

Welsh Government

M4 Corridor around Newport

Environmental Statement:
Volume 3: Appendix 8.1 Relevant
National and Local Plan Policies

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1 National Planning Policy

- 1.1.1** The principal national planning policy relevant to Chapter 8 of this ES is Planning Policy Wales (Welsh Government, 2016). Chapter 6 of Planning Policy Wales (*Conserving the Historic Environment*) establishes the Welsh Government objectives with regard to the protection of the historic environment. It further explains that local planning authorities have an important role in this protection, whilst ensuring that the historic environment can accommodate and respond to the current needs of society.
- 1.1.2** The Welsh Government's objectives with regard to the historic environment are defined thus in Section 6.1 of Planning Policy Wales (paragraph 6.1.1):
- *to preserve or enhance the historic environment, recognising its contribution to economic vitality and culture, civic pride and the quality of life, and its importance as a resource for future generations; and specifically to:*
 - *protect archaeological remains, which are a finite and non-renewable resources, part of the historical and cultural identity of Wales, and valuable for their own sake and for their role in education, leisure and the economy, particularly tourism;*
 - *ensure that the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest; and to*
 - *ensure that conservation areas are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls over businesses and householders.*
- 1.1.3** Planning Policy Wales identifies that Cadw is the historic environment division of Welsh Government and 'has responsibility for protecting, conserving and promoting an appreciation of the historic environment of Wales' (paragraph 6.2.1). It then lays out the duties of Welsh Government with regard to the compilation of lists of buildings of special architectural or historic interest (i.e. listed buildings) and the scheduling of ancient monuments that are considered to be of national importance (i.e. scheduled monuments).
- 1.1.4** The roles of the Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW) and the four Welsh Archaeological Trusts are also defined.
- 1.1.5** Section 6.4 of Planning Policy Wales clarifies that development plans need to 'reflect national policies for the preservation and enhancement of the historic environment'. Scheduled monuments and 'in appropriate circumstances, other unscheduled archaeological remains of more local importance, and their settings' can also be identified (within development plans) as being worthy of preservation (paragraph 6.4.2).
- 1.1.6** With regard to archaeological remains, Section 6.5 of Planning Policy Wales states: '*The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application, whether that monument is scheduled or unscheduled. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. In cases involving lesser archaeological*

remains, local planning authorities will need to weigh the relative importance of archaeology against other factors, including the need for the proposed development' (paragraph 6.5.1).

- 1.1.7** Planning Policy Wales goes on to explain that developers should discuss their proposals with the local planning authority at an early stage. If it is thought that important remains could be present within a proposed development site then the planning authority *'should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken. The results of any assessment and/or field evaluation should be provided as part of a planning application'* (paragraph 6.5.2).
- 1.1.8** The policy regarding listed buildings is presented in Section 6.5 of Planning Policy Wales: *'There should be a general presumption in favour of the preservation of listed buildings'* (paragraph 6.5.8). It goes on to advise *'Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to 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'* (paragraph 6.5.9). The latter statement refers to the requirements under Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990.
- 1.1.9** Planning Policy Wales goes on to advise that *'there will very occasionally be cases where demolition is unavoidable'*. Any proposals for demolition of a listed building should be *'fully scrutinised and justified before any decision is reached'*. The demolition of any Grade I or Grade II* listed building should be *'wholly exceptional and require the strongest justification'* (paragraph 6.5.12).
- 1.1.10** Planning Policy Wales advises that *'Conservation area designation is the main instrument available to local planning authorities to give effect to conservation policies for a particular neighbourhood or area. They must designate as a conservation area any area of special architectural or historic interest the character or appearance of which it is desirable to reserve or enhance'* (paragraph 6.3.1). In addition, it states that *'the positive management of conservation areas is necessary if their character or appearance is to be protected and enhanced'* (paragraph 6.3.2).
- 1.1.11** Subsequently Planning Policy Wales points out that *'Development plan policies should make it clear that development proposals will be judged for their effect on the character and appearance of conservation areas, as identified in the assessment and proposal document, to ensure that any new development is in accord with the area's special architectural and historic interest. While the character or appearance of conservation areas must be a major consideration, it cannot prevent all new development'* (paragraph 6.4.6). Further comments includes the statement: *'Should any proposed development conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there will be a strong presumption against the grant of planning permission. In exceptional cases the presumption may be overridden in favour of development deemed desirable on the grounds of some other public interest'* (6.5.17).
- 1.1.12** Planning Policy Wales confirms the existence of the non-statutory 'Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales' (paragraph

6.4.9). It goes on to advise that *'Local planning authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales'* (paragraph 6.5.25), also that *'The effect of proposed development on a park or garden contained in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, or on the setting of such a park or garden, may be a material consideration in the determination of a planning application'* (paragraph 6.5.25).

