme of archaeological investigation and works to stabilise the monument. A notice will be served as in A.10 although there is no requirement for it to be displayed on site. If the works specified in the enforcement notice have not taken place within the period required by the notice, the Welsh Ministers may enter the monument to carry out the works themselves and recover costs reasonably incurred.

**A.12** On rare occasions, the Welsh Ministers can grant scheduled monument consent to authorise works that have already been carried out and have proved to be in the interest of the scheduled monument.<sup>141</sup> Most unauthorised works will not be approved retrospectively and will remain unauthorised. Potentially they will be subject to prosecution or enforcement even if scheduled monument consent may have been granted had it been applied for.

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<sup>139</sup> Ancient Monuments and Archaeological Areas Act 1979, sections 2 and 28.

<sup>140</sup> Ancient Monuments and Archaeological Areas Act 1979, sections 9Z1-9ZL.

<sup>141</sup> Ancient Monuments and Archaeological Areas Act 1979, section 2.



**A.13** The Ancient Monuments and Archaeological Areas Act 1979 sets out the defences to certain offences. In certain circumstances the following defences may be applicable: genuine and reasonable ignorance of the status of the monument and the need to undertake urgently necessary work in the interests of health and safety.<sup>142</sup> Where someone has undertaken unauthorised works, they may have to demonstrate that they took all reasonable steps to find out whether there was a scheduled monument in the area affected by the works and that they had no reason to believe that it was protected. Information on the location and extent of all scheduled monuments is available on the Cadw website.<sup>143</sup>

**A.14** It is an offence to use a metal detector or undertake a geophysical survey using equipment which can identify metal objects on the site of a scheduled monument without the prior consent of the Welsh Ministers.<sup>144</sup> Most metal detector users act responsibly. However, illegal metal detecting can cause serious damage to a scheduled monument—not only to its fabric, but also to its interpretation and understanding once artefacts have been removed from their archaeological context. A written application to use a metal detector or geophysical survey equipment should be made to the Welsh Ministers through Cadw. Consent is not normally given except for non-destructive geophysical research projects, or to assist in the recovery of metal objects during consented archaeological excavations or for the recovery of valuable items of modern lost property.

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<sup>142</sup> Ancient Monuments and Archaeological Areas Act 1979, section 2(8A) and (9).

<sup>143</sup> <http://cadw.gov.wales/historicenvironment/recordsv1/cof-cymru/?lang=en>

<sup>144</sup> Ancient Monuments and Archaeological Areas Act 1979, Section 42.



## Annex B: Listed Buildings

### Statutory List of Historic Buildings

**B.1** Following a systematic geographical resurvey, which was completed in 2005, there are now over 30,000 listed buildings in Wales. The list of historic buildings is published on a database and maps on Cadw's website.<sup>145</sup>

**B.2** The following are the main criteria in deciding which buildings to include in the statutory lists:

- a. Architectural interest:** the list is meant to include all buildings which are of importance to the nation for the interest of their architectural design, decoration and craftsmanship; also important examples of particular building types and techniques (for example, buildings displaying technological innovation or virtuosity) and significant plan forms.
- b. Historic interest:** this includes buildings that illustrate important aspects of the nation's social, economic, cultural, or military history.
- c. Close historical associations:** with people or events of importance to Wales.
- d. Group value:** especially where buildings contribute an important architectural or historic unity or are fine examples of planning (for example, squares, terraces or model villages).

**B.3** Age and rarity are relevant, particularly where buildings are proposed for listing on the strength of their historic interest. The older a building is and the fewer the surviving examples of its kind, the more likely it is to have historical importance. Thus, all buildings built before 1700 which survive in anything like their original condition are listed. Most buildings of about 1700 to 1840 are also listed, though some selection is necessary. After about 1840, because of the greatly increased number of buildings erected and the much larger numbers that have survived, greater selection is necessary to identify the best examples of particular building types and only buildings of definite quality and character are listed. Buildings which are less than 30 years old are normally listed only if they are of exceptional quality and under threat. The approach adopted for twentieth century listing is to identify key examples for each of a range of building types — industrial, educational, hospitals, etc. — and to treat these examples as broadly defining a standard against which to judge proposals for additions to the list.

