

MONA OFFSHORE WIND PROJECT

Environmental Statement

Volume 7, Annex 5.2: Historic environment policy and guidance

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Image of an offshore wind farm

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Glossary

Term	Meaning
Conservation (for heritage policy)	The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.
Designated heritage asset	A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield, Registered Historic Landscape (Wales only) or Conservation Area designated under the relevant legislation.
Development Consent Order	An order made under the Planning Act 2008 granting development consent for a Nationally Significant Infrastructure Project (NSIP).
Heritage asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).
Historic environment	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.
Local Authority	A body empowered by law to exercise various statutory functions for a particular area of the United Kingdom. This includes County Councils, District Councils and County Borough Councils.
National Policy Statement (NPS)	The current national policy statements published by the Department for Energy Security & Net Zero in 2024.
Setting of a heritage asset	The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
Significance (for heritage policy)	The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.

Acronyms

Acronym	Description
CIfA	Chartered Institute for Archaeologists
DESNZ	Department for Energy Security and Net Zero
IPC	Infrastructure Planning Commission
LDP	Local Development Plan
NPS	National Policy Statement
PPW	Planning Policy Wales
TAN	Technical Advice Note

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Units

Unit	Description
km	Kilometres
m	Metres

1 Historic environment policy and guidance

1.1 Introduction

- 1.1.1.1 This document forms Volume 7, Annex 5.2: Historic environment policy and guidance of the Environment Statement for the Mona Offshore Wind Project.
- 1.1.1.2 This historic environment technical report provides information regarding the relevant legislative, policy and guidance context for the transmission assets of the Mona Offshore Wind Project.
- 1.1.1.3 Legislative frameworks provide protection to the historic environment while planning policy and guidance provide advice concerning how the historic environment should be addressed within the planning process.

1.2 Study area

- 1.2.1.1 The historic environment study area focuses on areas landward of Mean Low Water Springs and is described below and is shown on Figure 1.1 of Volume 3, Chapter 5: Historic environment of the Environment Statement.
 - The area of land to be temporarily or permanently occupied during the construction, operations and maintenance and decommissioning of the Mona Offshore Wind Project (hereafter referred to as the Mona Onshore Development Area).
 - Designated historic assets of the highest significance (e.g. World Heritage Sites, Scheduled Monuments, Grade I and II* listed buildings, Grade I and II* Registered Parks and Gardens of Special Historic Interest, and Registered Landscapes of Special Historic Interest) – 1 km from the edge of the Mona Onshore Development Area and a 5 km radius centred on the Onshore Substation
 - Other designated historic assets (e.g. Grade II listed buildings, Grade II Registered Parks and Gardens of Special Historic Interest, and Conservation Areas) – 1 km from the edge of the Mona Onshore Development Area and a 1 km radius centred on the Onshore Substation
 - Buried archaeology and other non-designated historic assets (as recorded on the Historic Environment Record (HER) data) – 250 m from the edge of the Mona Onshore Development Area and a 1 km radius centred on the Onshore Substation.

1.3 Legislation

1.3.1 Overview

- 1.3.1.1 Statutory protection for archaeology is principally enshrined in the Ancient Monuments and Archaeological Areas Act 1979 (as amended). Nationally important archaeological sites are listed in a Schedule of Monuments and are accorded statutory protection.
- 1.3.1.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning Act 1990 provide statutory protection to listed buildings and their settings and include provisions in relation to designating and to preserving or enhancing the character and appearance of conservation areas.

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- 1.3.1.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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'*.
- 1.3.1.4 The Infrastructure Planning (Decisions) Regulations 2010 require decision-makers to have regard for the desirability of:
1. preserving listed buildings and their settings or any features of special architectural or historic interest that they possess.
 2. preserving or enhancing the character or appearance of conservation areas.
 3. preserving scheduled monuments and their settings.
- 1.3.1.5 The Protection of Military Remains Act 1986 sets out protective measures for vessels which were sunk or stranded while in military service and for aircraft which crashed while in military service. There is a general prohibition on the disturbance or removal of remains covered by this Act unless a licence has been granted by the Secretary of State.
- 1.3.1.6 The Hedgerow Regulations 1997 set out criteria for the identification of 'Important Hedgerows'; these include several historic environment criteria. Consent from the local planning authority is usually required for the removal of an 'Important Hedgerow', however such removal is deemed to be permitted where a Development Consent Order has been granted.