2 Local Policy

2.1 Newport City Council

2.1.1 The Newport Local Development Plan (LDP) 2011-2026 was adopted in January 2015 (Newport City Council, 2015). A series of ten plan-specific objectives are set out in Section 1 of the LDP. Objective 5: Conservation of the Built Environment states: *'To ensure that all development or use of land does not adversely affect, and seeks to preserve or enhance, the quality of the historic and built environment'*.

2.1.2 Section 2 of the LDP identifies the overall spatial strategy of the Plan, along with a number of Strategic Policies. Policy SP9: Conservation of the Natural, Historic and Built Environment states: *'The conservation, enhancement and management of recognised sites within the natural, historic and built environment will be sought in all proposals'*.

2.1.3 In Section 3 of the LDOP, a series of General Policies are established that are applicable to any proposed development.

2.1.4 Section 4 of the LDP presents a number of topic-specific policies that address aspects of the environment. Policies relevant to Chapter 8 of this ES include:

Policy CE4 – Historic Landscapes, Parks, Gardens and Battlefields

'Sites included in the Register of Landscapes, Parks and Gardens of Special Historic Interest and identified Historic Battlefields should be protected, conserved, enhanced and where appropriate, restored. Attention will also be given to their setting.'

Policy CE5 – Locally Listed Buildings and Sites

'Buildings and sites of local significance for their architectural or historic interest will be included on a local list and should be protected from demolition or inappropriate development.'

Policy CE6 – Archaeology

'Development proposals will normally be required to undertake an archaeological impact assessment before the proposal is determined:

- i) Where groundworks and/or the installation of services are proposed within the Archaeologically Sensitive Areas of Caerleon, the Levels, Lower Machen and the City Centre, or*
- ii) Within other areas of recognised archaeological interest.'*

Policy CE7 – Conservation Areas

'Developments within or adjacent to Conservation Areas will be required to:

- i) Be designed to preserve or enhance the character or appearance of the Conservation Area, having regard to the Conservation Area Appraisal where appropriate.*

- ii) *Avoid the removal of existing historic features, including traditional shopfronts and joinery.*
- iii) *Use materials which are traditional, or appropriate to their context.*
- iv) *Complement or reflect the architectural qualities of nearby buildings which make a positive contribution to the character of the area.*
- v) *Pay special attention to the settings of buildings and avoid the loss of any domestic gardens and open spaces which contribute to the character of the area.*
- vi) *Avoid any adverse impacts on significant views, within, towards and outwards from the Conservation Area.'*

2.1.5 With regard to LDP Policy CE5 cited above, Newport City Council produced a Local List Background Paper (2013). This document provided a background to the proposed creation of a Local List and explained the policy context for such a list. The criteria for including buildings on the Local List were described and a proposed list was included as Appendix 2 of the Background Paper, based primarily on a Newport Borough Council document that has been produced in 1995. The buildings on the proposed list were identified by parish and then by name, with no further description. This proposed list has not been formally approved by the Council.

2.1.6 With regard to LDP Policy CE6 cited above, Newport City Council has prepared a Supplementary Planning Guidance document 'Archaeology and Archaeologically Sensitive Areas' which was adopted in August 2015. This document states that where development is proposed within areas identified within the LDP as Archaeologically Sensitive Areas, early consultation with the Glamorgan Gwent Archaeological Trust is encouraged. An initial desk based assessment should be made and a field evaluation may also be required. Any archaeological implications can then be identified and the appropriate mitigation strategy considered, if necessary, early within the consideration of the planning application. Further, prior to implementing a planning permission the developer must prove that suitable provision has been made for the archaeological investigation of the site, its recording and publication of the findings as necessary.

2.2 Monmouthshire County Council

2.2.1 The Monmouthshire Local Development Plan 2011-2021 was adopted in February 2014 (Monmouthshire County Council, 2014). Section 4 of this Plan identifies a series of objectives, of which no. 15 addresses Respective Distinctiveness: '*To protect and enhance the built environment and heritage, for their own sake and to maximise benefits for the economy, tourism and social well-being*'.

2.2.2 Section 5 of the LDP presents a number of strategic policies. Within a subsection entitled Valuing our Environment, Policy S17: Place Making and Design states that: '*Development shall contribute to creating high quality, attractive and sustainable places. All development proposals must include and promote high quality, sustainable inclusive design which respects local distinctiveness, respects the character of the site and its surrounding in order to protect and*

enhance the natural, historic and built environments and to create attractive, safe and accessible places’.

