

MYNYDD Y GWYNT WIND FARM

Ref: EN010020

POWYS COUNTY COUNCIL NOTE ON MATTERS RELATING TO CULTURAL HERITAGE

4th March 2015

1. Introduction

1.1. This note has been prepared by Andrew Croft, BA MA, Associate Director - Heritage at Atkins, on behalf of Powys County Council, in response to the written submissions by Mynydd y Gwynt Limited (the applicants) titled "*Comments On Written Representations, Local Impact Reports and responses to the ExA's First Written Questions*" dated January 19th 2015.

2. Chapter 6 and Appendices 6.1 and 6.2

2.1. The applicant has provided a new summary of environmental effects in relation to the historic environment (Appendix 6.1) and a new assessment of impacts on the setting of assets around the proposed development with, for the first time, an assessment of Cumulative Impacts (Appendix 6.2). The findings of these two appendices, along with various responses to Written Representations, the LIR and other parties' responses to ExA questions are summarised in the main body of the Comments in Chapter 6.

2.2. The following responds to a number of the assertions made by the applicant and the new material presented by applicant under the following headings:

- General points of clarification / response to Applicant's material
- Comment on the Definition of Harm (Chapter 6 and Appendix 6.1)
- Comment on Assessment of Setting (Chapter 6 and Appendix 6.2)
- Comment on the Cumulative Assessment (Appendix 6.2)
- Comment on direct impacts and mitigation (Appendix 6.1 and Chapter 6)

2.3. PCC note that there has been a re-assessment of the potential impacts of the scheme at this stage of the Examination. Furthermore, many of the points in relation to the ES that the applicant is seeking to address were raised in PCC's Section 42 consultation response (dated 1st July 2013) which stated that:

"5. Archaeology and Cultural Heritage

Please see attached (Appendix 2) Atkins (Local Planning Authority's Cultural Heritage and Archaeology Consultant for the Section 42 Consultation) report dated 1st July 2013.

PCC requests that their concerns are fully addressed and their recommendations are complied with in full.

Please see attached comments from Clwyd-Powys Archaeological Trust (Appendix 3) This is for your information only.” [author’s emphasis]

2.4. Issues raised in the Atkins report (appendix 2 of the Section 42 response) included, amongst others:

- The absence of a cumulative impact assessment (see Paragraphs 3.19 and 3.20 of the Atkins report dated 1st July 2013)
- The serious limitations of the setting impact assessment presented in the draft ES (see Paragraphs 3.7 to 3.11 of the Atkins report dated 1st July 2013)
- The absence of an assessment of the impact of the scheme on the setting of non-designated assets (see Paragraphs 3.15 and 3.16 of the Atkins report dated 1st July 2013)
- The limitations of the study area used to assess the archaeological potential of the development site (see Paragraphs 3.1 to 3.4 of the Atkins report dated 1st July 2013)

2.5. It was PCC’s view that there was sufficient time between the PCC Section 42 response and the submission of the Final ES for these, and other identified, issues to be addressed. The issues were not, however, addressed by the applicant.

General points of clarification / response to applicant’s material

2.6. The applicant states on a number of occasions (e.g. 6.5, 6.38, etc) that PCC have dispensed with services of CPAT in relation to the proposed development and that the ExA should accord significant weight to the advice of CPAT. PCC has responded to this matter in its response to Question 3.1 of the Second Round of ExA questions.

2.7. In summary, PCC has not dispensed with CPAT’s services but, given the particular forms of impacts associated with wind energy developments and the scale of proposed development in the region, PCC considered that specialist advice was required to support its assessment of the numerous schemes before it. Atkins have been providing that advice to PCC on all wind energy schemes and associated infrastructure since February 2013. As noted above in paragraph 2.3, PCC indicated to the applicant in July 2013 that Atkins were their advisors on this scheme.