1.3.2 The Historic Environment (Wales) Act 2016

- 1.3.2.1 The Historic Environment (Wales) Act 2016 became law after receiving Royal Assent in March 2016. It gives more effective protection to listed buildings and scheduled monuments in Wales, improves the sustainable management of the historic environment, and introduces greater transparency and accountability regarding decisions affecting the historic environment.
- 1.3.2.2 This Historic Environment (Wales) Act 2016 amended the two pieces of UK legislation, the Ancient Monument and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990, which previously provided the framework for the protection and management for the Welsh historic environment. These amendments predominantly relate to the transference of a number of existing powers, including the designation of scheduled monuments and listed buildings, from the Secretary of State to Welsh Ministers. The key provisions of the Act can be summarised as follows:
- Amendments to the procedure for determining scheduled monument consent.
 - Provision for Welsh Ministers to enter into a Heritage Partnership Agreement with the owner of a scheduled monument, or any associated land, within Wales.
 - Provision for Welsh Ministers to compile and maintain a register of historic parks and gardens of special historic interest.
 - Provision for Welsh Ministers and/or local authorities to enter into a Heritage Partnership Agreement with the owner of a listed building, or part of such a building, situated in Wales.
- 1.3.2.3 The Act also contains new stand-alone provisions for the compilation of a list of historic place names in Wales; for the compilation of an historic environment record for each

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local authority area in Wales; and for the establishment of an Advisory Panel for the Welsh Historic Environment.

- 1.3.2.4 The Act included a provision for historic parks and gardens to be placed on a statutory register and this came into force on 1st February 2022. The statutory register does not include historic landscapes, which are instead identified on the non-statutory Register of Landscapes of Outstanding Historic Interest in Wales (published as Part 2.1, by Cadw with the Countryside Council for Wales and ICOMOS UK, in 1998), and on the non-statutory Register of Landscapes of Special Historic Interest in Wales (published as Part 2.2, by Cadw with the Countryside Council for Wales and ICOMOS UK, in 2001).

1.3.3 The Historic Environment (Wales) Act 2023

- 1.3.3.1 The Historic Environment (Wales) Act 2023 brings together the principal legislation for the protection, management and conservation of the historic environment in Wales. The Historic Environment (Wales) Act 2023 consolidates the following legislation and applies it to Wales in order to protect monuments, building and conservation area.

'(a) the Historic Buildings and Ancient Monuments Act 1953 (c. 49);

(b) Parts 1 and 3 of the Ancient Monuments and Archaeological Areas Act 1979 (c. 46);

(c) Parts 14 and 15 of the Town and Country Planning Act 1990 (c. 8);

(d) the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9);

(e) Part 5 of the Planning and Compulsory Purchase Act 2004 (c. 5);

(f) the Historic Environment (Wales) Act 2016 (anaw 4).'

- 1.3.3.2 Whilst the legislation received Royal Assent in June 2023, it will not be brought into force until late-2024.

1.4 Policy

1.4.1 Overview

- 1.4.1.1 As a Nationally Significant Infrastructure Project under the Planning Act 2008 (as amended), the principal national planning regime for the Mona Offshore Wind Project comprises the suite of National Policy Statements (NPSs) produced by the Department for Energy Security and Net Zero (DESNZ), including the following:

- The Overarching NPS for Energy (EN-1 – DESNZ, 2024a).
- The NPS for Renewable Energy Infrastructure (EN-3 – DESNZ, 2024b).
- The NPS for Electricity Networks Infrastructure (EN-5 – DESNZ, 2024c).

1.4.2 Overarching NPS for Energy (EN-1)

- 1.4.2.1 Section 5.9 of the NPS EN-1 focuses on the historic environment. NPS EN-1 (DESNZ, 2024a) states *'The construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment above, at and below the surface of the ground'* (paragraph 5.9.1). The NPS goes on to identify that *'Those elements of the historic environment that hold value to this and future generations because of their historic, archaeological, architectural or artistic interest are called 'heritage assets'. Heritage assets may be buildings, monuments,*

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sites, places, areas or landscapes, or any combination of these. The sum of the heritage interests that a heritage asset holds is referred to as its significance' (paragraph 5.9.2).

1.4.2.2 As identified within the NPS, '*Some heritage assets have a level of significance that justifies official designation*' (paragraph 5.9.4). The following categories of designated heritage assets are noted:

- World Heritage Sites.
- Scheduled Monuments.
- Listed Buildings.
- Protected Wreck Sites.
- Protected Military Remains.
- Registered Parks and Gardens.
- Registered Battlefields.
- Conservation Areas.
- Registered Historic Landscapes (Wales only).

