



Replacement Local Development Plan 2018-2033

Topic Paper

May 2019

Topic Paper 7: Historic Environment

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1. Introduction

The Local Development Plan (LDP) is first and foremost a land use plan that identifies site specific development opportunities in response to the needs of the community for more housing, jobs, services and facilities. It also seeks to preserve, protect and enhance where appropriate, those aspects of the built and natural environment which are important in defining the quality and sensitivity of the places we value, enjoy, move through, and live in. The ultimate aim of the LDP will be to deliver sustainable development.

The LDP is a vehicle for the Council to define its key growth and development priorities and will provide the ongoing framework of policies to guide decisions on planning applications.

2. Purpose of this Topic Paper

This is one of a series of topic papers which have been put together to inform the production of the Conwy Replacement Local Development Plan (RLDP). Their aim is to interpret the relevant evidence and guidance in relation to the specific topic and identify the key issues that the Plan will need to address as well as possible policy approaches to be incorporated in the Plan. Each topic paper has been compiled from detailed evidence originating from LDP Background Papers (technical documents that form the evidence base for the RLDP.) Topic papers are designed to cover key subject areas currently covered in the adopted LDP and summarise technical data contained within the Background Papers to make the presentation of data more accessible to readers. Topic papers establish a baseline position and identify the key issues facing the County Borough which the RLDP will need to address.

The Topic Papers are intended to provide an early opportunity for stakeholders and the public to have an input into the Plan. This topic paper covers key issues relating to the Historic Environment.

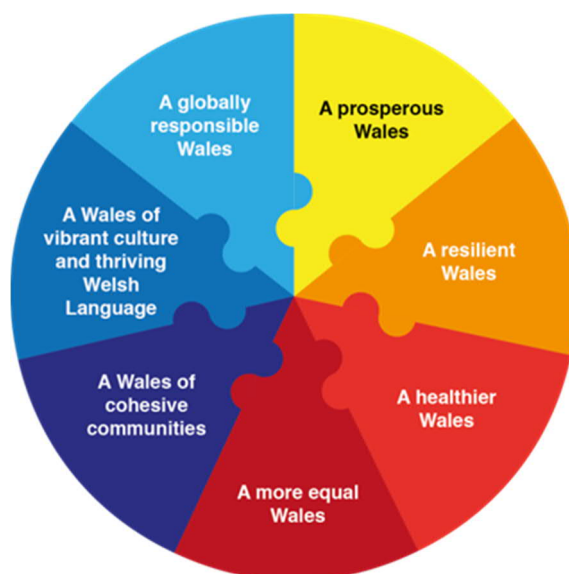
3. Key Changes to Legislation and Policy

3.1 European and National Changes

3.1.2 Well-being and Future Generations Act (2015)

The Well-being of Future Generations (Wales) Act is about improving the social, economic, environmental and cultural well-being of Wales. It will make public bodies such as Councils think more about the long-term, work better with other organisations and communities to prevent problems and take a more joined-up approach.

The Act has seven well-being goals which are:



Each public body mentioned in the Well-being Act must carry out sustainable development.

“The action a public body takes in carrying out sustainable development must include:

- a. setting and publishing objectives (“well-being objectives”) that are designed to maximise its contribution to achieving each of the well-being goals, and
- b. taking all reasonable steps (in exercising its functions) to meet those objectives.”

(Source - Part 2 ‘Improving Well-being section 3 ‘well-being duty on public bodies’ paragraphs (1) and (2).)

In the Act “sustainable development” means 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.

The Act specifies five ways of working: long-term, integration, involvement, collaboration and prevention. Each of these will be incorporated into the RLDP process.

3.1.3 **Historic Environment (Wales) Act 2016**

Planning control for the historic environment is provided by various pieces of legislation and guidance. In terms of primary legislation, the Historic Environment (Wales) Act 2016, Planning (Wales) Act 2015, Well-being of Future Generations (Wales) Act 2015, the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Ancient Monuments & Archaeological Areas Act 1979. These pieces of legislation set out the legal requirements for the control of development and alterations which affect buildings, including those which are listed or in conservation areas, and the framework by which control is maintained.

