

Appendix 8/2: HERITAGE LEGISLATION, POLICY AND GUIDANCE

Legislation, Policy and Guidance that have been used in this assessment include:

Planning Policy Wales sets out the Welsh Governments' land-use planning policies (2021, edition 11). It is supplemented by a series of Technical Advice Notes, Welsh Government Circulars, policy clarification letters and regulations.

Sustainable development has been at the heart of planning policy since the introduction of *Planning Policy Wales* in 2002 and this is secured through a plan-led approach (including the Wales Spatial Plan 2004-2024, the draft National Development Framework 2020-2040, Strategic Development Plans and Local Development Plans). Legislation secures a presumption in favour of sustainable development in accordance with development plans unless material considerations indicate otherwise.

Chapter 6 of *Planning Policy Wales* covers distinctive and natural places, the environmental and cultural components of placemaking. It states that:

“The planning system must take into account the Welsh Government’s objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations. The historic environment is a finite, non-renewable and shared resource and a vital and integral part of the historical and cultural identity of Wales. It contributes to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life. The historic environment can only be maintained as a resource for future generations if the individual historic assets are protected and conserved. Cadw’s published Conservation Principles highlights the need to base decisions on an understanding of the impact a proposal may have on the significance of an historic asset.”

Published best practice and guidance on assessing the impact of development on heritage assets include:

CADW 2011 Conservation Principles for the Sustainable Management of Historic Environment in Wales.

Welsh Government 2017 Planning Policy Wales Technical Advice Note 24; The Historic Environment (<https://gweddill.gov.wales/docs/desh/policy/180223tan-24-the-historic-environment-en.pdf>).

Cadw/Welsh Government 2017 Managing Change in World Heritage Sites in Wales (https://cadw.gov.wales/sites/default/files/2019-05/20170531Managing%20Change%20in%20World%20Heritage%20PEAs%20in%20Wales%2031146%20EN_0.pdf)

ICOMOS 2011 Guidance on Heritage Impact Assessments for Cultural World Heritage Properties (<https://cadw.gov.wales/sites/default/files/2019-05/Setting%20of%20Historic%20Assets%20in%20Wales%20EN.pdf>)

Cadw/Welsh Government 2017 Setting of Historic Assets in Wales (<https://cadw.gov.wales/sites/default/files/2019-05/Setting%20of%20Historic%20Assets%20in%20Wales%20EN.pdf>).

Countryside Council for Wales, Cadw & Welsh Assembly Government 2007 Guide to Good Practice on using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process (https://cadw.gov.wales/sites/default/files/2019-05/LandscapesRegisterGoodPractice_EN_0.pdf)

Conservation Principles outlines six key principles on which to assess the potential impact of development proposals on the significance of heritage assets:

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

Four heritage values need to be understood before the significance of a heritage asset can be assessed:

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

Section 7.8 of **Technical Advice Note 24** provides detailed advice on archaeological remains, listed buildings, conservation areas, historic parks and gardens and historic landscapes. In relation to registered historic landscapes it states:

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.¹²⁶ The Welsh Ministers must be consulted, through Cadw, on such developments.¹²⁷⁽¹⁾

The best practice guide **Setting of Historic Assets in Wales** explains setting, how it contributes to the significance of a heritage asset and why it is important. It also outlines the principles and stages used to assess the potential impact of development proposals on designated heritage assets, how impacts can be mitigated and offset and how setting can be enhanced.

A Guide to Good Practice on Using the Register of Landscapes of Historic Interest in the Development Process (ASIDOHL2) describes the background to the register of historic landscapes

^{1 126} 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.

¹²⁷ *The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, paragraph (1)(iv) of Schedule 4.*

and provides a staged process for assessing the significance of the impact of development on registered historic landscapes. It explains all the landscape areas on the register are of national importance in a Welsh context. They are divided into two parts, thirty-six 'outstanding and twenty-two 'special' areas. The difference between the two is on of degree, not quality of historic interest.

World Heritage Sites are of Outstanding Universal Value to the whole of humanity and their significance *'is so exceptional as to transcend national boundaries and to of common importance for present and future generations of all humanity'* (UNESCO World Heritage Committee). *Managing Change in World Heritage Sites in Wales* aims to help local authorities and developments manage change without adverse impact on Outstanding Universal Value.

The Welsh Government's approach to the protection and sustainable management in World Heritage Sites is based on three principles:

The statutory designation of specific historic assets within World Heritage Sites and associated mechanisms to manage and control works (Scheduled monuments, Listed buildings and Conservation areas).

The collaborative creation and implementation of World Heritage Site management plans to ensure the effective and active involvement of all key stakeholders (including management/steering groups).

The use of the spatial planning system to guide appropriate development (including World Heritage Sites being a material consideration, pre-application consultation being a requirement on all major development proposals, local development plan policies and supplementary planning guidance).

