



## Welsh Government

Consultation on proposals for secondary legislation to support the Historic Environment (Wales) Act 2016 and various best-practice guidance documents

### Annex 4

#### **Draft**

#### ***Managing Conservation Areas in Wales***

The Historic Environment (Wales) Act 2016 was enacted to make important improvements to the existing systems for the protection and management of the Welsh historic environment. It also stands at the centre of an integrated package of secondary legislation, new and updated planning policy and advice, and best-practice guidance on a wide range of topics. Taken together, these will support and promote the careful management of change in the historic environment in accordance with current conservation philosophy and practice.

This draft document has been published as part of a twelve-week consultation on proposals for secondary legislation and draft guidance documents that complement the Historic Environment (Wales) Act 2016. It will close on 3 October 2016. The consultation document, the response form and all of the associated draft guidance documents are available from the Welsh Government's consultation web pages (<http://gov.wales/consultations/cultureandsport/?lang=en>).

This document has been prepared alongside a revised chapter 6, 'The Historic Environment', of *Planning Policy Wales* and the new *Technical Advice Note 24: The Historic Environment*. It can profitably be read in conjunction with them.

A public consultation on chapter 6 of *Planning Policy Wales* closed on 13 June 2016 and the responses are now being analysed. The chapter is still available on the consultation web page (<http://gov.wales/consultations/planning/proposed-changes-to-planning-policy-wales-chapter-6-the-historic-environment/?lang=en>) but changes may be made following the publication of the consultation results later this year. Any citations of *Planning Policy Wales* in the current document refer to this version.

In parallel with the present consultation, the Welsh Government's Planning Division is seeking views on *Technical Advice Note 24*. The twelve-week consultation will also close on 3 October 2016 and any views that you might care to offer would be gratefully received. Visit the Welsh Government's consultation pages (<http://gov.wales/consultations/planning/?lang=en>) to download *Technical Advice Note 24*, the consultation document and the response form. Any citations of *Technical Advice Note 24* in the current document refer to this version.

11 July 2016

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

11 July 2016

*DRAFT*

# Managing Conservation Areas in Wales

## **Managing Conservation Areas in Wales**

### **Statement of Purpose**

*Managing Conservation Areas in Wales* supports and amplifies *Planning Policy Wales: Chapter 6 — The Historic Environment* and *Technical Advice Note 24: The Historic Environment*.

*Managing Conservation Areas in Wales* sets out the policy context and duties for local planning authorities to designate and manage conservation areas. It also identifies key aspects of good practice for their designation and appraisal, including the participation of stakeholders and the development of local policies for positive management and enhancement so that their character and appearance are preserved and enhanced. It should also help local planning authorities to take account of Cadw's *Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles)*<sup>1</sup> to achieve high-quality sensitive change.

This best-practice guide is aimed mainly at local planning authorities to ensure a consistent approach to conservation area designation, appraisal and management throughout Wales. It may also be of use to other stakeholders who have an interest in existing or proposed conservation areas and want to know more about how positive management can enable change which preserves or enhances character or appearance.

Guidance for owners and occupiers about making changes to their buildings in conservation areas is available from the relevant local planning authority.

Decision-making authorities should use this guidance alongside *Planning Policy Wales — Chapter 6: The Historic Environment*,<sup>2</sup> *Technical Advice Note 24: The Historic Environment*<sup>3</sup> and *Conservation Principles* to inform their own policies and when considering individual applications for planning permission and conservation area consent, including pre-application discussions.

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<sup>1</sup> Cadw is the Welsh Government's Historic Environment Service; [Conservation Principles for the Sustainable Management of the Historic Environment in Wales, Cadw, Welsh Assembly Government, 2011](#)

<sup>2</sup> *Planning Policy Wales — Chapter 6: The Historic Environment*

<sup>3</sup> *Technical Advice Note 24: The Historic Environment*

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## **Fast Facts**

- Conservation areas add value to the places where we live, work and visit.
- Positive management of conservation areas enables change without harming them.
- Conservation area status is not a barrier to change, which may be necessary to keep buildings in use and good repair.
- Enhancing conservation areas can bring social, economic, cultural and environmental benefits.
- Conservation areas can be the focus for community regeneration and participation.
- There are more than 500 conservation areas in Wales and scope for more to be designated.

## **Introduction**

The historic environment is a vital part of our shared cultural heritage. It shapes our sense of place and contributes to our well-being and quality of life.

Conservation areas are discrete parts of the historic environment designated by local planning authorities for their special architectural or historic interest. Designation provides the basis for policies designed to enhance as well as preserve all those aspects of the character of an area that define its special interest. Conservation areas therefore have an important part to play in the positive management of our heritage.