1.4.2.3 Non-designated heritage assets of archaeological interest which are demonstrably of equivalent interest to Scheduled Monuments will be subject to any policies that apply to designated heritage assets (paragraphs 5.9.5 and 5.9.6). For other non-designated heritage assets, the Infrastructure Planning Commission (IPC) (now the Planning Inspectorate) should consider impacts on such assets on the basis of clear evidence that the assets '*have a significance that merits consideration*' (paragraph 5.9.7).

1.4.2.4 The NPS advises that '*As part of the ES the applicant should provide a description of the significance of the heritage assets affected by the proposed development, including any contribution made by their setting. The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on their significance*' (paragraph 5.9.10), before going on to state '*Where a site on which development is proposed includes, or the available evidence suggests it has the potential to include, heritage assets with an archaeological interest, the applicant should carry out appropriate desk-based assessment and, where such desk-based research is insufficient to properly assess the interest, a field evaluation. Where proposed development will affect the setting of a heritage asset, accurate representative visualisations may be necessary to explain the impact*' (paragraph 5.9.11).

1.4.2.5 With regard to decision making, NPS EN-1 advises that '*In considering the impact of a proposed development on any heritage assets, the Secretary of State should consider the particular nature of the significance of the heritage assets and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal*' (paragraph 5.9.24). Also '*Substantial harm to or loss of significance of a grade II Listed Building or a grade II Registered Park or Garden should be exceptional. Substantial harm to or loss of significance of assets of the highest significance, including Scheduled Monuments; Protected Wreck Sites; Registered Battlefields; grade I and II* Listed Buildings; grade I and II* Registered Parks and Gardens; and World Heritage Sites, should be wholly exceptional*' (paragraphs 5.9.29 and 5.9.30).

1.4.2.6 Importantly, '*Where the proposed development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed*

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against the public benefits of the proposal, including, where appropriate securing its optimum viable use' (paragraph 5.9.32).

1.4.2.7 *'Where the proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm to, or loss of, significance is necessary to achieve substantial public benefits that outweigh that harm or loss, or all the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation*
- *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible*
- *the harm or loss is outweighed by the benefit of bringing the site back into use' (paragraph 5.9.31).*

1.5 NPS for Renewable Energy Infrastructure (EN-3) and NPS for Electricity Networks Infrastructure (EN-5)

1.5.1.1 These two NPSs do not provide any additional policies or advice specific to the historic environment over and above those presented within NPS EN-1, except for a section in EN-5 (DESNZ, 2024c) regarding landscape and visual effects (section 2.9), which advises that there are issues regarding the undergrounding of electricity cables, including impacts on designated heritage assets that may have to be taken in account when considering this action as an alternative to the construction and use of an overhead line.

1.6 Planning Policy Wales (Edition 11, February 2021)

1.6.1 Overview

1.6.1.1 The principal national planning policy is Planning Policy Wales (PPW) (Edition 11, Welsh Government, 2021a - PPW11). This establishes Welsh Government objectives with regard to the protection of the historic environment and explains that responsibility for caring for the historic environment lies with all those that have an interest in the planning system.

1.6.1.2 PPW11 sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs). Procedural advice is given in circulars and policy clarification letters.

1.6.1.3 Chapter 6 of PPW11, entitled 'Distinctive and Natural Places', has a section entitled 'The Historic Environment' (section 6.1 - pp. 125-131) which provides policy for planning authorities, property owners, developers and others on the conservation and investigation of heritage assets. Overall, the objectives of section 6.1 in relation to the historic environment can be summarised as seeking to:

- Protect the Outstanding Universal Value of the World Heritage Sites.
- Conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy.
- Safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved.

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- Preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous.
- Preserve the special interest of sites on the register of historic parks and gardens; and protect areas on the register of historic landscapes in Wales.