### B.4 Selectivity

Where a building qualifies for listing primarily on the strength of its intrinsic architectural quality or its group value, the fact that there are other buildings of similar quality elsewhere is not likely to be a major consideration. The listing of buildings primarily for historical reasons is to a greater extent a comparative exercise, and, where a substantial number of buildings of a similar type and quality survive, needs to be selective. In such cases the aim will be to list the best examples of the type.

### B.5 Aesthetic Merits

The external appearance of a building — both its intrinsic architectural merit and any group value is a key consideration when judging listing proposals, the special interest of a building, for example those which are important for reasons of technological innovation, or as illustrating particular aspects of social or economic history, will not always be reflected in obvious visual quality.

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<sup>145</sup> <http://cadw.gov.wales/historicenvironment/recordsv1/cof-cymru/?lang=en#>



## **B.6 Historical Associations**

Buildings may be listed on grounds of architecture or history and listing selection takes both into account. The claims of a building for listing largely on historical grounds will usually lie in its association with people and events significant in Welsh history. Assessment will consider the extent to which elements of a building's original contemporary character are retained. Well documented historical associations of a building's importance to Wales will increase the case for its inclusion in the statutory lists or for a higher grading to be given. There should usually be some quality or interest in the physical fabric of the building itself to justify the statutory protection afforded by listing. This may lie in the architectural merit of the building itself or in the preservation of features which directly illustrate and confirm its historical associations (for example, because of the survival of internal features).

## **B.7 Grading**

Buildings are listed in three grades which reflect their relative importance;

**Grade I** – buildings of exceptional, usually national interest

**Grade II\*** – particularly important buildings of more than special interest

**Grade II** – buildings of special interest which warrant every effort being made to preserve them.

## ***Prosecution and Enforcement***

**B.8** It is a criminal offence to execute, or cause to execute, work to a listed building which affects its character as a building of special architectural or historic interest without listed building consent. It is also an offence to fail to comply with any conditions of a listed building consent.<sup>146</sup>

**B.9** When faced with a breach of listed building control, local planning authorities will need to consider whether to take enforcement action<sup>147</sup> or to prosecute or both. Enforcement may be desirable for the benefit of the building in question, while the work entailed by enforcement may represent a sufficient response to the offence without the additional need for prosecution. Unauthorised work may often destroy historic fabric, the special interest of which cannot be regained by enforcement. A listed building enforcement notice cannot come into effect earlier than 28 days after its service. A temporary stop notice can bring unauthorised works to an immediate halt, avoiding the risk of further damage to the historic fabric of the building.<sup>148</sup>

**B.10** In exceptional circumstances, applications can be made to retain unauthorised works. Local planning authorities will follow the same procedures described above for listed building consent and will consider the merits of the case against the same tests. If consent is granted then the works can remain; if not, then enforcement might follow seeking to rectify any damage or remove the works and, in appropriate cases, a prosecution might be initiated.

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<sup>146</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, sections 7 and 9.

<sup>147</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, Part 1 Chapter 4.

<sup>148</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, section 44B.



## Listed Buildings in Need of Repair

**B.11** Local planning authorities have the power to undertake urgent works to ensure the preservation of a listed building in their area.<sup>149</sup> Urgent works can be carried out to any listed building in Wales as long as they do not unreasonably interfere with its residential use. In exceptional circumstances, the Welsh Ministers can use the same power to have urgent works undertaken to a listed building where the local authority is reluctant to take action, or the building is owned by a local authority itself. Urgent works may include those works that may be needed to prevent a building's collapse, make it wind and weather tight or secure it against vandalism and theft. The steps taken should be the minimum necessary to achieve these objectives. Local planning authorities may recover the cost of carrying out the urgent works from the building owners, though the owners do have the right to make representations to the Welsh Ministers on the grounds that some or all of the works undertaken by the local planning authority were unnecessary, the costs were unreasonable and that their temporary support or shelter of the building have continued for an unreasonable length of time.