Conservation areas are rich in the physical evidence of the past, which contributes to our sense of well-being and can offer a route to economic regeneration, including through tourism. They are living environments worth cherishing for their special qualities so it is essential to manage change carefully to make sure that their character and appearance are safeguarded and enhanced. Conservation areas are valued as special places by those who live and work in them, and community involvement is key to successful designation and management.

The aspirations for positive management and community participation follow Cadw's *Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles)*.<sup>4</sup>

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<sup>4</sup> [Conservation Principles for the Sustainable Management of the Historic Environment in Wales, Cadw, Welsh Assembly Government, 2011](#)

## **1. Legislative and Policy Context**

### **1.1 Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 69 of 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. They must also formulate and publish proposals for the preservation and enhancement of these conservation areas from time to time. The Act also requires local planning authorities to give special attention to the desirability of preserving or enhancing conservation areas in local development plan policies and when taking planning decisions.<sup>5</sup>

Local planning authorities have some additional powers in conservation areas which are considered in sections 6 and 7 — Conservation Area Management: Regulatory Framework and Local Policies and Plans.

### **1.2 Well-Being of Future Generations (Wales) Act 2015**

The Well-Being of Future Generations (Wales) Act 2015 places a duty of well-being on public bodies, which must set out and publish well-being objectives designed to maximise their contribution to achieving each of the seven well-being goals.<sup>6</sup> One of these goals is a Wales of vibrant culture and thriving Welsh language, described as ‘a society that promotes and protects culture, heritage and the Welsh language’. There are clear synergies between the specific duty to preserve and enhance conservation areas, as required by the 1990 Act,<sup>7</sup> and the general duty to promote and protect heritage, as set out in the 2015 Act. Properly protected and enhanced conservation areas can improve the quality of life and well-being for everyone.

### **1.3 Planning Policy Wales**

*Planning Policy Wales* states that there should be a general presumption in favour of the preservation and enhancement of the character and appearance of a conservation area and its setting. There should be a strong presumption against the granting of planning permission for development, including advertisements, which would damage the character or appearance of a conservation area or its setting.<sup>8</sup>

## **2. Conservation Area Designation**

Conservation area designation is the prime means of recognising, protecting and enhancing the identity of places of special architectural or historic interest.

Special interest is expressed in the character of the area and not isolated buildings, for example, in the pattern of settlement, the organisation of space and building plots, and the network of routes, as well as in the style and type of building, and the use of materials and detail. The green infrastructure can be important too. Parks,

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<sup>5</sup> [Planning \(Listed Buildings and Conservation Areas\) Act 1990, sections 69–72](#)

<sup>6</sup> [Well-Being of Future Generations \(Wales\) Act 2015](#)

<sup>7</sup> [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)

<sup>8</sup> *Planning Policy Wales*: Chapter 6 — The Historic Environment, paras 6.5.16–17

gardens, hedges, verges and historic trees — both publicly or privately owned in formal or informal arrangements — can all be important components of historic character in a conservation area.

The first stage in designation should normally be a detailed appraisal to define whether an area is of sufficient special architectural and historic interest to merit designation as a conservation area.

## **2.1 Criteria**

It is important that local planning authorities have clear and consistent criteria for defining special interest, both for the identification of new conservation areas and for the review of existing areas and their boundaries.

The criteria need to be responsive to specific local qualities and distinctiveness, but could include:

- **architectural interest** — a good example of a particular type of settlement or town planning and urban design, or a coherent group of buildings of distinctive regional or local style, or of high architectural quality
- **historic interest** — associated with a particular period, or with a social, economic or cultural movement, such as the garden village movement, early social housing or early industrial housing; areas where archaeological, architectural or topographical evidence for the origins and main periods of development has survived particularly well.

## **2.2 Identification and Consultation**

There are already 523<sup>9</sup> conservation areas in Wales, but there is scope for further designation. There are a number of ways in which new conservation areas may be identified, for example through characterisation studies — as part of the evidence collection for the local development plan — or as part of wider built heritage and green strategies.<sup>10</sup>

Although there is no statutory requirement to consult prior to designation or revision of a conservation area, it is good practice to consult with local residents, businesses and other interests, such as amenity bodies. Involving the community at an early stage in either a new designation or the review of an existing area will capture local knowledge and garner support. The greater the public support for designation, the more likely it is that any policies for the area will be implemented voluntarily (see section 5). Following designation, a notice must be placed in a local newspaper.<sup>11</sup> Details of each conservation area should be recorded in the historic environment record for each local authority area.<sup>12</sup>

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<sup>9</sup> *The Future of Our Past: A consultation on proposals for the historic environment of Wales*, Welsh Government, 2013

<sup>10</sup> *Managing Historic Character*, Welsh Government, Cadw, forthcoming

<sup>11</sup> [Planning \(Listed Buildings and Conservation Area\) Act 1990, sections 70\(8\)](#); legislation also requires a notice in the *London Gazette*.