2.8. The Heritage team in Atkins includes experts in archaeology, historic buildings and historic landscapes. Andrew Croft, Associate Director and Head of Heritage, provides advice to PCC on wind energy developments. He and his team have considerable experience in the heritage and environmental planning sector, including preparation of a large number of Environmental Statements (ES) for schemes across the UK. They have also developed numerous conservation plans, management plans and strategies for heritage sites in the UK including work at a number of World Heritage Sites, archaeological complexes, historic buildings and historic landscapes; as well as Historic Landscape Characterisation studies, including work utilising the

Landmap methodology. They have also prepared detailed analyses of the setting of important heritage sites to inform their conservation and long-term planning decisions and strategies. Clients have included English Heritage, Historic Scotland, Cadw, the National Trust, numerous councils and other charities and organisations

- 2.9. CPAT has no statutory role in the planning process and it has no identified role in the NSIP process, unlike the LPA. Its advice should therefore carry only limited weight in its own right in the planning process. As set out in Planning Policy Wales (PPW), responsibility for non-scheduled archaeological remains in Wales rests with the LPAs. PCC is therefore of the view that the ExA should place limited weight on the advice and correspondence from CPAT in its determination of the application. Further detail can be found in our response to the Second Round of ExA questions.
- 2.10. The applicant also mentions on a number of occasions that PCC is “dismissive” of Cadw’s opinion (e.g. 6.6, etc). PCC has responded to this matter in Question 3.1 of the Second Round of ExA questions
- 2.11. In paragraph 6.11 the applicant indicates that study areas were agreed with Cadw and CPAT in 2011. While this may be the case, it is also noted that PCC raised its concerns about the study areas in its Section 42 response dated 1st July 2013. PCC remains concerned that the 500m study area around the development site provides a limited context for understanding the potential archaeological resource in the site. Our view remains that a larger (say 1km) study area would have aided understanding of the potential archaeological resource. There was sufficient time between the Section 42 response and the final ES to address this issue.
- 2.12. Paragraph 6.12 of Chapter 6 and Paragraph 1.5.1 of Appendix 6.2 return to the issue of the use of the English Heritage Setting Guidance (2011) in the ES. The applicant reiterates that the assessment for the ES was undertaken in Summer 2011 before the publication of the guidance. However, we note that the 2nd draft ES was not published until 2013, which in our view gave the applicant significant time to update their assessment to reflect appropriate guidance (something they have sought to do now, in January 2015). PCC also raised this issue in their Section 42 Consultation Response (see Paragraphs 3.7 to 3.11 of the Atkins report dated 1st July 2013), once again there was sufficient time to address the matter before submission of the final ES.
- 2.13. The project is an NSIP scheme and therefore requires consideration in the context of EN-1. The language and heritage concepts used in EN-1 were taken from, the now defunct, PPS5 (Planning and the Historic Environment). These concepts were also carried from PPS5 into the NPPF. EN-1 therefore used the same heritage concepts as English national policy and guidance, including the English Heritage Setting Guidance of 2011. Given these relationships, the length of time between the applicant’s original assessment and the publication of the ES in 2014 and the fact that PCC raised this issue in its Section 42 consultation response in July 2013, it is surprising that the applicant never sought to update their assessment prior to submission of the final ES.

- 2.14. Paragraph 6.28 is of note as the applicant asserts that the relevant consultees for effects related to setting change are Cadw and CPAT. This statement does not mention the responsibility that the LPA (in this case PCC) has for addressing these issues, as set out in PPW and the Local Plan. The Applicant has failed to recognise the statutory role and responsibility that the LPA has.
- 2.15. In terms of CPAT and Cadw, as set out in our response to Question 3.1 of the Second Round of questions and also discussed above, CPAT have no formal status in the planning process and their views carry limited weight. PCC also informed the applicant of Atkins' role in its Section 42 response (see paragraph 2.3 above). Cadw provides a Welsh Government perspective on these impacts. As discussed in PCC's LIR, Written Representations and response to the Second Round of questions we have indicated that we are unsure as to the basis for Cadw's assessment in terms of the scale of independent investigation that they have undertaken, or which schemes they have considered in terms of their cumulative assessment.