**B.12** The owners or local planning authority can also appeal the decision of the Welsh Ministers to the county court. The expenses incurred in carrying out urgent works can also be placed as a charge on the land on which the listed building stands and interest charged on any sums owed.<sup>150</sup>

**B.13** Local planning authorities also have the power to issue a Repairs Notice on the owner of a listed building that it considers is not being properly preserved as a preliminary to initiating procedures for compulsory acquisition.<sup>151</sup> A Repairs Notice must specify the works that the local planning authority considers necessary for the proper preservation of the building and must explain to the owner how this part of the legislation works. A Repairs Notice may be issued for any listed building where the local planning authority considers that there has been a protracted failure by an owner to keep the building in reasonable repair and so places the building at risk. The Welsh Ministers have the same powers, but these will only be used in exceptional circumstances.

**B.14** If, after two months has passed following the serving of a Repairs Notice and it appears that no reasonable measures have been taken to secure the preservation of the building, the local planning authority may begin compulsory purchase proceedings after receiving confirmation from the Welsh Ministers. In giving their confirmation, the Welsh Ministers must be satisfied that the means and resources are in place to secure the building's repair. Private listed buildings which are the subject of compulsory purchase, should, wherever possible, remain in the private sector. The local planning authority should reach an agreement with a private individual or a body, such as a building preservation trust, which has access to the resources necessary to undertake the repairs. Covenants will need to be negotiated to ensure the repairs are carried out. Local planning authorities may sell or grant a long lease on a compulsorily purchased listed building, to an appropriate body within two years, at no capital gain to themselves, without penalty.

**B.15** Local planning authorities may not consider the use of a dangerous structure order<sup>152</sup> for a listed building, a building subject to a Building Preservation Notice or a building in a conservation area, without first considering the use of their powers of compulsory purchase, urgent works or a Repairs Notice under the Planning (Listed Buildings and Conservation Areas) Act 1990.

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<sup>149</sup> Planning (Listed Buildings and Conservation Areas) Act 1990 section 54 (amended by the Historic Environment (Wales) Act 2016).

<sup>150</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, sections 54 and 55 as amended by the Historic Environment (Wales) Act 2016.

<sup>151</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, sections 47 and 48.

<sup>152</sup> Building Act 1984, section 77.



## Annex C: Registered Historic Assets

### *The Register of Historic Parks and Gardens in Wales*

**C.1** The definition of a historic park and garden<sup>153</sup> by which sites are selected for the register is:

Gardens, parks, designed grounds, designed ornamental landscapes and places of recreation are of historic interest when they:

- a. illustrate some particular aspect of the history of gardens, parks, designed grounds, designed ornamental landscapes and places of recreation, or the history of gardening, ornamental landscaping or horticulture
- b. have significant historic associations (for example, with a particular person or event)
- c. have a group value with buildings or other land and the group value is of historic interest, for example, they may provide a historic setting for a building of historic interest.

**C.2** Sites that conform with the traditions of gardens, parks, designed grounds, designed ornamental landscapes and places of recreation are included within the definition. For general purposes it is convenient to use the terms 'gardens and parks of historic interest' and 'site' as abbreviations for 'gardens, parks, designed grounds, designed ornamental landscapes and places of recreation of historic interest'.

**C.3** Originally, in Wales, historic parks and gardens formed part of a more extensive *Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales*. Work to create this part of the register was undertaken by Cadw in partnership with ICOMOS UK (the International Council on Monuments and Sites). The part of this register covering historic parks and gardens in Wales was issued in county volumes between 1994 and 2002. A supplementary register of 14 additional sites was published in 2007. Since that date new entries to the register have been notified individually to owners and local planning authorities directly. There are about 400 sites on this register.

**C.4** A grading system similar to that used for listed buildings (I, II\*, II) is used for parks and gardens. Grades indicate the following qualities:

**Grade I** – Parks and gardens which by reason of their historic layout, features and architectural ornaments considered together make them of exceptional interest.