2.2.3 In Section 6 of the LDP, a series of Development Management Policies are identified. Subsection 6.5 addresses Respecting Distinctiveness and Policy DES1: General Design Considerations states: *‘All development should be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire’s built, historic and natural environment. Development proposals will be required to:*

e) respect built and natural views and panoramas where they include historical features and / or attractive or distinctive built environment or landscape’

2.2.4 There is some commentary in Section 6.5 of the LDP regarding archaeology although there is no specific policy. The text advises that 13 Areas of Special Archaeological Sensitivity have been identified within the county and that *‘Prospective developers within these areas are particularly advised to contact Glamorgan Gwent Archaeological Trust (GGAT) for an opinion of the archaeological potential of their sites and for advice on whether an assessment or evaluation is necessary’* (paragraph 6.5.13).

2.2.5 Policy HE1: Development in Conservation Areas states: *‘Within Conservation Areas, development proposals should, where appropriate, have regard to the Conservation Area Appraisal for that area and will be permitted if they:*

a) preserve or enhance the character or appearance of the area and its landscape setting;

b) have no serious adverse effect on significant views into and out of the Conservation Area;

c) have no serious adverse effect on significant vistas within the area and the general character and appearance of the street scene and roofscape;

d) use materials appropriate to their setting and context and which protect or enhance the character and appearance of the Conservation Area; and

e) pay special attention to the setting of the building and its open areas.

Where development is acceptable in principle it should complement or reflect the architectural qualities of adjoining and other nearby buildings (unless these are harmful to the character and appearance of the area) in terms of its profile, silhouette, detailing and materials. However, good modern design may be acceptable, particularly where new compositions and points of interest are created.’

2.2.6 With respect to listed buildings, Scheduled Monuments and Historic Parks and Gardens the LDP advises that Planning Policy Wales (Chapter 6) and Circulars 60/96 and 61/96 should be referred to accordingly (paragraphs 6.5.23, 6.5.24 and 6.5.29).

2.3 Cardiff City Council

2.3.1 The City of Cardiff Council adopted its Local Development Plan (LDP) for the period up to 2026 in January 21016.

2.3.2 The LDP includes a Key Policy (KP17) that addresses built heritage:

‘Cardiff’s distinctive heritage assets will be protected, managed and enhanced, in particular the character and setting of its Scheduled Ancient Monuments, Listed Buildings, Historic Parks and Gardens, conservation areas, Locally Listed Buildings and other features of local interest that positively contribute to the distinctiveness of the city.’

2.3.3 Detailed policies within the LDP that address aspects of the historic environment include:

‘EN8: Trees, Woodlands and Hedgerows

Development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value, or that contribute significantly to mitigating the effects of climate change.

EN9: Conservation of the Historic Environment

Development relating to any of the heritage assets listed below (or their settings) will only be permitted where it can be demonstrated that it preserves or enhances that asset’s architectural quality, historic and cultural significance, character, integrity and/or setting.

- i) Scheduled Ancient Monuments;*
- ii) Listed Buildings and their curtilage structures;*
- iii) Conservation Areas;*
- iv) Archaeologically Sensitive Areas;*
- v) Registered Historic Landscapes, parks or Gardens; or*
- vi) Locally Listed Buildings of Merit and other historic features of interest that positively contribute to the distinctiveness of the city.’*

2.3.4 A Supplementary Planning Guidance (SPG) document regarding Archaeologically Sensitive Areas was approved by the City of Cardiff Council in July 2006 (Cardiff City Council 2006). It provides detailed guidance on the protection of defined Archaeologically Sensitive Areas (ASAs) within the planning process. No such defined ASA would be affected by the Scheme.

3 References

Cardiff City Council (2006) Supplementary Planning Guidance: Archaeologically Sensitive Areas. Approved July 2006.

Cardiff City Council (2016) Cardiff Local Development Plan 2006-2026. Adopted 28 January 2016.

Monmouthshire County Council (2014) Monmouthshire County Council Adopted Local Development Plan 2011-2021. Adopted 27 February 2014.

Newport City Council (2015a) Newport Local Development Plan 2011-2026. Adopted Plan, January 2015.

Newport City Council (2015b) Archaeology and Archaeologically Sensitive Areas. Adopted August 2015.

Welsh Government (2016) Planning Policy Wales, Edition 8, January 2016.

Welsh Office (1996a) Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology.

Welsh Office (1996b) Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas.

Welsh Office (1998) Welsh Office Circular 1/98 Planning and the Historic Environment: Directions by the Secretary of State for Wales.