<sup>12</sup> [Historic Environment \(Wales\) Act 2016, section 35](#)

### **3. Conservation Area Appraisal**

#### **3.1 Appraisal**

A conservation area appraisal is the foundation for positive management. It provides a detailed picture of what makes an area special and helps identify opportunities and priorities for action. The appraisal offers a shared understanding of character and importance, and highlights problems and potential, which can be used as the basis for a more detailed management plan supported by a robust local policy framework. It also helps to ensure consistent decision making and may support funding bids for enhancements. Detailed appraisal best precedes designation and is a vital tool in the positive management and review of existing areas.

The purpose of an appraisal is to provide:

- a clear definition of the extent and boundary of the conservation area and its setting
- a clear definition of the special interest of the area through an assessment of its character and appearance
- an assessment of strengths, weaknesses, opportunities and threats, taking into account condition, use and function, positive and negative features, etc.
- an analysis of the policy and management needs of the area including an assessment of the effectiveness of current planning controls, the need for any supplementary protection and the identification of ways in which special character can be preserved and enhanced
- a vehicle for engagement and awareness raising.

Local authorities may use in-house specialist staff to carry out appraisals, or may commission them externally. There is also scope to work with local communities, for example, through community councils and third sector organisations such as local civic societies.

A full photographic survey recording buildings from the street should be part of the appraisal to create a baseline for periodic review and possible enforcement action.

#### **3.2 Content**

Although each conservation area will have different characteristics and needs, there are some common themes which should be included in all appraisals:

- **planning policy** — the background for designation
- **the definition of special interest** — including a summary of the full range of heritage values of the area (its evidential, historical, aesthetic and communal values)<sup>13</sup>
- **location and physical context** — extent and boundary, setting, topography, geology, etc.

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<sup>13</sup> Heritage values are explained in [Conservation Principles for the Sustainable Management of the Historic Environment in Wales, Cadw, Welsh Assembly Government, 2011](#)

- **historical development** — the origins and significant periods of development and survival, and their economic and social context (for example, medieval market town, social and cultural centre, nineteenth-century industrial town)
- **spatial analysis** — settlement form and layout, plots and spaces, boundaries and routes, views and approaches, open and green spaces
- **architectural character** — building traditions (age, types and styles); form, materials and detail; townscape groups, buildings of local importance; integrity of survival
- **designated historic assets** — listed buildings, scheduled monuments, registered historic parks, gardens and landscapes, World Heritage Sites
- **undesignated historic assets of special local interest** – including ‘positive buildings’ which contribute to character
- **historical associations** — people, events and traditions
- **hidden histories** — archaeological potential
- **biodiversity** — all public bodies must conserve biodiversity when carrying out their functions; historic areas and structures can be significant resources for biodiversity, providing important habitats, for example, for bats, birds and insects, lichens and other flora.<sup>14</sup> It is also important to record the biodiversity value of the green infrastructure, particularly old and ancient trees including mature trees in decline
- **other designated assets** — for example, Tree Preservation Orders, Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty, etc.
- **communal value**: how the area is used and perceived by people
- **issues** — strengths, weaknesses, opportunities and threats (positive and negative features, including information from the register of buildings at risk where it is able to provide baseline data; opportunities for enhancement and capacity for change, for example, gap sites, problem buildings, street clutter).

It may be appropriate to subdivide a conservation area into smaller character areas, each of which has a coherent identity. The identification of issues and opportunities may be easier in smaller areas.

The appraisal should be adopted by the local authority if it is to carry weight as the evidence base supporting policies in the local development plan and any supplementary planning guidance, and as the baseline for judging development proposals. For adoption, the consultation process, a summary of the responses and the date of adoption should be included in the appraisal.

#### **4. Conservation Area Management Plans**

Allied to the appraisal is a detailed conservation area management plan. This should address the issues raised in the appraisal and identify appropriate responses commensurate with the significance of the area, supported by local or area-specific policies in the local development plan (see section 7.1). The management plan is where policies for enhancement can best be set out (see section 8).

Management objectives need to be realistic, taking into account staff resources and funding opportunities. Where regeneration funding is available — for example,

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<sup>14</sup> [Natural Environment and Rural Communities Act 2006](#)

through Welsh Government or Heritage Lottery Fund investment — ambitious positive measures may be realistic. In other circumstances, the use of a policy framework for development management — as set out in *Planning Policy Wales: Chapter 6 — The Historic Environment*,<sup>15</sup> *Technical Advice Note 24: The Historic Environment*<sup>16</sup> or the local development plan — and securing the cooperation of property owners, local businesses and other interest groups will be particularly important.