**Grade II\*** – Parks and gardens which by reason of their historic layout, features and architectural ornaments considered together make them of great quality.

**Grade II** – Parks and gardens which by reason of their historic layout, features and architectural ornaments considered together make them of special interest.

### *The Register of Historic Landscapes in Wales*

**C.5** This register was published in two parts. *Part 2.1 Landscapes of Outstanding Historic Interest* was published in 1998 and contained 36 areas and *Part 2.2 Landscapes of Special Historic Interest*, published in 2001, contained a further 22 areas, generally of smaller size. These two parts will be combined to form the *Register of Historic Landscapes in Wales*.

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<sup>153</sup> Developed by the University of York, and adopted in Wales, as well as in England and Scotland.



**C.6** The European Landscape Convention came into force in the UK on 1 March 2007. Under the convention, member states are required to undertake general and specific measures through its own legislative powers and administrative arrangements.<sup>154</sup> The general measures require each party to recognise landscapes in law, establish and implement landscape policies, ensure widespread participation and integrate landscape into planning and other policies. The specific measures include; awareness raising, training and education, identification and assessment, defining landscape quality objectives and implementation. The publication of the *Register of Historic Landscapes* and its use in development planning and management goes towards meeting this undertaking.

**C.7** The criteria for identifying, either singly or in combination, landscapes of outstanding or special historic interest are:

#### Intensively developed or extensively remodelled

Landscapes in which development or change as a result of human activity (land use) has been so intense, resulting in substantial alterations to the natural (landform) and semi-natural (land cover) elements: large towns, cities, conurbations, industrial areas, large-scale civil engineering projects, landscapes showing human endeavour on a grand scale.

#### Period

Landscapes in which development or change as a result of human activity has been arrested at one or more stages and subsequent material alteration restricted: relict (or fossil) landscapes showing human activity within one or more periods, perhaps abandoned or essentially unchanged after the principal activity ceased.

#### Historic diversity/Multi-period

Landscapes in which development or change as a result of human activity continues, and into which past evidence from more than one period has become cumulatively assimilated with the natural (landform) and semi-natural (land cover) elements, with particular regard for those areas in which evolution over time is shown by a variety of archaeological or historic features with one or more of the following attributes:

- a. different forms of the same type of class of feature
- b. range of different features
- c. density of related features
- d. particular group value
- e. continuity through several periods
- f. features relating to the development of a particular theme or process.

#### Buried/Subsumed or destroyed

Landscapes with historic (events, traditions, legends, folklore), artistic, literary, architectural, technological, religious, or other important cultural association, either singly or in combination.

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<sup>154</sup> European Landscape Convention, (Florence, 2000, Misc 4 (2006), Cm 6794).



## Annex D: Glossary of Terms

Term	Definition
Aesthetic value	Value deriving from the ways in which people draw sensory and intellectual stimulation from a place.
All-Wales Listed Building Condition Survey	A programme of surveys of listed buildings across Wales using a consistent methodology.
Applicant	An individual or organisation applying to the relevant body for planning, scheduled monument, listed building or conservation area consent.
Archaeological evaluation	A limited programme of non intrusive and/or intrusive fieldwork which determines the presence or absence of archaeological features, deposits or artefacts within a specified area or site on land, intertidal zone or underwater.
Archaeological excavation	A programme of controlled intrusive fieldwork with defined research objectives which examines, records and interprets archaeological structures and as appropriate, retrieves artefacts, ecofacts and other remains within a specified area or site on land, intertidal zone or underwater.
Archaeological site	A place or group of physical sites in which evidence of past human activity is preserved; the place where a historic asset is located.
Archaeologically sensitive areas	Areas where there is a concentration of archaeological sites.
Buffer Zone (World Heritage Site)	A geographically defined area around or attached to the boundary of a World Heritage Site which provides an added layer of protection to the site. The buffer zone itself is not of Outstanding Universal Value but includes the immediate setting of the World Heritage Site, important views and attributes that are functionally important as a support to the World Heritage Site and its protection. Buffer zones can only be amended or altered by the World Heritage Committee.
Building Preservation Notice	A notice that has the effect of temporarily listing a building that is not a listed building but that is of special architectural or historic interest and that is in danger of demolition or of alteration in such a way as to affect its character.
Certificate of Immunity	A certificate issued by the Welsh Ministers stating that a building will not be listed during the five years starting with the date on which the certificate is issued.
Characterisation	Capturing the local distinctiveness by identifying how places have been shaped over time.
Communal value	Value deriving from the meaning of a place for the people who relate to it, or from whom it figures in their collective experience or memory.
Conservation	A process of maintaining or managing change to a historic asset in its setting in ways that will best sustain its heritage values, while recognising opportunities to reveal or reinforce those values for present and future generations.
Conservation Area	An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, designated under the Planning (Listed Buildings and Conservation Areas) Act 1990.
Conservation Management Plan	A conservation management plan describes the significance of a historic asset and explains how it will be protected, conserved and sustained. It sets out general policies and principles for managing the asset which will retain its significance, together with detailed programmes for maintenance, repair, access and use, and proposals for change.