3. Comment on the Definition of Harm (Chapter 6 and Appendix 6.1)

- 3.1. The following provides comment on the applicant's approach to the definition of "Harm", a key concept in relation to the policy tests set out in Section 5.8 of EN-1.
- 3.2. Paragraph 1.3.8 of the applicant's Appendix 6.1 presents their definition of "Substantial Harm". It and other paragraphs do not describe "Less than Substantial Harm". We are of the view that the applicant has very loosely defined the terms and set the bar for "Substantial Harm" too high. In that context we offer the following observations.
- 3.3. EN-1 requires the assessment of a proposal to determine if it would cause "Less than Substantial Harm" or "Substantial Harm" to the significance of an asset or "Total Loss" of an asset's significance. No definitions of these terms are provided in EN-1, or other related documents including the (still extant) PPS5 Historic Environment Planning Practice Guide, NPPF or NPPG.
- 3.4. The NPPG (online resource April 2014) sets out in "*Conserving and enhancing the historic environment, decision-taking: historic environment*" guidance (ID: 18a. Updated: 10 04 2014) on "*How to assess if there is substantial harm?*" (Paragraph: 017 Reference ID: 18a-017-20140306):-

"What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact

seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm."

- 3.5. A number of points emerge from this guidance. Firstly, change to an asset's setting can result in Substantial Harm to its significance. Secondly, Substantial Harm is a high test and may not be a common occurrence. The majority of proposals for development therefore will probably not result in Substantial Harm (as the NPPF covers all forms of development this is hardly a surprising statement and it should be anticipated that larger, potentially, more intrusive schemes such as NSIPs may result in Substantial Harm more frequently than smaller developments). Thirdly, the harm test relates to an asset's significance not its setting. It is therefore important that decisions are based on adequate and proportionate material that defines significance and the contribution that setting makes to it. Fourthly, smaller scale works to an asset or small / localised changes to its setting can result in Substantial Harm but realistically this is likely to be a rare situation and is far more likely to occur when physical change is involved.
- 3.6. Finally, it is noted that the NPPG does not define what constitutes Substantial Harm and is clear that determining *"Whether a proposal causes substantial harm will be a judgment for the decision taker..."*
- 3.7. Given the nature of the development it is also worth noting the guidance contained in the NPG *"Renewable and low carbon energy - Particular planning considerations for hydropower, active solar technology, solar farms and wind turbines"*. This states that:

"How should heritage be taken into account in assessing wind turbine applications?

As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset."

- 3.8. This indicates that it is feasible for a single turbine, depending on a range of factors, to cause substantial harm to the significance of an asset. The guidance does not indicate that this would only occur in exceptional and limited circumstances, in fact it places no limiting factors on when this may occur. This guidance is essentially the same as was found in the now superseded *Department for Communities and Local Government (2013) Planning practice guidance for renewable and low carbon energy*.

- 3.9. The PPS5 Practice Guide has in the past been interpreted as indicating that in relation to Substantial Harm the author(s) of the Practice Guide must have regarded it as something approaching demolition or destruction. However, this is open to interpretation and may not represent a fair reading and other interpretations of paragraphs 91-95 are possible which indicate that Substantial Harm is not necessarily a level of harm approaching demolition or destruction.
- 3.10. In the context of the above guidance, we set out below, at a high level, definitions for the three terms Total Loss, Substantial Harm and Less than Substantial Harm:
- **“Total Loss”** is perhaps best understood in terms of demolition or physical removal of an asset and its significance. Although for particular assets where setting makes profound contribution to their significance “Total Loss” could be taken to involve the total loss of setting e.g. the enveloping of an asset in a form of development that removes all vestiges of its immediate landscape and severs linkages with other related assets.
 - **“Substantial Harm”** is a step down from Total Loss, but is still represents a considerable degree of change to the significance of an asset. This could be as the result of removal of significant elements of fabric or the degradation / removal of key aspects of an asset’s setting that notably contribute to its significance.
 - **“Less than Substantial Harm”** could be taken to cover very a broad range of potential harm from very minor impacts through to alterations to quite notable changes to significance, which would certainly require consideration in policy terms. For the purposes of assessing schemes it is common practice to disregard negligible changes and reserve the term “Less than Substantial Harm” to indicate changes to significance that would be noticeable and appreciable and warrant consideration in policy terms.