- 1.6.1.4 Section 6.1 of PPW11 describes the historic environment as comprising all the surviving physical elements of previous human activity and illustrates how past generations have shaped the world around us. The historic environment is made up of individual historic features, archaeological sites, historic buildings and historic parks, gardens, townscapes and landscapes, collectively known as historic assets. It notes that the ways in which historic assets are identified varies, with the most important historic assets often having statutory protection, yet other assets may yet to be formally identified.
- 1.6.1.5 Regarding archaeological remains, section 6.1 of PPW11 states: *'The conservation of archaeological remains and their settings is a material consideration in determining planning applications, whether those remains are a scheduled monument or not'* (paragraph 6.1.23). *'Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance)'* (paragraph 6.1.24). *'In cases involving less significant archaeological remains, local planning authorities will need to weigh the relative importance of the archaeological remains and their settings against other factors, including the need for the proposed development'* (paragraph 6.1.25).
- 1.6.1.6 Section 6.1 goes on to say: *'Where archaeological remains are known to exist or there is a potential for them to survive, an application should be accompanied by sufficient information, through desk based assessment and/or field evaluation, to understand a full understanding of the impact of the proposal on the significance of the remains'* (paragraph 6.1.26). *'If the planning authority is minded to approve an application and where archaeological remains are affected by proposals that alter or destroy them, the planning authority must be satisfied that the developer has secured appropriate and satisfactory provision for their recording and investigation, followed by the analysis and publication of the results and the deposition of the resulting archive in an approved repository'* (paragraph 6.1.27).
- 1.6.1.7 Section 6.1.7 notes that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets, and that this will include consideration of the setting of an historic asset. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.
- 1.6.1.8 Section 6.1.9 reiterates that any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic asset and their contribution to the character of place.
- 1.6.1.9 Section 6.1.10 states that there should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage. It advises that for any development proposals affecting 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, its setting or any features of special architectural or historic interest which it possesses. Applicants for listed building consent must be able to justify their proposals, shows why the alteration or demolition of a listed buildings is desirable or necessary, and consider the impact

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of any change upon its significance. This must be included in a heritage impact statement, which will be proportionate both to the significance of the building and to the degree of change proposed.

- 1.6.1.10 Concerning conservation areas, section 6.1.14 states that there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting. Conversely, section 6.1.15 states that there will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character of appearance of a conservation area or its setting to an unacceptable level. However, it states that *'In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds'* (paragraph 6.1.15).
- 1.6.1.11 Section 6.1.16 states that preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact. Section 6.1.17 states that proposals should be tested against conservation area appraisals, where they are available.
- 1.6.1.12 Section 6.1.29 addresses locally specific historic environment policies, stating that development plans should consider the inclusion of locally specific policies relevant to the historic environment, but that these must be distinctive and only cover those elements deemed as important considerations from a local planning perspective. It is noted that planning authorities may develop lists of historic assets of special local interest, that do not have statutory protection, but that make an important contribution to local distinctiveness and have the potential to contribute to public knowledge. Where a planning authority chooses to identify historic assets of special local interest, policies for the conservation and enhancement of those assets must be included in the development plan.
- 1.6.1.13 PPW11 also includes policies regarding historic landscapes: *'Planning authorities should protect those assets included on the register of historic landscapes in Wales.....The register should be taken into account in decision making when considering the implications of developments which meet the criteria for Environmental Impact Assessment, or, if on call in, in the opinion of Welsh Ministers, the development is of a sufficient scale to have more than a local impact on the historic landscape'* (paragraph 6.1.21).
- 1.6.1.14 The aspirations and vision of the Welsh Government regarding the historic environment are additionally expressed in the following documents:
- People, Places, Future: The Wales Spatial Plan (Welsh Assembly Government, 2008).
 - Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Welsh Assembly Government, 2011).
 - Historic Environment Strategy for Wales (Welsh Government, 2013).
- 1.6.1.15 It should be noted that updates were made to chapter 6 of PPW on 18 October 2023 (changes not relevant to historic environment) with an announcement that the updated version, PPW12, will be published later this year. However, PPW12 is yet to be published at the time of writing.

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1.6.2 Future Wales: The National Plan 2040

1.6.2.1 Future Wales: The National Plan 2040 (Welsh Government, 2021b) was adopted in February 2021 and is a national development framework, setting the direction for development in Wales to 2040. The following policies are of relevance:

Policy 17 – Renewable and low carbon energy and associated infrastructure

- 1.6.2.2 *‘The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs.*
- 1.6.2.3 *In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales’ international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.*
- 1.6.2.4 *In Pre-Assessed Areas for Wind Energy the Welsh Government has already modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way. There is a presumption in favour of largescale wind energy development (including repowering) in these areas, subject to the criteria in policy 18.*
- 1.6.2.5 *Applications for largescale wind and solar will not be permitted in National Parks and Areas of Outstanding Natural Beauty and all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment.*
- 1.6.2.6 *Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities.*
- 1.6.2.7 *New strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities. The Welsh Government will work with stakeholders, including National Grid and Distribution Network Operators, to transition to a multi-vector grid network and reduce the barriers to the implementation of new grid infrastructure’.*

Policy 18 – Renewable and low carbon energy developments of national significance