Term	Definition
Designated historic asset	A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site or Conservation Area designated as such under the relevant legislation.
Desk based assessment	A programme of study of the historic environment within a specified area or site on land, the inter-tidal zone or underwater that addresses agreed research and/or conservation objectives. It consists of an analysis of existing written, graphic, photographic and electronic information in order to identify the likely heritage assets, their interests and significance and the character of the study area, including appropriate consideration of the settings of heritage assets and, the nature, extent and quality of the known or potential archaeological, historic, architectural and artistic interest. Significance is to be judged in a local, regional, national or international context as appropriate.
Developer	One who builds on land or alters the use of an existing building for some new purpose.
Enhance	To improve the quality, value, or extent of something. This could be a historic asset in relation to the historic environment.
Environmental Impact Assessment (EIA)	An analytical process that systematically examines the possible environmental consequences of the implementation of projects as specified in EIA Directive 2011/92/EU (as amended). The assessments are reported in an Environmental Statement (ES).
Evidential value	Value deriving from the potential of a place to yield evidence about past human activity.
Geophysical Survey	Archaeological geophysical survey uses non-intrusive and non-destructive techniques to determine the presence or absence of anomalies likely to be caused by archaeological features, structures or deposits, as far as reasonably possible, within a specified area or site on land, in the inter-tidal zone or underwater. Geophysical survey determines the presence of anomalies of archaeological potential through measurement of one or more physical properties of the subsurface. (CIfA)
Heritage Impact Assessment	Heritage impact assessment is a structured process to ensure that the significance of a historic asset is taken into account in the development and design of proposals for change. It is a core part of the design process, which tests whether the proposals for change to a historic asset are appropriate by assessing their impact on its significance.
Heritage Impact Statement	The results of a heritage impact assessment are summarised in a heritage impact statement which is submitted with an application for listed building consent, conservation area consent or, where requested, scheduled monument consent. It provides an explanation of the proposed work and the reasoning for it, an assessment of the significance of the asset, and the impact of the proposed work, design options and preferred approach, and an access statement, if required. Heritage impact statements are proportionate to the significance of the asset, and the degree of change proposed
Historic asset	An identifiable component of the historic environment. It may consist or be a combination of an archaeological site, a historic building or area, historic park and garden or a parcel of historic landscape. Nationally important historic assets will normally be designated.