4. Comment on Assessment of Setting (Chapter 6 and Appendix 6.2)

- 4.1. The following provides comment on a number of aspects of the applicant’s recent assessment of the scheme’s impact on the setting and significance of the identified designated and non-designated heritage assets (also see Paragraph 2.3 above). It begins with a review of the applicant’s methodology and their comments on PCC’s material, before examining impacts on the different assets.

Methodology and general comments

- 4.2. Under the section of Chapter 6 entitled “How setting change affects heritage assets” (starting at paragraph 6.29) the applicant implies that PCC and others “...*directly equate visibility of the scheme in views from and to heritage assets with harm to these assets.*” and that “*These are simplistic conclusions and not supported by current policy and guidance around how change in setting can affect the heritage significance of a heritage asset.*” The paragraph goes on to state that “*Many submissions, including that of PCC, either fail to take these principles into*

account or appear unaware of them. Therefore, their responses fails to satisfactorily explain the contribution that setting makes to the significance of each of the heritage assets reviewed, how the experience of the asset would be affected by the proposed development and why that constitutes harm". These assertions are repeated in Section 1.4 of Appendix 6.2.

- 4.3. These are incorrect assertions in relation to PCC's representations (we will leave NRW and CCC to respond separately). PCC's LIR and WR identify the affected designated and non-designated assets, describe them (in summary form) and the contribution that their setting makes to their significance before assessing the scheme's impact on their setting and significance. This assessment is clearly based on an understanding of the assets' history, character, nature, form and significance and the contribution that their setting makes to their significance. Our conclusions are based on a correct application of policy and guidance.
- 4.4. Section 1.5 of Appendix 6.2 sets out the applicant's methodology for undertaking the new setting assessment. We welcome their use of the methodology set out by the 2011 English Heritage setting guidance and the emerging draft guidance (July 2014), particularly as PCC requested in their Section 42 consultation response (1st July 2013) that this should be undertaken. But as set out below, we do not, however, entirely agree with the findings of their assessment.
- 4.5. We also welcome, for the first time, the assessment of impacts on the setting of non-designated assets, which was requested by PCC in their Section 42 consultation response (1st July 2013). We do, however, note that the DMRB guidance employed by the authors of original ES does allow for the consideration of impacts on the setting of non-designated assets – it is therefore incorrect for the applicant to indicate that it was not customary for such an assessment to occur. Policy relevant at the time of the first assessment also indicated that nationally significant but non-designated archaeological remains should be treated as equivalent to designated sites.

Impacts on identified assets

- 4.6. The following responds to the applicant's assessment of the impact of the scheme on the setting and significance of the Cairns and Mines in the vicinity of the scheme.

Cairns

- 4.7. In terms of the prehistoric cairns, we agree with the applicant that the cairns that may be affected by the development are those listed at 2.4.1 (please see discussion below re: the Waun Goch non-designated cairn). The cairns listed in 2.4.1 correspond with those addressed in the PCC LIR.
- 4.8. We, however, disagree with the applicant's assessment of the impact of the proposals on the setting and significance of the assets. The disagreement largely stems from the applicant's narrow definition of the setting of the assets and the contribution that that setting makes to their significance.