Reasons for designation will be as varied as the character and appearance of the areas, and policies for the management of conservation areas need to be responsive to local circumstances. In addition to the statutory controls (see section 6) and the general policy framework set out in the local development plan, other management tools can be used on an area-by-area basis to preserve or enhance the character or appearance of a conservation area and these should be set out in the management plan (see section 7.2–7.5).

It is good practice for the management plan to be adopted by the local planning authority so that it can be used as material consideration in planning decisions.

## **5. Participation and Inclusion**

Although local planning authorities must submit proposals for the preservation and enhancement of a conservation area to a public meeting, wider consultation will always be desirable, for example, through workshops.<sup>17</sup>

By their very nature, conservation areas have multiple stakeholders so it is important to foster a sense of ownership from the outset. It is a good idea to make sure that management arrangements provide opportunities for participation and engagement in plan and decision making by, for example:

- establishing links and working with stakeholders, including the Welsh archaeological trusts, community and town councils, the county association of voluntary services, amenity societies and local groups, including civic societies, owners, residents and local businesses
- setting up a conservation area advisory group
- establishing links with schools and colleges
- producing accessible information and guidance in a range of media, including the internet and social media
- providing advice and promoting good practice
- providing training, for example, for council members, community groups and local residents on topics such as traditional building skills
- celebrating local heritage, for example, by promoting access through Open Doors.

Proposals for preservation and enhancement will be most effective when all council departments understand the significance of designation and work together. This will

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<sup>15</sup> *Planning Policy Wales: Chapter 6 — The Historic Environment*, paras 6.5.16–20

<sup>16</sup> *Technical Advice Note 24: The Historic Environment*, paras 6.1–6.15

<sup>17</sup> [Planning \(Listed Buildings and Conservation Areas\) Act 1990, section 71\(2\)](#)

ensure that all development decisions and planned changes contribute to sustaining and enhancing local distinctiveness, where possible. A development team approach that recognises the contribution of other departments, such as highways and housing, is recommended.

## **6. Conservation Area Management: Regulatory Framework**

Conservation area designation is not intended to prevent change, but it does mean that the significance of the area is taken into account when making decisions about change and development.

The legislation requires local planning policies to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, but there are also some regulatory controls.

Legislation brings demolition and advertisements under planning control, and makes provision for the protection of trees. There are also restrictions on permitted development rights for dwellings.<sup>18</sup>

### **6.1 Control over Demolition in Conservation Areas**

Conservation area consent is required for the demolition of an unlisted building in a conservation area, though there are some exceptions (see Annex).<sup>19</sup> Local planning authorities should favour retaining buildings which make a positive contribution to the character or appearance of a conservation area. Consent for demolition should not normally be given unless there are acceptable and detailed plans for redevelopment. Local planning authorities can consider the broad principles of a proposed development, such as its scale, size and massing, when determining whether consent for demolition should be given.

In this context, the courts have ruled that demolition amounts to the removal of the whole of the building, not just part of it.<sup>20</sup> The removal of an entire building except its facade would also count as demolition, as would the removal of an entire front garden wall or other built boundary feature.

Applications for conservation area consent will require a heritage impact statement, which should incorporate issues relating to design and access alongside a broader consideration of the impact of the proposals on the heritage significance of the area.<sup>21</sup>

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<sup>18</sup> [The Town and Country Planning \(General Permitted Development\) Order 1995; The Town and Country Planning \(General Permitted Development\) Amendment \(Wales\) 2013; Householder permitted development rights](#)

<sup>19</sup> [Planning \(Listed Buildings and Conservation Areas\) Act 1990, section 74](#)

<sup>20</sup> Shimizu (UK) Ltd v. Westminster Council (1997) 1 All E. R. 481

<sup>21</sup> New regulations forthcoming; *Heritage Impact Assessment in Wales*, Welsh Government, Cadw, forthcoming

## 6.2 Advertisement Control in Conservation Areas

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.<sup>22</sup> Many conservation areas include commercial premises ranging from small corner shops to thriving commercial centres so outdoor advertising can be essential to commercial vitality. The kinds of advertisement which require planning consent include illuminated advertisements on business premises and advertisements on hoardings around development sites.

## 6.3 Trees in Conservation Areas

Local planning authorities have the power to protect trees and woodlands by making Tree Preservation Orders (TPOs). In addition, there is special provision for trees in conservation areas which are not the subject of TPOs.<sup>23</sup> Anyone proposing to cut down, top, or lop a tree in a conservation area must give the local planning authority six weeks' notice, during which time the authority can decide whether to protect that tree with a TPO. This requirement does not apply to trees under a certain size,<sup>24</sup> or those that are proven to be dead, dying, or dangerous.