Term	Definition
Historic Asset of Special Local Interest	Local historic assets which are not already designated as scheduled monuments, listed buildings or conservation areas, or registered historic parks and gardens which make an important contribution to local distinctiveness and public knowledge. Their selection should be based on sound local evidence and consultation and may be maintained on a list by the local planning authority.
Historic environment	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and deliberately planted or managed.
Historic environment record (HER)	A historic environment record is the store for systematically organised information about the historic environment in a given area and can be accessed by anyone. It is maintained and updated for public benefit.
Historic fabric	The material substances which make up a historic asset, including the upstanding physical remains and the buried archaeological deposits.
Historic value	Value deriving from the ways in which past people, events and aspects of life can be connected through a place to the present.
In situ	<i>In situ</i> refers to an artifact that has not been moved from its original place of deposition.
Listed Building	A building of special architectural or historic interest which is included in a list compiled or approved by the Welsh Ministers.
Local Development Plan (LDP)	A development plan prepared by a local planning authority for its area in Wales under Part 6 of the Planning and Compulsory Purchase Act 2004.
Mitigation	Mitigation is the action to take to avoid or minimise any harm to the significance of a historic asset.
Nature Conservation	The preservation, protection, wise use, sustainable management, restoration and enhancement of flora, fauna and geological and physiological features.
Preservation	To keep safe from harm.
Protected wreck	The Protection of Wrecks Act 1973 allows the Welsh Ministers to designate a site around a wreck to prevent uncontrolled diving and interference. Designated sites are identified as being likely to contain the remains of a vessel, or its contents, which are of historical, artistic or archaeological importance.
Scheduled monument	A monument which is included in the Schedule of monuments compiled and maintained by the Welsh Ministers under the Ancient Monuments and Archaeological Areas Act 1979.
Scheduled monument consent	A consent under the Ancient Monuments and Archaeological Areas Act 1979 that is required to authorise works affecting a scheduled monument.
Setting	The setting of a historic asset includes the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Setting is not itself a historic asset, though land within a setting may contain other historic assets.
Significance	The sum of the cultural and natural heritage values of a place, often set out in a statement of significance.
Significant	Extensive or important enough to merit attention.



Term	Definition
Strategic Environmental Assessment (SEA)	A process which looks at the effects that a plan or program is likely to have on the environment before it is started. The SEA regulations require that certain proposed plans and programs that may have an impact on the environment are subject to an environmental assessment during their preparation. This is done through the production of an Environmental Report and subsequent consultation with Cadw and Natural Resources Wales.
Sustainable development	The process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals. Acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Development capable of meeting the present needs without compromising the ability to meet the needs of future generations.
Watching Brief	A formal programme of observation and investigation conducted during any operation where there is a possibility that archaeological deposits may be disturbed or destroyed. The programme will result in the preparation of a report and archive to make available information about the archaeological resource existing on a site.
World Heritage Site	A natural or cultural site, area or structure recognised as being of Outstanding Universal Value and inscribed under the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage 1972.
Written Scheme of Investigation	<p>A written statement on the objectives of a project, including methods, timetable and resources.</p> <p>These form the framework for the execution of the project through to completion, set out in sufficient detail to be quantifiable, implemented and monitored. Normally prepared by an archaeologist or organisation undertaking the fieldwork, frequently in response to a brief/project outline or specification. The project design may be updated following post-excavation assessment.</p>



## Annex E: Contacts and sources of further information

### Welsh Government

Website: [www.wales.gov.uk](http://www.wales.gov.uk)

### Cadw

Plas Carew

Unit 5/7 Cefn Coed

Parc Nantgarw

Cardiff

CF15 7QQ

Tel: 03000 256000

Email: [Cadw@wales.gsi.gov.uk](mailto:Cadw@wales.gsi.gov.uk)

Website: [www.cadw.gov.wales](http://www.cadw.gov.wales)

### Royal Commission on the Ancient & Historical Monuments of Wales (RCAHMW)

Ffordd Penglais

Aberystwyth

SY23 3BU

Tel: 01970 621200

Email: [nmr.wales@rcahmw.gov.uk](mailto:nmr.wales@rcahmw.gov.uk)

Website: [www.rcahmw.gov.uk](http://www.rcahmw.gov.uk)

### Council for British Archaeology (CBA)

Beatrice De Cardi House

66 Bootham

York

YO30 7BZ

Tel: 01904 671417

Email: [webenquiry@archaeologyUK.org](mailto:webenquiry@archaeologyUK.org)

Website: <http://new.archaeologyuk.org/>

### Chartered Institute for Archaeologists

Miller Building

University of Reading

Reading

RG6 6AB

Tel: 0118 378 6446

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Website: [www.archaeologists.net](http://www.archaeologists.net)