4.9. Firstly, the applicant considers that the cairns only have evidential and historic value. Based on the definitions set out on Pages 35-38 of Cadw's Conservation Principles (2011) (<http://cadw.wales.gov.uk/historicenvironment/conservation/conservationprinciples/?lang=en>) we consider that these cairns also have aesthetic value:

- *Value, aesthetic: Value deriving from the ways in which people draw sensory and intellectual stimulation from a place.*
- *Value, evidential: Value deriving from the potential of a place to yield evidence about past human activity.*
- *Value, historical: Value deriving from the ways in which past people, events and aspects of life can be connected through a place to the present.*

4.10. The significance of prehistoric cairns (also called barrows) resides in a range of values. They provide evidence of prehistoric belief systems, approaches to life and death and relationships with landscape and the natural world. They also contain physical archaeological evidence of human activity and their situation within the landscape and relationship to the landscape provides further evidence of prehistoric life. They have an aesthetic role in the landscape as a result of their physical visual presence and relationship to the landforms they occupy. They provide people (including members of the lay, professional and academic communities) with evidence of past life and enable members of these communities to make connections between past societies and the present; as well as providing intellectual stimulation for the modern communities. These factors apply to most upstanding cairns and barrows.

4.11. Secondly, the environs in which the cairns are situated and their relationship to that environment are central to their significance. These are not isolated remains whose significance resides entirely in their fabric. What they tell us about the past, how they connect us with the past and the intellectual stimulation they bring comes both from their physical remains and, importantly, from their relationships to the wider landscape and other human made features (where still extant or lost). The openness and uncluttered nature of the landscape in which these particular cairns are situated broadly reflects the historical form of the landscape and helps us to understand the relationships with that landscape which are central to their significance. It also helps us identify and explore new relationships and seek new evidence and meaning. To refer to this as a "scenic" factor, as the applicant does in paragraph 2.4.5 of Appendix 6.2, is to miss the contribution it makes to the value and significance of the assets.

4.12. The applicant sets out in 2.4.3 and 2.4.4 of Appendix 6.2 a range of relationships between cairns / barrows and the wider landscapes in which they are situated. While the four bulleted points set out in paragraph 2.4.3 of Appendix 6.2 are not in dispute, we do disagree with the applicant's view that the open character and form of the landscape which provides the setting for these assets does not contribute to the significance of the assets. Consequently, the two parties come to differing conclusions regarding the impact of the scheme on the setting and significance of the assets.

- 4.13. In relation to the cairns, our view remains as expressed in Section 4 of the LIR, refer in particular to paragraphs 4.48 to 4.69, and as summarised in the Table contained at Paragraph 3.7 of PCC's Written Representations. In summary, PCC take the view that the proposed development would result in Substantial Harm to the Waun Goch non-designated cairn and Less than Substantial Harm (at differing levels) to the nine other identified scheduled cairns.
- 4.14. Turning briefly to the non-designated Waun Goch cairn, the applicant indicates in paragraph 2.4.19 of Appendix 2 that this asset may "...*simply be a clearance cairn*" (also see paragraph 6.34 of Chapter 6). This in our view is extremely unlikely. The cairn is situated near the edge of a change of slope (it is consequently skylined from some angles), overlooks a watercourse / watershed and occupies a prominent position in the local landscape. These are all key factors in the siting of burial monuments. We also note that the applicant indicates that many of the cairn's visible stones are white quartz. The use of such materials would have enhanced the visibility of the monument when it was constructed, another factor that indicates to us that this is a burial cairn. We agree with the applicant that "*The scheme would cause extensive change to the setting of the cairn as it would lie in the northern part of the turbine area*" (paragraph 2.4.18) but unlike the applicant consider that this would result in Substantial Harm to its significance. The difference stems from our differing views on the contribution that the current landscape setting makes to the significance of these types of monuments.
- 4.15. Overall, while we welcome the more considered assessment of setting issues in relation to the designated and non-designated cairns, we still do not agree with the applicant's findings.

