

**BACKGROUND PAPER 3
PAPUR CEFNDIR 3**



HISTORIC ENVIRONMENT

**DEPOSIT LOCAL DEVELOPMENT PLAN
UP TO 2021**

October 2008

AMGYLCHEDD HANESYDDOL

**CYNLLUN ADNEUO DATBLYGU LLEOL
HYD AT 2021**

Hydref 2008



**CAERPHILLY COUNTY BOROUGH
LOCAL DEVELOPMENT PLAN
Up to 2021**

**BWRDEISTREF SIROL CAERFFILI
CYNLLUN DATBLYGU LLEOL
Hyd at 2021**

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PAPUR CEFNDIR 3 AMGYLCHEDD HANESYDDOL

**LDP DEPOSIT
October 2008**

**CDL ADNEUO
Hydref 2008**

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1. INTRODUCTION

- 1.1 The historic environment is something from which we can learn, something from which our economy benefits and something which can bring communities together in a shared sense of belonging. With sensitivity and imagination, it can be a stimulus to creative new architecture and design, a force for regeneration and a powerful contributor to people's quality of life.
- 1.2 In planning terms, the historic environment can embody many features: buildings, structures, monuments, remains, archaeological sites, gardens, parks, landscapes and their settings. National planning policy guidelines indicate that all of these should be protected. The government considers the preservation and enhancement of the historic environment a key aspect of local authorities' wider historic environmental responsibilities, which should be taken into account in the formulation of planning policies and the exercise of development control.

2. LEGISLATION, POLICY AND GUIDANCE

2.1 Planning control for the historic environment is provided by three sources of statutory requirements:

- Primary legislation is provided in Wales and England by the Planning and Compulsory Purchase Act 2004, the Town & Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990. These Acts 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;
- National policy is contained in the following circulars issued by the former Welsh Office: 61/96, 'Planning and the Historic Environment: Historic Buildings and Conservation Areas'; and 1/98 'Planning and the Historic Environment: Directions by the Secretary of State for Wales'. This advice provides the framework for the preservation and enhancement of the historic environment at local level. Planning Policy Wales also contains guidance on the historic environment, and the PPW Companion Guide relates this to the changes made to the planning system in 2004;
- At local level, developers and owners of historic buildings need to take account of the relevant policies of the local authority as contained within its development plan, which reflect local development requirements and pressures, the character of the area, public opinion, and other locally important issues. These issues will be considered in determining policies for the LDP.

3. HISTORIC ENVIRONMENT OF CAERPHILLY COUNTY BOROUGH

National Context

- 3.1 The County Borough of Caerphilly is a fine example of the varied and precious historic environment of Wales with a diversity of historic buildings, structures and landscapes.
- 3.2 Until the mid-nineteenth century, the south Wales Valleys were lightly inhabited (as was most of Wales) and known for their natural beauty. However, this was to change following the advent of the industrial revolution as the valleys became important centres for both the coal mining and iron industries. These growing industries resulted in a mass in-migration of people from rural areas to the valleys. Consequently many new settlements were built to accommodate immigrant workers.
- 3.3 These communities have left a legacy of buildings and areas of importance for their civic, religious and industrial heritage that form the architectural vernacular of that era. Most noticeable in Caerphilly County Borough are the rows of terrace housing, railway viaducts, miners institutes and collieries.
- 3.4 However, the most well known historic buildings and ancient monuments in the area pre-date this period by hundreds of years. These are the 13th Century Caerphilly Castle and the early 16th Century Llancaiach Fawr Manor House. There are many other similar buildings, monuments and archaeological sites in the County Borough, which are not so well known but are of equal historical significance.