## 6.4 Development Management

Local planning authorities are involved in the management of conservation areas on a day-to-day basis through their duty to advise on, consider and respond to planning applications for new development. Because local planning authorities must aim to preserve or enhance the character or appearance of conservation areas, they should scrutinise planning applications closely from a design perspective with these objectives in mind. Related applications for conservation area consent and planning permission are best considered at the same time.

Pre-application discussions should be particularly encouraged in conservation areas and, in certain circumstances, design briefs will be helpful.<sup>25</sup>

Design and access statements (DAS) will be required for certain developments in conservation areas.<sup>26</sup> Further information on these requirements is available in *Technical Advice Note 12: Design*.<sup>27</sup>

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<sup>22</sup> [Town and Country Planning Act 1990, sections 220–24](#); *Technical Advice Note 24*, paras 6.9–6.10

<sup>23</sup> [Town and Country Planning Act 1990, sections 211–14](#); *Technical Advice Note 24*, paras 6.14–6.15

<sup>24</sup> Trees with a stem diameter no greater than 75mm when measured at a height of 1.5m

<sup>25</sup> Developers must consult Cadw before submitting certain planning applications for major development: see [article 2D Town and Country Planning \(Development Management Procedure\) \(Wales\) Order 2012](#) as amended by [article 4 of the Town and Country Planning \(Development Management Procedure\) \(Wales\) Amendment Order 2016](#); *Realising the Potential of Pre-application, Discussions*, Welsh Government Practice Guide, May 2012

<sup>26</sup> [Town and Country Planning \(Development Management Procedure\) \(Wales\) \(Amendment\) Order 2016, article 9](#)

<sup>27</sup> [Technical Advice Note 12: Design](#)

## **7. Conservation Area Management: Local Policies and Plans**

### **7.1 Local Development Plans**

Conservation areas should be managed actively, not just controlled reactively. This includes both the built environment and green infrastructure. Active sustainable management helps maintain character and minimises the impact of change.

Statutory controls are limited and both the 1990 Act and planning guidance (*Planning Policy Wales: Chapter 6 — The Historic Environment*,<sup>28</sup> *Technical Advice Note 24: The Historic Environment*<sup>29</sup>) place particular emphasis on the role of positive planning and management through local policies and actions. These must be responsive to the particular values and vulnerabilities of individual areas. They should also take account of the resources needed for effective management.

Local development plan policies should always make it clear that development proposals will be judged for their effect on the character or appearance of conservation areas, as identified in the appraisal and management document. Policies should be local and area specific, and not duplicate either national policy or general development management policies contained in local development plans. Policies for conservation areas might include:

- control of development which adversely affects the character and setting of buildings of local interest
- design of development that does not have an adverse impact on existing public views to an important local asset, street scenes and roofscapes
- encouragement of beneficial development that involves the re-use or rehabilitation of vacant, underused or derelict buildings or land
- encouragement of high standards of design in new development and the alteration of existing buildings
- general principles for new development, which should take into account existing urban grain including street patterns, building lines, plot widths, boundaries, orientation, scale, massing, and the maintenance of significant public views which have an impact on an important local asset
- general principles on repairs, alterations and extensions to historic buildings.

### **7.2 Article 4 Directions**

Conservation area designation introduces some restrictions on permitted development rights for domestic properties.<sup>30</sup> In some circumstances, local planning authorities may identify a need to use Article 4 Directions which introduce a requirement for planning permission. This enables the impacts of development to be properly considered. Article 4 Directions can provide additional protection to prevent the erosion of character. They are especially effective to manage small-scale changes which have little effect individually but cumulatively could affect the appearance or character of a conservation area.

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<sup>28</sup> *Planning Policy Wales: Chapter 6 — The Historic Environment*

<sup>29</sup> *Technical Advice Note 24: The Historic Environment*

<sup>30</sup> [Householder permitted development rights](#)

Articles 4(1) and 4(2) of the General Permitted Development Order 1995<sup>31</sup> enable local authorities to make directions that withdraw some permitted development rights from certain buildings.

Article 4(2) Directions apply to domestic buildings and structures, but only to those parts that front onto highways, waterways or open spaces. They can be confirmed by local authorities once the direction has been advertised locally and notice served on residents.

Article 4(1) Directions can be used to withdraw permitted development rights on any type of land or building, but need to be approved by the Welsh Ministers.