Mining remains

- 4.16. In terms of the mining remains we also differ from the applicant's interpretation of the contribution that their setting makes to the significance of the mines. Paragraph 2.5.3 of Appendix 6.2 sets out how the applicant disagrees with our view that the remoteness and separation from modern development of the mines contributes to their significance and our ability to appreciate, connect and engage with that significance. We disagree with the applicant's views that remoteness and isolation are not factors that contribute to the significance of these assets. Our view remains that these factors are central to understanding the assets, the way in which they developed, the way in which they were operated and the reasons for their decline. The fact that they are still situated in a landscape akin to that was in existence at the time their construction and operation also contributes to the authenticity of the remains and their heritage value.
- 4.17. It is this central difference which results in the applicant recording no impact on the significance of the identified mining remains; a finding which we do not concur with.
- 4.18. PCC's LIR sets out at 4.37 to 4.47 our views on the scale of impact. In summary, PCC is of the view that the proposed development would result in Less than Substantial Harm to the scheduled Nant yr Eira mine complex, Less than Substantial Harm (but at the upper end of the harm spectrum) to the nationally important but non-designated Natiago mine complex and

Less than Substantial Harm (but at the upper end of the harm spectrum) to the locally important non-designated Nant y Crug remains.

Comments on the Cumulative Assessment (Chapter 6 and Appendix 6.2)

- 4.19. The applicant has prepared, for the first time, as Cumulative Assessment of potential impacts on the historic environment (see Appendix 6.2). As set out in paragraph 2.3 above PCC requested this in its Section 42 consultation response (1st July 2013).
- 4.20. The Cumulative Assessment supplied in Appendix 6.2 is, however, limited in nature and in our view provides insufficient information from which to judge the potential scale of cumulative impact. For example,
- it does not provide cross-references to the Applicant's 2015 CLVIA or material in the original ES;
 - it does not include any wireframes or photomontages nor is any such material cross-referenced;
 - details on the cumulative schemes assessed are not provided;
 - it provides very limited descriptive text relating to impacts on setting and significance.
- 4.21. Based on the material presented we can only conclude that the assessment is based on the cumulative ZTV presented on Figure 4 in Appendix 6.2.
- 4.22. This ZTV is simple amalgam of blade tip ZTVs for the identified windfarms. It does not indicate the number of turbines visible (i.e. locations shown as having turbine visibility could have 1 turbine or even 50) nor does it give any indication of how the turbines would be distributed in views from, to and across the Registered Landscapes or designated assets. There is no way of using the provided material in Appendix 6.2 to provide a robust understanding of the potential in combination or additional effects that would be caused by the proposed development and other existing / proposed windfarms.
- 4.23. It is our view that further information is required to inform the cumulative impact assessment in relation to designated heritage assets and Registered Historic Landscapes. This should include the following:
- Representative montages / wireframes from designated assets and key aspects of their settings;
 - Representative montages / wireframes from agreed locations within the Registered Historic Landscapes;
 - Refined ZTVs showing the number of turbines visible (blade tip and hub) overlain with boundaries of Registered Historic Landscapes (and constituent character areas) and the locations of designated heritage assets;