Listed Buildings

- 3.5 Under the provisions of the Planning (Listed Building and Conservation Areas) Act 1990, the Secretary of State for Wales is required to produce a list of buildings of special architectural or historic interest for the guidance of local planning authorities. This responsibility is undertaken by Cadw (an executive agency of the Welsh Assembly Government). Buildings and structures are classified in grades (I, II* and II) to indicate their relative importance. All listed buildings and structures are awarded the same level of protection regardless of their grading. The effect of listing is that proposals to alter, extend or demolish such a building require listed building consent, on top of the requirement for planning permission.
- 3.6 There are currently 410 listed buildings or structures within the County Borough, ranging from Blackwood War Memorial to the impressive Hengoed/Maesycwmmer Viaduct dominating the lower Rhymney Valley.
- 3.7 The listing process provides a layer of protection that exists outside of the remit of the planning system. Aside of this, it is the subject of national planning policy as contained within Planning Policy Wales (PPW). Consequently, the PPW Companion Guide stipulates that there is no need for the LDP to address the issue at the local level, which would amount to repetition of national policy.

Buildings of Local Interest

- 3.10 There are a number of buildings within the County Borough that, although not statutorily listed by Cadw, are considered to have local importance by virtue of their historic, cultural or architectural merit. Such buildings are at risk of being altered or changed with no regards for their local importance, since this has not been recognised. In several cases these buildings may even be demolished, resulting in their loss.
- 3.13 The Planning Policy Wales Companion Guide stipulates that local policy can be implemented in relation to locally distinct elements, where national policy or guidance is not appropriate or the elaboration of such policy is necessary.
- 3.14 It may therefore be appropriate to safeguard such buildings on a local basis, using development plan policy to ensure that features of cultural, architectural and/or historic importance are maintained for their own purposes, or until recognised and listed by Cadw. The Council does not have a comprehensive list of this nature, however, and this work would have to be undertaken prior to the formulation of any such policies.

Buildings at Risk

- 3.15 A building at risk (BaR) is a building that has been identified as an historic building, which is at risk through neglect and decay. Buildings at risk range from those that are virtually on the point of collapse to those that are just a bit ragged around the edges, and from vacant to inhabited buildings. The term also applies to historic buildings that are not listed (as yet) or within a conservation area but make an important contribution to their overall rural or urban landscape that do not necessarily merit their individual listing.
- 3.16 The Council is in the process of undertaking a comprehensive survey of buildings at risk within its area. Once completed, the survey will identify those historic buildings in a state of poor condition and repair. The results of the survey will allow the comparison of this data against that of other authorities, providing an indication of how well the authority is doing in terms of conserving and protecting the historic environment.

Conservation Areas

- 3.17 Under the Planning (Listed Buildings and Conservation Areas) Act and Regulations 1990, local authorities have a statutory duty to identify areas of special architectural or historic interest, the character of which it is desirable to preserve or enhance, and designate them as conservation areas.
- 3.18 These are afforded statutory protection by the Act, which provides that within these areas, local authorities are duty bound to prepare proposals for their preservation and enhancement, and to have special regard for proposals that may affect its character. The act further provides control over the total or substantial demolition of a building within a conservation area and enables local authorities to affect repairs and make available grants and loans for repairs or restoration of buildings.
- 3.19 At present, there are 15 conservation areas within the County Borough, although up-to-date character appraisals are required:
- Butetown;
 - Rhymney;

- Nelson;
- Ruperra Castle and Park;
- Gelligaer;
- Gellihaf;
- Maesycwmmmer/Hengoes;
- Gelligroes;
- Tredomen;
- Cwmcarn Memorial Park;
- Garden Suburbs, Pontywaun;
- Llanbradach;
- Groeswen;
- Draethen;
- Newbridge.

3.20 Given that the Council does not intend to depart from, or add to, the position as laid down by legislature and national guidance, conservation areas are not considered as being relevant for explicit inclusion within the LDP – a stance consistent with the provisions of the PPW Companion Guide.

Historic Landscapes, Parks and Gardens

3.20 Cadw, in association with the International Council on Monuments and Sites and the Countryside Council for Wales, has prepared a Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales. The register has been prepared in two parts. The first, covering historic parks and gardens, lists the following sites within the County Borough as historic gardens. The second lists Gelligaer Common as a special historic landscape:

- Maes Manor Hotel, Blackwood;
- The Van, Caerphilly;
- Ruperra Castle, Rudry;
- Cefn Mably.