The conservation area appraisal should provide a robust evidence base on which to assess the need and scope for Article 4 Directions. Such directions should always be carefully targeted and securely justified. They may be appropriate for:

- protecting original features, such as external wall finishes (for example, historic renders or stonework), windows, chimneys, garden walls and railings
- controlling extensions or new buildings within the curtilage
- specifying particular types of architectural feature (distinctive windows, doors, or fanlights, for example)
- specifying particular types of development (painting exteriors or the alteration of boundary walls, for example)
- focusing on particular areas or even particular buildings
- reinforcing the character and layout of open spaces.

Where controls are clear and concise, and supported by appropriate guidance, they can encourage like-for-like repair and replacement which does not require planning permission.

### **7.3 Information and Guidance**

The management plan may identify the need for detailed guidance such as:

- topic-specific design guidance, such as boundary treatment, shopfronts, street furniture, architectural detail, or new development
- principles for repair and maintenance, for example, the repair of traditional windows
- tackling street clutter
- use of traditional materials
- development briefs for key sites
- building maintenance.

Guidance will have more weight if it is adopted as supplementary planning guidance.

There may be scope for collaboration between local authorities in the production of some generic guidance.

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<sup>31</sup> [The Town and Country Planning \(General Permitted Development\) Order 1995](#)

## **7.4 Opportunities for Local Listing**

Local listing can be another useful tool to manage change in conservation areas.

During the conservation area appraisal process, local planning authorities may identify historic assets of special local interest which preserve or enhance local character. Local planning authorities can choose to develop and maintain local lists of such assets. If they do maintain local lists, they must include policies for their preservation and enhancement in the local development plan.<sup>32</sup> Local lists must be included in the local historic environment record.<sup>33</sup>

## **7.5 Enforcement**

Enforcement has a key role to play in the protection of conservation areas. Local planning authorities should consider a more proactive approach informed by regular monitoring (see section 9). A positive and active approach to enforcement will help to reduce the number of contraventions and secure sustained improvements in environmental quality.

## **8. Conservation Area Management: Enhancement**

Proposals for enhancement should address the issues identified in the appraisal and respond to the characteristics of the particular area. They need clear objectives and a realistic implementation programme.

### **8.1 Regeneration**

Historic areas can be an important focus for community regeneration. Their distinctive character can be an asset that encourages economic vibrancy, social and cultural vitality, community confidence and a sense of belonging. However, many historic areas have suffered from declining economic activity, for example, former industrial or commercial areas of major towns, which result in underused buildings and low investment. In these circumstances, targeted actions may be needed to unlock potential and realise wider benefits.

The Heritage Lottery Fund's Townscape Heritage programme helps communities improve the built historic environment of conservation areas in need of investment. Townscape Heritage focuses on the regeneration of conservation areas that face economic or social problems with support for repair, reinstatement of architectural detail, reuse of vacant floor space, filling of gap sites and enhancement of the public realm.<sup>34</sup>

The Welsh Government also supports activity in conservation areas where it is part of a wider commitment to regeneration. It recognises the role of the historic environment in delivering social, economic and environmental benefits for Welsh

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<sup>32</sup> *Planning Policy Wales*: Chapter 6 — The Historic Environment, para 6.4.8; *Managing Lists of Historic Assets of Special Local Interest in Wales*, Welsh Government, Cadw, forthcoming

<sup>33</sup> [Historic Environment \(Wales\) Act 2016, section 35](#)

<sup>34</sup> [Heritage Lottery Fund Townscape Heritage](#)

communities, which create a sense of place and local distinctiveness, and support valuable skills. Investment via regeneration initiatives can give historic assets fresh meaning and relevance, breathing new life into underused and undervalued buildings and areas.

Funding from other sources has also been used to positive effect in conservation areas, such as housing renewal.

## **8.2 Targeting Buildings at Risk**

Keeping buildings in use and repaired is the cornerstone of successful conservation area management. Neglected and underused buildings damage the vitality and attractiveness of conservation areas. It is good practice for local planning authorities to develop local action plans for targeting these buildings and to work with their owners wherever possible to encourage maintenance, repair and reuse, where appropriate. If necessary, local planning authorities should be prepared to use urgent works and repairs notices to instigate repair and help secure a brighter future for buildings at risk.<sup>35</sup>

Urgent works can be undertaken on any listed building providing that the works do not interfere unreasonably with any residential use.<sup>36</sup> In certain circumstances, they can also be served on unlisted buildings in conservation areas.<sup>37</sup> Repairs notices are only applicable to listed buildings.<sup>38</sup> All of these tools can be very effective in helping to secure the future of historic buildings at risk in conservation areas.