### Clwyd-Powys Archaeological Trust

41 Broad Street

Welshpool

Powys

SY21 7RR

Tel: 01938 553670

Email: [trust@cpat.org.uk](mailto:trust@cpat.org.uk)

Website: [www.cpat.org.uk](http://www.cpat.org.uk)

### Dyfed Archaeological Trust

The Shire Hall

Corner House

6 Carmarthen Street

Llandeilo

Carmarthenshire

SA19 6AE

Tel: 01558 823121

Email: [info@dyfedarchaeology.org.uk](mailto:info@dyfedarchaeology.org.uk)

Website: [www.dyfedarchaeology.org.uk](http://www.dyfedarchaeology.org.uk)

### Glamorgan-Gwent Archaeological Trust

Heathfield House

Heathfield

Swansea

SA1 6EL

Tel: 01792 655208

Email: [enquiries@ggat.org.uk](mailto:enquiries@ggat.org.uk)

Website: [www.ggat.org.uk](http://www.ggat.org.uk)

### Gwynedd Archaeological Trust

Craig Beuno

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Bangor

Gwynedd

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Email: [gat@heneb.co.uk](mailto:gat@heneb.co.uk)

Website: [www.heneb.co.uk](http://www.heneb.co.uk)



### **The Society for the Protection of Ancient Buildings (SPAB)**

37 Spital Square  
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E1 6DY  
Tel: 020 7377 1644  
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Website: [www.spab.org.uk](http://www.spab.org.uk)

### **The Georgian Group**

6 Fitzroy Square  
London  
W1T 5DX  
Tel: 087 1750 2936  
Email: [Office@georgiangroup.org.uk](mailto:Office@georgiangroup.org.uk)  
Website: [www.georgiangroup.org.uk](http://www.georgiangroup.org.uk)

### **The Victorian Society**

1 Priory Gardens  
London  
W4 1TT  
Tel: 020 8994 1019  
Email: [admin@victoriansociety.org.uk](mailto:admin@victoriansociety.org.uk)  
Website: [www.victoriansociety.org.uk](http://www.victoriansociety.org.uk)

### **The Architectural Heritage Fund**

15 Whitehall  
London  
SW1A 2DD  
Tel: 020 7925 0199  
Email: [ahf@ahfund.org.uk](mailto:ahf@ahfund.org.uk)  
Website: [www.ahfund.org.uk](http://www.ahfund.org.uk)

### **Ancient Monuments Society**

St Ann's Vestry Hall  
2 Church Entry  
London  
EC4V 5HB  
Tel: 020 7236 3934  
Email: [office@ancientmonumentsociety.org.uk](mailto:office@ancientmonumentsociety.org.uk)  
Website: [www.ancientmonumentsociety.org.uk](http://www.ancientmonumentsociety.org.uk)

### **Heritage Trust Network**

13-15 Fleet Street  
Birmingham  
B3 1JP  
Tel: 0121 233 9283  
Email: [admin@heritagetrustnetwork.org.uk](mailto:admin@heritagetrustnetwork.org.uk)  
Website: [www.heritagetrustnetwork.org.uk](http://www.heritagetrustnetwork.org.uk)

### **Campaign for the Protection of Rural Wales**

Tŷ Gwyn  
31 High Street  
Welshpool  
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Tel: 01938 552525 / 556212  
Email: [info@cprwmail.org.uk](mailto:info@cprwmail.org.uk)  
Website: [www.cprw.org.uk](http://www.cprw.org.uk)

### **Welsh Historic Gardens Trust**

Aberglasney Gardens  
Llangathen  
SA32 8QH  
Tel: 01558 668 485  
Email: [admin@whgt.org.uk](mailto:admin@whgt.org.uk)  
Website: [www.whgt.org.uk](http://www.whgt.org.uk)