3.21 No additional statutory controls follow from the inclusion of a site in the Register, which is advisory only. However, Welsh Office Circulars 29/95, 61/96 and 1/98 state that planning applications concerning such sites should be the subject of consultation with the Garden History Society. Where applications involve those sites categorised as grades I or II on the register, they should also be referred to Cadw.

3.22 These sites are subject to the ongoing Historic Landscape Characterisation Programme, a Wales-wide project being undertaken in partnership between Cadw, the Countryside Council for Wales (CCW) and the four Welsh archaeological trusts (the Glamorgan-Gwent Archaeological Trust (GGAT) in the case of Caerphilly). The purpose of this exercise is to make more detailed information about each site available at a local level, starting firstly with registered sites and rolling out to take account of unregistered areas in the next few years.

3.23 The effect of development upon historic landscapes, parks and gardens and their settings is regarded as a material consideration, with respect to the determination of planning applications. As such, the mere inclusion of sights on the register provides the protection afforded by these designations, and the inclusion of local policy within the LDP is unnecessary. This conforms to the provisions of the PPW Companion Guide.

Scheduled Ancient Monuments

- 3.23 Scheduled ancient monuments (SAMs) are nationally important archaeological sites that are protected under the Ancient Monuments and Archaeological Areas Act 1979. The list of these is maintained by Cadw. 48 sites are designated within the County Borough. The effect of scheduling is that proposals to damage, demolish, remove, repair, alter, add to, flood or cover up a SAM require scheduled monument consent, on top of the requirement for planning permission.
- 3.24 As SAMs are protected independently of the planning system, there is no requirement for such protection to be included within the LDP.

4. KEY ISSUES

Equal Access Legislation

- 4.1 The 2005 Disability Discrimination Act (DDA) introduces the requirement that all buildings, including private clubs with 25 or more members, makes reasonable adjustments to ensure that disabled guests can access their facilities. This requirement is imposed on all publicly available buildings, including those that are afforded statutory conservation protection. Consequently, there are inherent conflicts between conserving the protected features of listed buildings and making appropriate alterations in which to comply with the DDA regulations.

Health and Safety Requirements

- 4.2 In a similar fashion health and safety regulations (in particular new fire regulations) have put pressure on a number of listed buildings to make internal alterations to satisfy their statutory requirements.

Energy Efficiency

- 4.3 Balancing the needs of conservation and energy efficiency is also emerging as an increasing problem for listed buildings within the County Borough. Building Regulations are evolving and raising standards of buildings in terms of their energy efficiency and reduction of emissions. Where building regulations approval is required, changes to the fabric of a building are often necessary, including the instalment of double glazed windows, insulated cavities and changes to design. These alterations often conflict with the preservation of listed buildings.
- 4.4 The right balance is needed between reducing the energy use and greenhouse gas emissions of a building and conserving the special interest, character and appearance of historic buildings.

Conservation Skills

- 4.5 Another problem being experienced in the County Borough is the lack of skilled tradesmen specialising in the conservation of historic buildings and structures. The lack of local skills including lime-washing and dry-stone walling, for example, coupled with a lack of knowledge of traditional materials and techniques has resulted in the use of inappropriate methods and materials being utilised for the maintenance and repair of listed buildings. This has resulted in the piecemeal erosion of the historic character and original materials used in the construction of many of these buildings and structures.

Heritage Protection White Paper

- 4.6 A White Paper entitled 'Heritage Protection for the 21st Century' was published last year, and seeks to develop a simpler, more efficient and more responsive heritage protection system in Wales, both in respect of the designation of sites and structures and the planning system.
- 4.7 The key elements proposed within the White Paper are:
- The establishment of a unified statutory Register of Historic Sites and Buildings of Wales, including listed buildings, scheduled ancient monuments and registered parks and gardens;
 - The abolition of dual designation (listing and scheduling) for historic assets;
 - Bringing the demolition of locally designated buildings within local authorities' development control functions;
 - The introduction of statutory consultation with Cadw, the Garden History Society and the Welsh Historic Gardens Trust in respect of planning applications affecting registered parks and gardens and their settings.