3.1.4 Planning Policy Wales and TAN 24

National planning policy can be found in Planning Policy Wales, Chapter 6: Distinctive and Natural Places. The Welsh Government's objectives in this topic area are to:

- protect, conserve, promote and enhance the historic environment, which is a finite and non-renewable resource and a vital and integral part of the historical and cultural identity of Wales;
- recognise its contribution to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life, and its importance as a resource to be maintained for future generations;
- base decisions on the impact a proposal may have on the significance of Wales' historic assets;

and specifically to:

- protect the Outstanding Universal Value of the World Heritage Sites in Wales;
- conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy;
- safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;
- preserve or enhance the character or appearance of conservation areas, while at the same time helping them remain vibrant and prosperous;
- preserve the special interest of sites on the register of historic parks and gardens in Wales; and conserve areas on the register of historic landscapes in Wales.

There is also the requirement to compile and make use of the Historic Environment Records (HERS).

PPW explains that LDPs may include locally specific policies on:

- World Heritage Sites
- Archaeological remains
- Listed Buildings and Conservation Areas
- Historic Assets of Special Local Importance

Technical Advice Note (TAN) 24 The Historic Environment provides further detailed guidance on how to apply the policies within PPW chapter 6. The TAN replaces the following Welsh Office Circulars:

60/96 Planning and the Historic Environment: Archaeology

61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas

1/98 Planning and the Historic Environment: Directions by the Secretary of State for Wales.

TAN 24 reinforces Cadw's Conservation principles of which there are six:

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.

3.1.5 **Conservation Principles and Best Practice Guidance (Cadw)**

As mentioned earlier, Conservation Principles published by Cadw in 2011 is now referred to in PPW and Technical Advice Note 24, giving this document additional weight in planning terms. Also Cadw are in the process of producing a number of technical documents to assist with local decision making, these are as follows:

- Heritage Impact Assessment in Wales
- Managing Change in World Heritage Sites in Wales
- Managing Change to Listed Buildings in Wales
- Managing Change to Registered Historic Parks and Gardens in Wales
- Managing Conservation Areas in Wales
- Managing Historic Character in Wales
- Managing Listed Buildings at Risk in Wales
- Managing Lists of Historic Assets of Special Local Interest in Wales
- Setting of Historic Assets in Wales

3.1.6 **Heritage Counts Wales (2016)**

A paper has been published by the Historic Environment Group which quantifies the impact and influence of the heritage sector in Wales. In total it is estimated that the heritage sector generates £963m into the Welsh economy each year and supports over 40,500 jobs.

In addition, many people in Wales are employed in jobs that exist indirectly to the heritage sector – for example, the many people who work in hotels and restaurants catering for visitors to Wales who visit mainly for a heritage experience. The paper also points out that 43% of the construction industry jobs in Wales (26,340 people) work in conservation repair and the maintenance of traditional buildings built before 1919. This paper puts the value of heritage in quantifiable terms and demonstrates how valuable the historic environment is to the economy, tourism and education sectors.

3.2 **Regional Level Impacts**

The Conwy Conservation Area contains the thirteenth century castle and town walls that are designated as part of the Castles and Town Walls of King Edward in Gwynedd World Heritage Site (WHS).

A Management Plan has been prepared by Cadw which includes a defined buffer zone intended to protect the setting of Conwy World Heritage Site. This management plan currently forms adopted SPG (adopted in April 2018), however the buffer zone on the Proposals Map still reflects the 'draft' buffer zone that was drawn a number of years ago. It is the intention that the Replacement LDP Proposals Map will include the revised boundaries for the buffer zone as shown in the SPG adopted in April 2018.

3.3 Local Evidence, Policies and Strategies

3.3.1 Conwy Corporate Plan 2017-2022

The purpose of the Corporate Plan is to present Conwy County Borough Council's Priorities for the five years from 2017 to 2022. The priorities are the areas that the Council want to focus special attention on in order to support the achievement of the citizen outcomes.