- 1.6.2.8 *‘Proposals for renewable and low carbon energy projects (including repowering) qualifying as Developments of National Significance will be permitted subject to policy 17 and the following criteria...*
- ...7. there are no unacceptable adverse impacts on statutorily protected built heritage assets...’*

1.6.3 Local planning policy

The Conway Local Development Plan 2007-2022

1.6.3.1 The Conwy Local Development Plan 2007-2022 (Conwy County Borough Council, 2013) was adopted in October 2013. The following policy is relevant to heritage assets associated with the Mona Offshore Wind Project:

Strategic Policy CTH/1 – Cultural heritage

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

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

Policy CTH/2 – Development affecting heritage assets

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

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

Policy CTH/3 – Buildings and structures of local importance

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

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Policy CTH/4 – Enabling development

1. *‘Enabling development which seeks to secure the preservation and/or appropriate alternative use of a listed building, or a building which makes a significant positive contribution to the character of a conservation area, historic landscape or parks and gardens of special historic interest will only be permitted where the following criteria are all met:*
 - a. *It will not materially harm the heritage values of the historic asset or its setting and;*
 - b. *It avoids detrimental fragmentation of management of the historic asset; and*
 - c. *It will secure the long-term future of the historic asset and, where applicable, its continued use for a sympathetic purpose and;*
 - d. *It is necessary to resolve problems arising from the circumstances of the present owner, or the purchase price paid and;*
 - e. *Sufficient subsidy is not available from any other source and;*
 - f. *It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the historic asset, and that its form minimizes harm to other public interests and;*
 - g. *The public benefit of securing the future of the historic asset through such enabling development decisively outweighs the disbenefits of breaching other public policies.*
2. *If it is decided by the Council that a scheme of enabling development meets all the criteria set out above, planning permission should then only be granted if:*
 - a. *The impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission;*
 - b. *The achievement of the heritage objective is securely and enforceably linked to the enabling development;*
 - c. *The place concerned is repaired to an agreed standard, or the funds to do so made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation and;*
 - d. *The Council closely monitors implementation, if necessary, acting promptly to ensure that obligations are fulfilled’.*

1.6.3.2 Supplementary Planning Guidance in respect of the above policies has been provided in the form of Local Development Plan (LDP) 8: Buildings and Structures of Local Importance (Conwy County Borough Council, 2014) which provides further guidance and a register in relation to Locally Listed buildings, while LDP14: Conservation Areas (Conwy County Borough Council, 2015) provides further planning guidance in relation to developing within, or in proximity to, conservation areas.

Denbighshire Local Development Plan 2006 – 2021

1.6.3.3 The Denbighshire Local Development Plan 2006-2021 (Denbighshire County Council, 2013) was adopted in June 2013. The following policies are relevant to heritage assets associated with the Mona Offshore Wind Project:

Policy VOE 1 – Key areas of importance

‘The following areas will be protected from development that would adversely affect them. Development proposals should maintain and, wherever possible, enhance these areas for their characteristics, local distinctiveness, and value to local communities in Denbighshire:

- *Statutory designated sites for nature conservation;*
- *Local areas designated or identified because of their natural landscape or biodiversity value;*
- *Sites of built heritage; and*
- *Historic Landscape, Parks and Gardens’.*

Policy VOE 10 - Renewable energy technologies

‘Development proposals which promote the provision of renewable energy technologies may be supported providing they are located so as to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity. In areas that are visually sensitive, including the AONB, Conservation Areas, World Heritage Site and Buffer Zone and in close proximity to historic buildings, visually intrusive technologies will not be permitted unless it can be demonstrated that there is no negative impact on the designation or there is an overriding public need for the development’.

- 1.6.3.4 Supplementary Planning Guidance in respect of the above policies has been provided in the form of Note No.15: Archaeology (Denbighshire County Council, 2003) providing guidance in relation to below-ground remains; while a Conservation Areas guidance document (Denbighshire County Council, 2015a) provides further planning guidance in relation to developing within, or in proximity to, conservation areas, and a Listed Buildings guidance document (Denbighshire County Council, 2015b) provides guidance in relation to developing within, or in proximity to, listed buildings.

1.7 Guidance

Technical Advice Note 24: The historic environment

- 1.7.1.1 TAN 24 (Welsh Government, 2017) is one of a suite of documents designed to aid the application of PPW11. TAN 24 was adopted in May 2017, and supersedes pre-existing Welsh Office Circulars concerning the historic environment.