5. LDP CONSIDERATIONS

National Policy and Guidance – Planning Policy Wales Companion Guide

- 5.1 The following areas are the subjects of statements of national policy within Planning Policy Wales (PPW) and, as a result, need not be repeated as local policy within the LDP (the relevant PPW paragraph is included in brackets):
- Financing archaeological works (6.4.3);
 - Preservation of listed buildings and optimum viable use (6.4.6);
 - Conservation areas and assessments (6.4.7);
 - Ancient monuments and archaeological remains (6.5.1);
 - Archaeological investigation before development commences (6.5.3);
 - Proposals affecting a listed building or its setting (6.5.7);
 - Consent to demolish a listed building – exceptional circumstances/use of conditions (6.5.10);
 - Conservation area consent considerations (6.5.15 & 6.5.16);
 - Advertisements in conservation areas (6.5.17);
 - Trees in conservation areas (6.5.18);
 - World Heritage Sites (6.5.22);
 - The effect on historic landscapes, parks or gardens and their settings as a material consideration (6.5.23).
- 5.2 It is therefore deemed unnecessary to include an all-encompassing range of historic environment policies within the LDP. In accordance with the PPW Companion Guide, local policy is only required in relation to locally distinct elements, where national policy or guidance is not appropriate or the elaboration of such policy is necessary. In some cases, the most suitable vehicle for such elaboration is SPG. However, this would still necessitate the inclusion of a relevant policy within the plan itself, in order that SPG has something to 'hang' from.
- 5.3 With this in mind, it is felt that the LDP, as far as the historic environment is concerned, needs only to concentrate on buildings of local interest, as they are not statutorily protected by other areas of legislation or policy, yet are important considerations in terms of the historic environment generally and within the

wider context of creating sustainable communities. Such features play a role in enhancing a locality's sense of place, and therefore can have an influence in terms of its social wellbeing.

- 5.4 However, given that the Council does not presently have a list of buildings of local interest, it is not considered appropriate to include any policies relating specifically to such entities within the LDP. The process of collating such a list upon which any policy could be based is unfeasible, within the context of the current LDP timetable.
- 5.5 In order to take account of this, and to ensure that national guidance is adhered to, the Council will endeavour to undertake a survey of buildings of local interest in due course. It is intended that the resulting list will be used as a basis for formulating policy in relation to this particular area at the first review of the plan.

LDP Content

- 5.6 The eight key components of the LDP, as well as the strategy policies, will implicitly support the premise of protecting and enhancing the County Borough's historic environment, even though these may not be listed as explicit requirements.
- 5.7 For instance, targeting development towards individual settlements based upon their roles and functions will take account of the existence of such facilities, where a settlement is determined as being able to contribute to the County Borough's tourism or heritage 'offer'.
- 5.8 Strategy policies should, through various means, support the sustainable development of the County Borough as a whole. The fostering of the County Borough's existing built and natural heritage has a role to play in terms of improving people's quality of life and can realise both direct and indirect social, economic and environmental benefits. The approach taken by the strategy policies towards future development will therefore seek to protect and enhance the County Borough's historic environment, albeit in an implicit manner.
- 5.9 It is envisaged that this, along with the gamut of statutory protection afforded to the historic environment outside of the planning system, will be largely sufficient in terms of providing the necessary level of policy coverage.
- 5.10 However, as has been mentioned, the Council lacks a comprehensive evidence base upon which to found the full range of policies required. Ongoing survey work regarding buildings of local interest and buildings at risk will ensure that the necessary policy coverage is in place following the LDP review. Inclusion of such policies at this stage would be inappropriate (as there is no local list, despite the possibility of there being buildings worthy of categorisation), but also, perhaps more importantly, would render the plan 'unsound'.