## **8.3 Environmental Improvements**

Section 215 of the Town and Country Planning Act 1990<sup>39</sup> is one of the most useful tools to help local planning authorities to make environmental improvements. It gives powers to the authorities to require the remedy of problems with neglected land when the condition is adversely affecting the amenity of the area. In these circumstances, a local planning authority can serve a notice on the owner requiring the situation to be remedied. Action under section 215 can be taken against land and buildings. This is a useful provision available to local planning authorities for maintaining and improving the quality of the environment, assisting in tackling dereliction and retaining land in productive use. It is most usefully combined with proactive measures such as empty homes strategies, development briefs and funding programmes, as well as with other reactive enforcement and development control tools.

Local authorities can make an important contribution to the quality of conservation areas through their management of the public realm, including hedges, verges, and street furniture. Highways management, especially traffic management, can also have a positive effect. Utilities companies will also be key partners.

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<sup>35</sup> *Managing Historic Buildings at Risk*, Welsh Government, Cadw, forthcoming

<sup>36</sup> [Historic Environment \(Wales\) Act 2016, section 30\(2\)](#)

<sup>37</sup> [Planning \(Listed Building and Conservation Areas\) Act 1990, section 76](#)

<sup>38</sup> [Planning \(Listed Building and Conservation Areas\) Act 1990, section 48](#)

<sup>39</sup> [Town and Country Planning Act 1990, section 215](#)

Enhancement opportunities may include:

- removal of clutter
- integration of signs and street furniture into overall street design
- retention of historic street furniture
- removal of overhead wires and poles
- sensitive lighting and signage schemes
- appropriate traffic calming and the establishment of walking networks
- replacement and/or reinforcement planting of trees and other components of green infrastructure .

#### **8.4 Trees and Open Spaces**

Trees are an important component of the character and amenity of many conservation areas and — along with green open spaces, including private gardens — have a valuable role to play in ecosystem services. To complement the controls over trees in conservation areas, it is a good idea for local planning authorities to develop specific local policies for the protection and management of trees and other elements of the natural environment, such as hedgerows and verges.

A strategy for trees could include an assessment of their amenity and biodiversity value, and their contribution to ecosystem services before there is pressure to remove them. The protection and management of trees and open spaces could be integrated in a green infrastructure strategy. There is potential for collaboration between neighbouring local authorities as well as scope for local authorities to work with partner organisations, including Natural Resources Wales and local groups, in the development and implementation of local policies. It is important to raise awareness and communicate the considerable benefits of trees.<sup>40</sup>

### **9. Monitoring and Review**

Although legislation requires local planning authorities to review existing conservation areas ‘from time to time’, best practice is generally accepted to be at least every five years.<sup>41</sup> A review might result in amendments to an existing appraisal to take account of changes and confirm or redefine both special interest and critical issues. The review is likely to set out new recommendations and revise the management strategy.

Conservation area boundaries should also be reassessed and adjustments made where necessary. Many early conservation area boundaries were drawn very tightly and did not always acknowledge the contribution of later phases of development to the character of a place, or the value of historic plot patterns.

Monitoring change is essential to be able to evaluate the impact of designation and the success of management strategies in preserving and enhancing the character and appearance of conservation areas. The kinds of change that detract from

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<sup>40</sup> For more information and good practice about working with trees in urban areas contact [Natural Resources Wales](#)

<sup>41</sup> [Planning \(Listed Buildings and Conservation Areas\) 1990, section 69\(2\)](#)

character and special interest include the loss of traditional features, such as windows, chimneys and boundaries, and the introduction of unsympathetic materials, such as modern renders and plastic windows. Cumulative small-scale and piecemeal change can be particularly damaging. Some change may have a positive impact — ranging from suitable new development in gap sites, the appropriate renovation and reuse of buildings at risk and enhancement schemes, through to sympathetic repair. Changes to tree numbers and open spaces could be monitored too. It is helpful to include positive, neutral and negative changes in the scope of any review.

Regular monitoring and review enables a clear understanding of continuing threats, the effectiveness of planning control and the need for additional measures (such as Article 4(2) Directions) or enforcement, the need for guidance, and maybe even the need to de-designate or amend boundaries.

The baseline for periodic review is a full photographic survey recording buildings from the street. There is scope for involving local groups in carrying out this work.

## **Annex: Consent for Demolition in Conservation Areas**

Conservation area designation introduces control over the demolition of most buildings within conservation areas, with the following exceptions.<sup>42</sup>