The outcomes are as follows:

- People are educated & skilled
- People are safe and feel safe
- People have access to affordable, appropriate, good quality accommodation that enhances the quality of their lives.
- People are healthy & active
- People live in a county that has a prosperous economy
- People value and look after the environment
- People live in a county where heritage, culture and the Welsh language thrive
- People in Conwy contribute to their community. They are informed, included and listened to.

Across all areas of work the Council is committed to ensuring that the needs of the present are met without compromising future generations, endeavouring to make the best decisions in light of financial restraints. In addition the Corporate Plan gives a commitment to consider the impact of policies on rural communities, those protected under Equalities legislation and people living in poverty. The Council will also promote the Welsh language, and build confidence to be progressive. Harnessing the potential of technology to improve performance, business processes and efficiencies is a strategic priority up until 2022.

3.4 Conclusion - Key Changes to Legislation and Policy

To conclude, there has been an overhaul of the legislation and national policy concerning the historic environment in Wales since the LDP was adopted in 2013. For example there is a requirement to make use of Historic Environment Records, undertake Heritage Impact Assessments for developments which require Conservation Area or listed building consent and produce statements to accompany such applications. This may also apply when development proposals have an impact on the setting of a heritage asset. Historic Assets of Special Local Interest or

Buildings and Structures of Local Importance (BSLIs) as they are currently referred to in the Conwy LDP is another area that is new to the national guidance, as is a criteria based policy on Enabling Development. These latest additions to national policy will have a bearing upon what is included in the LDP at a local level, as there is no need to repeat national guidance unless there is a locally distinctive approach required. This is examined in greater detail later on in this topic paper.

4. LDP Policy – Current position

The LDP was adopted in October 2013 and has to date been through the Annual Monitoring process four times. The next section of this topic paper addresses the key findings that have arisen from the Annual Monitoring Reports (AMRs). The current LDP policies on Cultural Heritage (relating to the historic environment) can be found at Appendix 1 for reference.

5. LDP AMR findings and Review Report Conclusions.

The changes to national planning policy on heritage mean that some LDP policies, particularly CTH/2 – Development Affecting Heritage Assets and CTH/4 Enabling Development require review to ensure they are in-line with national policy. The Supplementary Planning Guidance for policy CTH/3 will also require review to make it more streamlined.

Table 1 below has been taken from the LDP Review Report and suggests which LDP Cultural Heritage policies require a significant or a light-touch review.

Table 1: Cultural Heritage Policies requiring review (source: LDP Review Report.)

Policy	Comment
CTH/1 – Cultural Heritage	Revise to incorporate latest evidence base
CTH/2 – Development Affecting Heritage Assets	Revise to incorporate latest evidence base
CTH/3 – Buildings and Structures of Local Importance	Functioning effectively – minor amendments may be required
CTH/4 – Enabling Development	Revise to incorporate latest evidence base
CTH/5 – The Welsh Language	Revise to take account of latest evidence base and updated national guidance

Following a subsequent review of evidence base, section 8 of this paper addresses the above table again and makes recommendations as to how each policy should be changed to reflect updated evidence base to be taken forward in the RLDP. Note that policy CTH/5 – The Welsh Language is covered in a separate topic paper.

Policy Performance

The policies have performed well in general. Two further SPGs (Llanelian Conservation Area Management Plan and Colwyn Bay Town Centre Conservation Area Management Plan) have been adopted during the timeframe of the 2017/2018 AMR.

Polcies have mostly been on green during each monitoring period however indicator MI/078 regarding the 'number of applications granted that adversely affect known archaeological sites and unregistered sites of archaeological importance' target has not been met during 2017/2018 due to one application being approved which received an objection from CPAT. However as it was a decision made against officer recommendation, it is considered that this was not due to a weakness in the policy.

Also indicator MI/080 went to amber in the 2018 due to a loss of two listed buildings/structures (way markers/mile posts.) These incidents occurred due to accidents and therefore not due to weakness in the policy.

In total eight SPGs that directly support the Cultural Heritage policies have been agreed since the LDP has been adopted.

