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6.4.3 Local planning authorities should not include in their development plans policies requiring developers to finance archaeological works in return for the grant of planning permission. Developers should not expect to obtain planning permission for archaeologically damaging development merely because they arrange for the recording of sites whose physical preservation in situ is both desirable (because of their level of importance) and feasible.

6.4.4 Development plans should include locally-specific policies for the conservation of the built environment that are relevant to development management decisions and which should be taken into consideration in the determination of applications for both listed building consent and conservation area consent.

6.4.5 Development plans should include locally-specific policies for works of demolition, alteration, extension or re-use of **listed buildings and their curtilages**, outlining any criteria that will be applied to development proposals and which could affect an authority's decision on a related application for planning permission.

6.4.6 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.

6.4.7 Development plans should clearly indicate how detailed assessment documents and statements of proposals for individual conservation areas relate to the plan and what weight will be given to them in decisions on planning applications. The development plan should not include policies for the designation of new conservation areas or extensions to existing conservation areas, nor should it include detailed statements or proposals for existing conservation areas. The process of assessment, detailed definition or revision of boundaries and formulation of proposals for individual conservation areas should be pursued separately from the development plan.

6.4.8 Although no additional statutory controls follow from the inclusion of a site in the World Heritage List, such **World Heritage Sites** have been inscribed because of their outstanding international importance. Development plan policies should reflect this, emphasising the need to protect both the sites and their settings for future generations.

6.4.9 The non-statutory 'Register of **Landscapes, Parks and Gardens** of Special Historic Interest in Wales'¹⁴ has been prepared in two parts. The first part, consisting of seven volumes, covers parks and gardens, by unitary authority and former county council areas, while the second is divided into two volumes, covering 'outstanding' and 'special' historic landscapes throughout Wales. Local planning authorities should take both parts of the Register into account in preparing their development plans (see 6.5.25).

6.4.10 The development plan should show the boundaries of areas of protection on the Proposals Map. These boundaries have been fixed under other powers and representations should not be invited on them.



6.5.6 Local planning authorities are required to consult the Welsh Government on any development proposal that is likely to affect the site of a scheduled ancient monument. **Scheduled monument consent** must be sought from the Welsh Government for any proposed works to a scheduled ancient monument. Consent can only be granted for detailed proposals, and planning permission alone is insufficient to authorise the works¹⁷. Scheduled Ancient Monuments are exempt from conservation area control; however, where buildings are both scheduled and listed, ancient monument legislation takes precedence and scheduled monument consent, rather than listed building consent, is required for works. In these cases, when considering applications for demolition the Welsh Government will have regard to the need to explore alternative uses. Where alterations are proposed, regard will be had to the retention of important features.

Listed buildings

6.5.7 There is no statutory requirement to have regard to the provisions of the development plan when considering **applications for listed building consent**, since in these cases the Courts have accepted that Section 54A of the Town and Country Planning Act 1990 (superseded by section 38(6) of the Planning and Compulsory Purchase Act 2004) does not apply.

6.5.8 There should be a general presumption in favour of the preservation of listed buildings. The continuation or reinstatement of the original use should generally be the first option when the future of a listed building is considered. However, not all original uses will now be viable or necessarily appropriate. The application of development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a building's survival. The aim should be to identify the optimum viable use that is compatible with the character and setting of an historic building.

6.5.9 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.

6.5.10 Applicants for **listed building consent** must be able to justify their proposals, show why alteration or demolition of a listed building is desirable or necessary. It is generally preferable for both the applicant and the planning authority if related applications for planning permission and listed building consent are considered concurrently. Consideration of proposals for a listed building should be made on the basis of a full, rather than an outline planning consent. Planning permission alone is insufficient to authorise works to a listed building.

6.5.11 Planning authorities must, unless directed otherwise, notify the Welsh Government before listed building consent is granted^{18 19}. Once a building is listed (or is the subject of a building preservation notice) consent is required²⁰ for its total or partial demolition and for any works of alteration or extension which would affect its character as a building of special architectural or historic interest. Controls apply to all works, both external and internal, that would affect a building's special interest.



6.5.22 Article 4(2) Directions can be made in relation to dwelling houses in conservation areas where the permitted development would front a highway, waterway or open space. The Welsh Ministers' approval is not required, but authorities must notify residents and take account of local views before confirming such a Direction. With the exception of those circumstances identified in Article 5(1), the withdrawal of permitted development rights outside these specified categories continues, to require Article 4(1) Directions for which the Welsh Ministers' approval is needed before they can become effective. The Welsh Ministers will consider approval where the Direction is backed by a clear assessment of an area's special architectural and historic interest, where the importance to the special interest of the features in question is established, where the Direction involves the minimum withdrawal of permitted development rights necessary to achieve its objectives, and where the planning authority can demonstrate local support.

6.5.23 It is generally preferable, for both the applicant and the planning authority, for related applications for planning permission and conservation area consent to be considered concurrently. Consideration of proposals for development in a conservation area should be made on the basis of a full, rather than an outline, consent.

World heritage sites and historic landscapes, parks and gardens²⁸

6.5.24 **World Heritage Sites**²⁹ are a material consideration to be taken into account by local planning authorities in the determination of planning applications, and by the Welsh Government in determining cases on appeal or following call-in. The impact of development proposals on both the sites and their settings should be carefully considered.

6.5.25 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'. Cadw should be consulted on planning applications affecting grade 1 and II* sites and the Garden History Society should be consulted on all parks and gardens on the Register. Information on the historic landscapes in the second part of the Register should be taken into account by local planning authorities in considering the implications of developments which are of such a scale that they would have a more than local impact on an area on the Register (see para 6.4.9). 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 application³⁰.