- 1.7.1.2 TAN 24 provides specific guidance on how the planning system considers each aspect of the historic environment during development plan preparation and decision-making on planning and listed building applications. It also sets out that it is for an applicant to provide the planning authority with sufficient information to allow the assessment of their proposal in respect of historic assets, irrespective of their designation, which may take the form of a heritage impact statement.

- 1.7.1.3 Regarding archaeological remains, TAN24 provides the following guidance:

‘Archaeological remains are a fragile and non-renewable resource. In many cases they are highly fragile and vulnerable to damage and destruction. Produced by human activity over thousands of years, they are the only evidence of our prehistoric past and complement historic records from the last 2,000 years. Archaeological remains include evidence buried below the ground and the surviving fabric of historic buildings and

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structures. Their significance, as evidence of the past development of our civilisation and as part of Wales' identity, is not necessarily related to their size, visibility or popularity' (paragraph 4.1).

'The conservation of archaeological remains is a material consideration in determining a planning application. When considering development proposals that affect scheduled monuments or other nationally significant important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant adverse impact causing harm within the setting of the remains (see Annex A). In cases involving less significant archaeological remains, local planning authorities will need to weigh the relative importance of the archaeological remains and their settings, including the need for the proposed development' (paragraph 4.2).

1.7.1.4 Annex A of TAN24 as referenced above deals with the legal issues applied to scheduled monuments.

'Where development might reveal, disturb or destroy archaeological remains, including palaeoenvironmental evidence, it is important that opportunities to record archaeological evidence are taken and that archaeological remains are not needlessly destroyed. The ability to record such evidence should not be a factor in deciding whether controlled removal should be permitted' (paragraph 4.3).

'The needs of archaeology and development may be reconciled and potential conflicts between development proposals and the preservation of significant archaeological remains can often be avoided through pre-application discussion. This should be between the applicant, the local planning authority, their archaeological advisors and, in cases where scheduled monuments may be affected, Cadw. In the case of those local authorities that do not have in-house archaeological advisors, they could draw upon the expertise and advice of the curatorial sections of the Welsh Archaeological Trusts' (paragraph 4.4).

'Where there is a possibility that archaeological remains may be present, applicants are encouraged to make an enquiry with the body responsible for the relevant historic environment record and seek advice from the local planning authority's advisor at an early stage in considering their development proposal. This will help determine if the proposal might impact on known archaeological remains. Certain major developments require pre-application consultation with the local planning authority and, where specialist advice is required, the Welsh Ministers through Cadw' (paragraph 4.5).

'Where archaeological remains are known to exist, or considered likely to exist, and a study has not been undertaken by the applicant, the local planning authority should ask an applicant to undertake a desk based archaeological assessment and, where appropriate, an archaeological evaluation. These should be done by a competent expert to the appropriate standard. The reports of these investigations will form part of the planning application. Applicants should show how they have modified their development proposals to minimise any negative impact on the identified archaeological remains, and how they intend to mitigate any remaining negative impacts' (paragraph 4.7).

'The need for a desk based assessment, and field evaluation where appropriate, should be discussed with the local planning authority prior to submission of an application, and where required the results of these studies should be submitted as part of the planning application. Failure to provide sufficient archaeological information of the appropriate standard may be a valid reason for the local planning authority to refuse planning permission' (paragraph 4.8).

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'When considering planning applications that affect known or potential archaeological remains, the local planning authority should consult with their archaeological advisor, about the impact, including the potential scale and harm, of the development on archaeological remains, and/or the adequacy of the mitigation of what has been proposed. Where a planning application directly affects a scheduled monument and its setting then the local planning authority is required to consult the Welsh Ministers through Cadw' (paragraph 4.9).

'The case for the preservation of archaeological remains that are not considered to meet the criteria for national importance (See Annex A2), must be assessed on the individual merits of each case. The local planning authority must take into account relevant policies and material considerations, and will need to weigh the significance of the remains against the benefits of, and need for the proposed development. In cases where there are issues of more than local importance, applications may be called in for determination by the Welsh Ministers' (paragraph 4.10).

1.7.1.5 Annex A2 of TAN24 as referenced above identifies the criteria used for assessing the national importance of an ancient monument, but these criteria are not regarded as definitive:

'Having considered all policies and other material considerations and the need for the proposed development, the local planning authority may decide that the significance of the archaeological remains is not sufficient to justify their physical preservation. In these cases, the local planning authority must satisfy itself that the necessary and proportionate arrangements for the excavation and recording of these archaeological remains are secured, and the results of this archaeological work are properly analysed and published, and that arrangements are made for the deposition of the resulting archive to the appropriate standards. This can be achieved by the local planning authority issuing a brief setting out the scope of the archaeological work that is required, which should be prepared in conjunction with their archaeological advisor' (paragraph 4.12).