List of adopted SPGs:

LDP08- Buildings and Structures of Local Importance (adopted February 2014)

LDP14- Conservation Areas (Adopted July 2015)

LDP15 – Llandudno Conservation Area Management Plan (Adopted March 2015)

LDP16 – Conwy Conservation Area Management Plan (Adopted July 2015)

LDP25 – Enabling Development (Adopted March 2015)

LDP26 – Llanelian Conservation Area Management Plan (Adopted December 2017)

LDP29 – Colwyn Bay Town Centre Conservation Area Management Plan (Adopted December 2017)

LDP42 -The Castles and Town Walls of King Edward in Gwynedd World Heritage Site (WHS) Management and Action Plan (Adopted April 2018).

One issue of concern raised during each AMR was regarding the production and adoption of the remaining Conservation Area Management Plans within the '24 month-since-adoption' timescale, as the deadline has passed. As it is likely that some of the Conservation Areas will be subject to review, it may not be necessary to produce Management Plan SPGs for all of the remaining conservation areas. Instead a future approach may be to prioritise the Management Plans on the basis of need /existing condition of the Conservation Area. The RLDP will outline this future approach.

6. Updated LDP Evidence Base

6.1 Heritage Designations Background Paper

This Background Paper is a technical document which highlights all the heritage designations within Conwy's local planning authority area, including the number of Listed Buildings, Conservation Areas, Historic Landscapes, Parks and Gardens, Scheduled Ancient monuments and World Heritage designations. Records of these heritage assets are administered by the Welsh Archaeological Trusts and can be viewed on the Archwilio website: <https://www.archwilio.org.uk/arch/>

6.2 Historic Assets of Local Importance Background Paper

The Background Paper examines current policy and approach to designating BSLIs, and identifies any problems with current methods, offering solutions for change.

7. Sustainability Appraisal / Strategic Environmental Assessment

Work on the SA/SEA has commenced. The policies for the Historic Environment in the RLDP will have regard to the SA/SEA. The Sustainability Appraisal Scoping Report outlines the proposed approach to the RLDP's Sustainability Appraisal (SA), incorporating Strategic Environmental Assessment (SEA), to ensure that it meets social, economic and environmental objectives. The SA/SEA is an important process in identifying areas of change and mitigation measures to ensure the RLDP is sustainable and in compliance with the Planning (Wales) Act and the Well-being of Future Generations Act.

The SA/SEA scoping report poses a number of questions to ensure that the new policies and sites have a sustainable focus. For the historic environment the questions are as follows:

Will the RLDP:

- Increase availability and accessibility of culture, leisure and recreation activities/venues?
- Conserve, protect and enhance the integrity, character and setting of heritage assets?
- Protect and enhance the qualities of areas of historical or cultural significance?
- Promote the sensitive re-use of historic or culturally important buildings?
- Preserve and, where appropriate, enhance important archaeological resources?

The policies will be reviewed in line with these guiding principles to ensure that the RLDP is as sustainable as possible.

8. Potential Land Use Policies and Proposals

Note: This section will be developed further as the LDP review progresses.

CTH/1 – This is the overarching strategic policy which may require review subject to the status of the policies that follow.

CTH/2 - There is a need to consider if there is a requirement for this policy or if it replicates what is covered in national guidance. It is apparent that in terms of setting of historic assets, CTH/2 affords more protection – i.e. developments should preserve or where appropriate enhance the setting. National planning guidance does not stipulate this, but encourages LPAs to make their own judgment on the impact within a setting of a historic asset, while taking into account consultation responses from Cadw and other consultees (TAN 24).

In terms of Conservation Areas, officers and other interested parties should note that the local approach to protecting Conservation Areas has been to adopt both a

generic Conservation Area SPG (where themes common to most Conservation Areas are covered) and individual Conservation Area Management Plans which are specific to the CA in question. If CTH/2 was completely removed from the plan, there would be no LDP policy 'peg' from which the SPGs could related back to.

CTH/3 – The policy and accompanying SPG will be reviewed to clarify and simplify the process for identifying and including BSLIs on a 'local list.'

CTH/4 – There is a need to consider if there is a requirement for this policy or if it replicates what is covered in national guidance (PPW paras **6.5.29** and **6.5.30** on Enabling Development). To be discussed by the LDP Historic Environment sub group at a future meeting.