### **The Gardens Trust**

70 Cowcross Street  
London  
EC1M 6EJ  
Tel: 020 7608 2409  
Email: [enquiries@thegardenstrust.org](mailto:enquiries@thegardenstrust.org)  
Website: [www.thegardenstrust.org](http://www.thegardenstrust.org)



### **The Institute of Historic Building Conservation**

Jubilee House  
High Street  
Tisbury  
Wiltshire  
SP3 6HA  
Tel: 01747 873133  
Email: [support@ihbc.org.uk](mailto:support@ihbc.org.uk)  
Website: [www.ihbc.org.uk](http://www.ihbc.org.uk)

### **ICOMOS**

11 rue du Séminaire de Conflans  
94220 Charenton-le-Pont  
France  
Tel: + 33 (0) 1 41 94 17 59  
Email: [secretariat@icomos.org](mailto:secretariat@icomos.org)  
Website: [www.icomos.org/en/](http://www.icomos.org/en/)

### **The Royal Society of Architects in Wales (RSAW)**

Studio 111  
Creative Quarter  
Morgan Arcade  
Cardiff CF10 1AF  
Tel: 02920 228987  
Email: [rsaw@riba.org](mailto:rsaw@riba.org)  
Website: [www.architecture.com/RIBA/Contactus/OurUKoffices/Wales/Wales.aspx](http://www.architecture.com/RIBA/Contactus/OurUKoffices/Wales/Wales.aspx)

### **Royal Town Planning Institute Cymru**

41 Botolph Lane  
London  
EC3R 8DL  
Tel: 020 7929 9494  
Email: [wales@rtpi.org.uk](mailto:wales@rtpi.org.uk)  
Website: [www.rtpi.org.uk](http://www.rtpi.org.uk)

### **Theatres Trust**

22 Charing Cross Road  
London  
WC2H 0QL  
Tel: 020 7836 8591  
Email: [planning@theatrust.org.uk](mailto:planning@theatrust.org.uk)  
Website: [www.theatrust.org.uk](http://www.theatrust.org.uk)

### **Natural Resources Wales**

Ty Cambria  
29 Newport Road  
Cardiff  
CF24 0TP  
Tel: 03000653000  
Email: [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk)  
Website: [www.naturalresources.wales](http://www.naturalresources.wales)

### **Historic Houses Association in Wales**

2 Chester Street  
London  
SW1X 7BB  
Tel: 020 7259 5688  
Email: [info@hha.org.uk](mailto:info@hha.org.uk)  
Website: [www.hha.org.uk](http://www.hha.org.uk)

### **Representative Body of the Church in Wales**

39 Cathedral Road  
Cardiff  
CF11 9XF  
Tel: 029 2034 8200  
Email: [property@churchinwales.org.uk](mailto:property@churchinwales.org.uk)  
Website: [www.churchinwales.org.uk](http://www.churchinwales.org.uk)

### **The United Reformed Church**

National Synod of Wales  
Minster Road  
Cardiff  
CF23 5AS  
Tel: 02920 195728  
Email: [trust@urcwales.org.uk](mailto:trust@urcwales.org.uk)  
Website: [www.urc.org.uk](http://www.urc.org.uk)



### **Baptist Union of Wales**

Y Llwyfan  
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Email: [mennajones@ubc.cymru](mailto:mennajones@ubc.cymru)  
Website: [www.buw.org.uk](http://www.buw.org.uk)

### **Baptist Union of Great Britain**

Baptist House  
PO Box 44  
129 Broadway  
Didcot  
OX11 8RT  
Tel: 01235 517700  
Website: [www.baptist.org.uk](http://www.baptist.org.uk)

### **The Methodist Church**

Methodist Church Support Services Cluster  
Central Buildings  
Oldham Street  
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### **The Catholic Church in England and Wales**

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Website: [www.catholicnews.org.uk](http://www.catholicnews.org.uk)

### **UNESCO**

Website: [www.unesco.org](http://www.unesco.org)

### **The Twentieth Century Society**

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### **ALGAO (Association of Local Government Archaeological Officers)**

Website: [www.algao.org.uk](http://www.algao.org.uk)

### **Design Commission for Wales**

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