Technical Advice Note (TAN) 12: Design

1.7.1.6 TAN 12 (Welsh Government, 2016) provides advice on the good design of new development. Alongside promoting sustainability, it sets out that the context of a development should be appraised, including the historic environment, to inform design.

1.7.1.7 Section 5.6 Historic Environment highlights that design should have regard to the desirability of preserving or enhancing the character and appearance of areas of special character, such as conservation areas. It also highlights that specialists are needed to accurately assess areas of architectural or historic character.

Conservation principles for the sustainable management of the historic environment in Wales (conservation principles)

1.7.1.8 Conservation Principles (Welsh Government, 2011) provides the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. It is also for use by others (including owners, developers and other public bodies) to assess the potential impacts of development proposals on the significance of historic assets and assist in the decision making process where the historic environment is affected by the planning process.

1.7.1.9 The document echoes PPW in the emphasis it places upon the importance of understanding significance as a means to properly assess the effects of change to heritage assets. The guidance describes a range of heritage values which enable the

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significance of assets to be established systematically, with the four main component values being:

- **Evidential value:** which derives from those elements of an historic asset that can provide evidence about past human activity, including its physical remains or historic fabric. These may be visible and relatively easy access, or may be buried below ground, under water or be hidden by later fabric. These remains provide the primary evidence for when and how an historic asset was made or built, what it was used for and how it has changed over time.
- **Historical value:** derives from the ways an historic asset might illustrate a particular aspect of past life or be associated with a notable family, person, event or movement. These illustrative or associative values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present. As the functions of an historic asset are likely to have changed over time, the full range of changing historical values might not become clear until all the evidential values have been gathered together.
- **Aesthetic value:** which derives from the ways in which people draw sensory and intellectual stimulation from a place. Aesthetic values can be the result of the conscious design of a place, including artistic endeavour, or they can be the seemingly fortuitous outcome of the way in which a place has evolved and been used over time, or a combination of both.
- **Communal value:** which derives from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. Communal values are closely bound up with historical (particularly associative) and aesthetic values, but tend to have additional and specific aspects. Commemorative and symbolic values reflect the meanings of a place for those who draw part of their identity from it or have emotional links to it. Social value is associated with places that people perceive as a source of identity, distinctiveness, social interaction and coherence. Spiritual value attached to places can emanate from the beliefs and teachings of an organised religion or reflect past or present day perceptions of the spirit of a place.

Best practice guidance

- 1.7.1.10 Cadw publishes a wide range of best practice guidance documents. This guidance relates to the care and understanding of historic buildings, scheduled monuments and other archaeological remains; understanding the significance of, and managing, conservation areas; managing local lists, historic parks and gardens, wider historic landscapes, and World Heritage Sites; the role of the planning system in the management of the historic environment; and technical guidance for conservation.
- 1.7.1.11 This Best Practice Guidance is intended to complement the Historic Environment (Wales) Act 2016 and recent planning policy and advice. In particular, it is designed to provide information on good conservation practice to assist LPAs, planning and other consultants, owners, applicants, and other interested parties when implementing Welsh policy. Best Practice Guidance documents of particular relevance are discussed below:

Heritage Impact Assessment in Wales

- 1.7.1.12 Guidance on Heritage Impact Assessment in Wales has been published by Cadw (Cadw, 2017a) on behalf of the Welsh Government. This document advises that a heritage assessment should *'take into account sufficient information to enable both the*

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significance of the asset and the impact of change to be understood. It should be proportionate both to the significance of the historic asset and to the degree of change proposed' (page 5).

- 1.7.1.13 This document sets out the general principles to consider when planning changes to historic assets and applying for listed building, conservation area, and scheduled monument consent. In particular, it emphasises the purpose and value of undertaking Heritage Impact Assessments in order to help identify the most appropriate way to accommodate change within the historic environment. The guidance echoes PPW11 by stressing that understanding the significance of historic assets is key to making decisions regarding the historic environment.