- Any building with a total cubic content not exceeding 115 cubic metres (determined by external measurements) or any part of such a building, other than a pre-1925 tombstone.
- Any gate, wall, fence or means of enclosure which is less than 1 metre high where abutting on a highway (including a public footpath or bridleway), waterway or open space, or less than 2 metres high in any other case.
- Any building erected since 1 January 1914 and in use, or last used, for the purposes of agriculture or forestry.
- Any building required to be demolished by virtue of an order made under section 102 of the Town and Country Planning Act 1990.
- Any building required to be demolished by virtue of any provision of an agreement made under section 106 of the Town and Country Planning Act 1990.
- Any building in respect of which the provisions of an enforcement notice issued under section 172 of the Town and Country Planning Act 1990 or sections 38 or 46 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require its demolition, in whole or in part, however expressed.
- Any building required to be demolished by virtue of a condition of planning permission granted under section 70 or 177(1) of the Town and Country Planning Act 1990.
- Any building required to be demolished by virtue of a notice served under section 215 of the Town and Country Planning Act 1990.
- Any building included in an operative clearance order or compulsory purchase order made under part IX of the Housing Act 1985 or to which a demolition order made under part II of that Act applies.
- Any building purchased by a local authority by agreement where part IX of the Housing Act 1985 applies to that building.
- A redundant building (within the meaning of the Pastoral Measure 1983) or part of such a building where demolition is in pursuance of a pastoral or redundancy scheme (within the meaning of that Measure).

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[42 Planning \(Listed Buildings and Conservation Areas\) Act 1990, sections 74–75](#)

## Further Information

### Planning Policy and Guidance

[Historic Environment \(Wales\) Act 2016](#)

[Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)

[Planning Policy Wales](#)

*Planning Policy Wales: Chapter 6 — The Historic Environment*

[Technical Advice Note 12: Design](#)

*Technical Advice Note 24: The Historic Environment*

### Best-practice Guidance

[Conservation Principles for the Sustainable Management of the Historic Environment in Wales](#), Cadw, Welsh Assembly Government, 2011

*Heritage Impact Assessment in Wales*, Welsh Government, Cadw, forthcoming

*Managing Change to Listed Buildings*, Welsh Government, Cadw, forthcoming

*Managing Heritage at Risk, Welsh Government*, Cadw, forthcoming

*Managing Historic Character*, Welsh Government, Cadw, forthcoming

*Managing Lists of Local Historic Assets of Special Interest*, Welsh Government, Cadw, forthcoming

*Understanding Listing*, Welsh Government, Cadw, forthcoming

### Other Information

[BS7913 Guide to the Conservation of Historic Buildings](#)

[Civic Trust Cymru — Exploring your Town Toolkit](#)

[Design Commission for Wales — Shape my Town Toolkit](#)

Institute of Historic Building Conservation [www.ihbc.org.uk/](http://www.ihbc.org.uk/)

[Maintenance Matters!](#)

## Contacts

### Welsh Government

Historic Environment Service (Cadw)

Plas Carew, Unit 5/7 Cefn Coed, Parc Nantgarw, Cardiff CF15 7QQ

Tel. 01443 336000

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

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

### The Planning Inspectorate

Crown Buildings, Cathays Park, Cardiff CF10 3NQ

Tel. 029 2082 3866

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

[www.planninginspectorate.gov.wales](http://www.planninginspectorate.gov.wales)

### Local Planning Authorities

Local planning authorities' conservation officers can be contacted via the relevant local authority website.

### **Welsh Archaeological Trusts**

Clwyd-Powys Archaeological Trust  
41 Broad Street, Welshpool SY21 7RR  
Tel. 01938 553670  
[trust@cpat.org.uk](mailto:trust@cpat.org.uk)  
[www.cpat.org.uk](http://www.cpat.org.uk)

Dyfed Archaeological Trust  
Corner House, 6 Carmarthen Street, Llandeilo SA19 6AE  
Tel. 01558 823121  
[info@dyfedarchaeology.org.uk](mailto:info@dyfedarchaeology.org.uk)  
[www.dyfedarchaeology.org.uk](http://www.dyfedarchaeology.org.uk)

Glamorgan-Gwent Archaeological Trust  
Heathfield House, Heathfield, Swansea SA1 6EL  
Tel. 01792 655208  
[enquiries@ggat.org.uk](mailto:enquiries@ggat.org.uk)  
[www.ggat.org.uk](http://www.ggat.org.uk)

Gwynedd Archaeological Trust  
Craig Beuno, Garth Road, Bangor LL57 2RT  
Tel. 01248 352535  
[gat@heneb.co.uk](mailto:gat@heneb.co.uk)  
[www.heneb.co.uk](http://www.heneb.co.uk)

### **The Heritage Lottery Fund**

<http://www.hlf.org.uk/>

### **Natural Resources Wales**

Natural Resources Wales  
c/o Customer Care Centre  
Ty Cambria, 29 Newport Road, Cardiff CF24 0TP  
Tel. 0300 065 3000  
[enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk)  
<http://naturalresources.wales/>

For high-level information about:

- Nature conservation designations that may affect the conservation area
- Protected species
- Landscape character that may form important setting for conservation areas
- Information and guidance about urban trees.