When an Environmental Statement is required for a development that impacts upon Outstanding Universal Value and attributes of a World Heritage Site it should include a heritage impact assessment, based on ICOMOS's *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties*. ICOMOS advises that there should be a chapter specific to World Heritage, with the heritage impact assessment attached as an appendix. In this case Flintshire County Council's scoping opinion requires the impact assessment to be included in the historic environment/cultural heritage section of the Environmental Statement.

The best practice guide *Setting of Historic Assets in Wales* explains setting, how it contributes to the significance of a heritage asset and why it is important. It also outlines the principles and stages used to assess the potential impact of development proposals on designated and undesignated heritage assets (including World Heritage Sites, Scheduled Monuments), how impacts can be mitigated and offset and how setting can be enhanced.

Section 7.8 of Technical Advice Note 24 provides detailed advice on World Heritage Sites, scheduled monuments, archaeological remains, listed buildings, conservation areas, historic parks and gardens and historic landscapes. In relation to registered historic landscapes its states:

"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. The Welsh Ministers must be consulted, through Cadw, on such developments”.

Local Planning Policy

The proposed development lies within the area of Gwynedd County Council.

The Anglesey and Gwynedd Joint Local Development Plan 2011-2026 was adopted in July 2017. This covers development of all kinds, including mineral extraction. The historic environment is specifically mentioned in a number of policies and statements, some of which are directly relevant to the proposed development:

Strategic Objective 17: Protect, enhance and manage the natural and heritage assets of the Plan area, including its natural resources, wildlife habitats, and its landscape character and historic environment

Policy PS20: Preserving and Where Appropriate Enhancing Heritage Assets

In seeking to support the wider economic and social needs of the Plan area, the Local Planning Authorities will preserve and where appropriate, enhance its unique heritage assets. Proposals that will preserve and where appropriate enhance the following heritage assets, their setting and significant views into and out of the building/area will be granted:

- *Scheduled Ancient Monuments and other areas of archaeological importance (in line with Policy AT 4).*
- *Listed Buildings and their curtilages.*
- *Conservation Areas (in line with Policy AT 1).*
- *Beaumaris Castle and Caernarfon Castle and Town Walls World Heritage Sites (in line with Policy AT 1).*
- *Candidate World Heritage Sites.*
- *Registered Historic Landscapes, Parks and Gardens (in line with Policy AT 1).*
- *Buildings of architectural/ historic/ cultural merit that are not designated or protected (in line with Policy AT 3).*

Policy AT1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens

Proposals within or affecting the setting and/ or significant views into and out of Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens shown on the Constraints Map must, where appropriate, have regard to:

- *Adopted Conservation Area Character Appraisals, Conservation Area Plans and Delivery Strategies.*
- *World Heritage Site Management Plans.*
- *The Register of Landscape, Parks and Gardens of Special Historic Interest in Wales.*

Proposals should be supported by a Heritage Impact Assessment, where appropriate.

Policy AT3: Locally or Regionally Significant Non-Designated Heritage Assets

Proposals will be required to conserve and seek opportunities to enhance buildings, structures and areas of locally or regionally significant non-designated heritage assets, which create a sense of local character, identity and variation across the Plan area, by:

- *The sympathetic re-use of redundant and under-used historic buildings and areas that are consistent with their conservation;*
- *Ensuring that all development within the Plan area's historic public realm, including transport and infrastructure work, is sympathetic to the historic environment;*
- *Appropriate siting, massing, form, height, scale, detail and use of local materials.*

Policy AT4: Protection of Non-Designated Archaeological PEAs and Their Setting

Proposals which may have a significant adverse impact on sites that are of potential national archaeological importance and their setting, or are of acknowledged local heritage importance, including sites of industrial archaeology that are not scheduled and their settings will:

- *Be assessed in terms of the intrinsic importance of the 'site' and the potential extent of harm.*
- *Require, where appropriate, either an archaeological assessments and/ or field evaluation by an archaeological body or a professionally qualified archaeologist in order to determine the archaeological impact of the proposed development before the Planning Authority determines the application.*

A proposal which affects locally important archaeological remains will only be granted if the need for the development overrides the significance of the archaeological remains.

Where proposals are acceptable, a condition will be attached to the permission stating that no development should take place until an agreed programme of archaeological work has taken place. (page 186)

Policy MWYN 3: Mineral Developments

Mineral exploration, new working or extensions to existing operations will be granted to maintain the Plan area's landbank of aggregates, or to meet a demonstrated need for other minerals provided the following criteria are met:

[criteria 1-4 and 6-11 removed]

5. The development will not have a significant adverse impact on sites of international, national, regional or local environmental, nature conservation, landscape and /or heritage importance;