Setting of historic assets in Wales

- 1.7.1.14 This guidance document (Cadw, 2017b) focuses on the management of change within the setting of heritage assets. It explains what setting is, how it contributes to the significance of a historic asset, and why it is important, in order to aid practitioners with the implementation of Welsh national policies and guidance relating to the historic environment.
- 1.7.1.15 In the Conservation Principles document (Cadw, 2011), setting was defined as: *'The surroundings in which an historic asset is experienced, its local context, embracing present and past relationships to the adjacent landscape'*.
- 1.7.1.16 This definition has been updated thus in TAN24: *'The setting of a historic asset includes the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Setting is not a historic asset, though land within a setting may contain other historic assets'* (Welsh Government, 2017, Annex D).
- 1.7.1.17 The definition is repeated in the best practice guidance regarding the issue of the settings of historic assets in Wales (Cadw, 2017b), which makes the following points:
- Setting usually extends beyond the property boundary of an individual historic asset.
 - Intangible factors such as function, sensory perceptions or historical, artistic, literary and scenic associations can be important in understanding settings, as well as physical elements within the surroundings of the asset.
 - When development is proposed there is a need to assess the historic assets that may be affected and understand how their settings contribute to the significance of these assets.
- 1.7.1.18 The best practice guidance goes on to outline a four-stage approach to decision-taking, as follows:
1. Identify which historic assets and their settings could be affected by a proposed development.
 2. Define and analyse the setting of each historic asset and assess whether, how and to what degree the setting contributes to the significance of the asset.
 3. Evaluate the effects of the proposed development, whether beneficial or harmful, on that significance.
 4. Consider options to mitigate or improve potential impacts on that significance.

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- 1.7.1.19 Although assessments of changes within the settings of historic assets can involve non-visual issues such as noise, odour and vibration, it is more usually the visual aspects of a development that form a major part of the assessment.
- 1.7.1.20 The existence of direct lines of sight between the historic asset and the proposed development is an important factor in judging the visual impact of the development. However, it is possible for changes within the setting to occur even when such a relationship does not exist. For example, views towards a listed building from a frequently visited location, such as a park or a public footpath, may be affected by the presence of a larger development, even if the development is not directly visible from the building itself.
- 1.7.1.21 An assessment of visual impacts on the historic assets and their settings needs to consider a wide variety of factors including the location of the asset within the physical landscape, its relationship with contemporary and non-contemporary features within that landscape and the location, size and character of the proposed development in relation to these factors.
- 1.7.1.22 The assessment then needs to balance the impact of these various considerations based on informed professional judgment. Assessment of visual impacts can be undertaken in accordance with the procedures expressed in the Guidelines for Landscape and Visual Impact Assessment Third Edition (Landscape Institute and Institute for Environmental Management & Assessment, 2013). If there is the potential for changes within the setting of historic assets due to noise or other impacts than these would be considered using appropriate procedures.
- 1.7.1.23 There should also be consideration of the sensitivity to change of the setting of a historic asset. This requires examination of the current setting with regard to identifying elements that contribute to the significance of the asset, elements that make a neutral contribution to the significance of the asset and elements that make a negative contribution to (i.e. detract from) the significance of the asset.
- 1.7.1.24 The guidance states that the introduction of offsetting or compensatory proposals, such as public access or interpretation panels, will not reduce the impact of the development within the setting of the historic asset, and thus should not be accepted as mitigation. However, these may be considered when the decision-making body weighs up the benefits of the scheme.

Managing Scheduled Monuments in Wales

- 1.7.1.25 A guidance document on Managing Scheduled Monuments in Wales has been published by Cadw (Cadw, 2018) on behalf of the Welsh Government. It sets out the general principles on how to manage and make changes to Scheduled Monuments and provides information regarding the process of applying for Scheduled Monument Consent where this is necessary.

Managing historic character in Wales

- 1.7.1.26 This guidance document (Cadw, 2017c) explains how historic character should be addressed within the planning process. It deals with how to understand historic character and looks at how activities (including development) can have an impact on historic character.

Industry guidance

- 1.7.1.27 Relevant industry guidance is provided by the Chartered Institute for Archaeologists. The Chartered Institute for Archaeologists' *Standard and Guidance for Archaeological Desk Based Assessment* (ClfA, 2020a), which aims to define good practice for the execution and reporting of heritage desk-based assessments by means of outlining procedures by which outcomes or products can be attained and against which performance can be monitored.
- 1.7.1.28 The document *Standard and Guidance for Commissioning Work or Providing Consultation Advice on Archaeology and the Historic Environment* (ClfA, 2020b), supplements this advice by outlining that the commissioner of the programme of archaeological works sufficiently understands and complies with ethical, legal and policy requirements, and is aware of the likely resource requirements. The advice provided will ensure that work is fit for purpose and is undertaken by appropriate experts. The advice provided should be a reasoned assessment of the known or potential significance of the heritage assets concerned. The advisor should be suitably qualified, skilled and competent.

1.8 References

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