- Descriptive text and impact assessment for each designated asset setting out the in combination and additional impacts; and
 - Descriptive text and impact assessment for each Registered Historic Landscape addressing the in combination and additional impacts including presenting an indication of the disposition of wind farms around the landscapes.
- 4.24. Given the Welsh Government’s stated aim of concentrating major wind energy development in SSAs and the proximity of SSAD to the proposed development, it is PCC’s view that it would have been beneficial for the applicant to include the Nant-y-Moch scheme in the cumulative impact assessment. This is a particular issue for the Upland Ceredigion Registered Historic Landscape of Outstanding Value and the scheduled cairns on the Pen Plynlimon ridge.
- 4.25. The applicant’s current position in relation to impacts on the designated (and non-designated) assets (including Registered Landscapes) is essentially that turbines do not affect significance. As discussed above, PCC does not support this view either in terms of the impact of the proposed development on its or in combination with other existing and proposed schemes.
- 4.26. As set out in our response to Question 3.4 of the ExA’s Second Round of questions, the existence of turbines in the current landscape does not indicate that the Registered Historic Landscapes have the capacity to accommodate more turbines within or around their boundaries. The fact that windfarms have, in the past, been consented does not indicate that future windfarms can be accommodated without harm to significance. The purpose of a cumulative assessment is to help understand at which point additional windfarms may in combination with existing and proposed developments tip the balance and result in significant environmental effects.
- 4.27. As set out in the LIR (paragraphs 4.756 -4.80) and Written Representations (paragraph 3.16), PCC has concerns that the scheme would potentially have a cumulative impact on the scheduled cairns on the Pen Plynlimon ridge and the Registered Historic Landscapes in the study area; PCC also highlighted this issue in their Section 42 consultation response (1st July 2013). Our view is that based on current information and an initial review the proposed development on its own and in combination with other existing and proposed schemes would adversely affect the setting and significance of these assets and landscapes. We do not agree with the findings of the applicant’s cumulative assessment.

5. Comment on direct impacts and mitigation (Appendix 6.1 and Chapter 6)

- 5.1. The Applicant and PCC seem to agree that the available archaeological evidence for the site and its environs indicates that there is the potential to impact on currently unknown palaeo-environmental, prehistoric, medieval and post-medieval remains within the development site. Paragraph 2.1.2 of Appendix 6.1 also states that *“The present scheme would result in the removal of 0.25ha of the 74.45ha of deep peats and 9.38ha of the 207ha of shallow peats recorded in the application site”*.

- 5.2. The principal difference between the parties is over the scope and nature of works that would be required to address these impacts. PCC has supplied details to the ExA (see para 2.22 – 2.28 of the Oral Case presented by Powys County Council at the Issue Specific Hearing on the Draft Development Consent Order) of what it considers to be a proportionate approach to archaeological investigation and safeguarding works on the development site in accordance with PCC’s role, as defined in PPW, as the party responsible for specifying and agreeing the scope of archaeological works associated with development (see answer to in Question 3.1 of the Second Round of ExA questions for details on PCC’s role). The applicant has responded to this in paragraphs 6.38-6.40 of Chapter 6, as well as in Appendix 6.1).
- 5.3. The applicant’s response has provided no new evidence, beyond clarifying the scale of removal of peat deposits, which would alter PCC’s view as to the nature of post-consent investigation and safeguarding that would be required.

6. Conclusions

- 6.1. The applicant’s supplied material has not altered PCC’s conclusions in relation to the impact of the scheme of the historic environment. Our findings and conclusions set out in the LIR and Written Representations remain unchanged and the issues and concerns raised in the July 2013 Section 42 Consultation Response have still not entirely been addressed. We remain concerned that the applicant has not undertaken and presented a robust and detailed Cumulative Assessment.
- 6.2. It is also clear that the applicant’s revised impact assessment was predicated on their view that the impact assessment in the original ES was accurate. As stated in Paragraph 6.26 of their 19th January 2015 response *“As discussed above and in our written representation, we acknowledge and accept that the manner in which such effects are described within the ES, whilst accurate, does not reflect current approaches to setting since these have developed significantly since the ES was prepared in 2011. Accordingly, we are preparing a document for Deadline III to addresses this, which will have particular regard to effects associated with setting change and also cumulative effects to heritage assets.”*
- 6.3. This essentially indicates that although a new methodology was to be used to describe and score the impacts on the assets, the actual outcome of that approach was predetermined and that the change in methodology would not affect the outcomes of the assessment. This form of predetermination in the impact assessment, in our view, lessens the weight that can be given to the findings of the assessment.