Other policies – Depending on emerging evidence base, there may be a need for new policies in this chapter. This will also be discussed by the LDP Historic Environment Sub Group at a future meeting.

9. Further Evidence base needed

This section will be developed further as the LDP review progresses.

10. Conclusion

This Historic Environment Topic Paper seeks to establish the key issues to be addressed and the evidence required early in the RLDP process but as the Plan will take at least three years before adoption new evidence and issues may arise. Based on the current evidence available it is considered that the proposed approach to new and amended policies would provide a more robust basis to enhancing and preserving historic assets in the future. An RLDP Historic Environment sub group will regularly review the evidence base to identify key strategic changes to policy objectives and evidence and then recommend updates to the background papers and this Topic Paper.

Appendix 1 – Existing LDP policies

STRATEGIC POLICY CTH/1 – CULTURAL HERITAGE

The council is committed to protecting and, where appropriate, enhancing its cultural and heritage assets. This will be achieved by:

- a) Ensuring that the location of new development on both allocated and windfall sites within the Plan Area will not have a significant adverse impact upon heritage assets in line with Policies CTH/2 – ‘Development Affecting Heritage Assets’, DP/3 – ‘Promoting Design Quality and Reducing Crime’ and DP/6 – ‘National Planning Policy and Guidance’;
- b) Recognising and respecting the value and character of heritage assets in the Plan Area and publishing Supplementary Planning Guidance to guide development proposals;
- c) Seeking to preserve and, where appropriate, enhance conservation areas, Conwy World Heritage Site, historic landscapes, parks and gardens, listed buildings, scheduled ancient monuments and other areas of archaeological importance in line with Policy DP/6;
- d) Protecting buildings and structures of local importance in line with Policy CTH/3 – ‘Buildings and Structures of Local Importance’;
- e) Enhancing heritage assets through heritage and regeneration initiatives;
- f) Preserving and securing the future of heritage assets by only permitting appropriate enabling development in line with Policy CTH/4 – ‘Enabling Development’;
- g) Ensuring that development is compatible with the long-term viability of the Welsh Language in line with Policy CTH/5 – ‘The Welsh Language’.

POLICY CTH/2 – DEVELOPMENT AFFECTING HERITAGE ASSETS

Development proposals which affect a heritage asset listed below (a-f), and/or its setting, shall preserve or, where appropriate, enhance that asset. Development proposals will be considered in line with Policy DP/6, where applicable and Policy DP/3.

- a) Conservation Areas
- b) Conwy World Heritage Site
- c) Historic Landscapes, Parks and Gardens
- d) Listed Buildings
- e) Scheduled Ancient Monuments
- f) Sites of archaeological importance

POLICY CTH/3 – BUILDINGS AND STRUCTURES OF LOCAL IMPORTANCE

Development proposals affecting buildings or structures which make an important contribution to the character and interest of the local area will only be permitted where the building's distinctive appearance, architectural integrity and its setting would not be significantly adversely affected.

POLICY CTH/4 – ENABLING DEVELOPMENT

1. Enabling development which seeks to secure the preservation and/or appropriate alternative use of a listed building, or a building which makes a significant positive contribution to the character of a conservation area, historic landscape or parks and gardens of special historic interest will only be permitted where the following criteria are all met:
 - a) It will not materially harm the heritage values of the historic asset or its setting and;
 - b) It avoids detrimental fragmentation of management of the historic asset; and
 - c) It will secure the long-term future of the historic asset and, where applicable, its continued use for a sympathetic purpose and;
 - d) It is necessary to resolve problems arising from the circumstances of the present owner, or the purchase price paid and;
 - e) Sufficient subsidy is not available from any other source and;
 - f) It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the historic asset, and that its form minimizes harm to other public interests and;
 - g) The public benefit of securing the future of the historic asset through such enabling development decisively outweighs the disbenefits of breaching other public policies.

2. If it is decided by the Council that a scheme of enabling development meets all the criteria set out above, planning permission should then only be granted if:
 - a) The impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission;
 - b) The achievement of the heritage objective is securely and enforceably linked to the enabling development;
 - c) The place concerned is repaired to an agreed standard, or the funds to do so made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation and;
 - d) The Council closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.