

MYNYDD Y GWYNT WIND FARM

Ref: EN010020

WRITTEN SUMMARY OF ORAL CASE ON BEHALF OF POWYS COUNTY COUNCIL – ISSUE SPECIFIC HEARING ON CULTURAL HERITAGE – WEDNESDAY 18TH MARCH 2015

26th March 2015

1. Impacts on Scheduled Monuments and associated assets

Methodology

- 1.1. During the hearing the applicant indicated that PCC has not been assessing the impact on the setting and significance of heritage assets appropriately. This is incorrect.
- 1.2. The Powys County Council Section 42 consultation response in July 2013 clearly indicated that PCC expected the applicant to undertake a detailed assessment of change to setting in accordance with the English Heritage guidance on setting (published October 2011) and that the assessment presented in the draft ES was insufficient. This expectation was based on a robust understanding of the English Heritage guidance and approaches to assessing change to the setting and significance of heritage assets. PCC and its advisors are very familiar with the guidance and the fundamental approach to assessing change to setting and harm to significance.
- 1.3. PCC and its advisors have been utilising the staged process set out in the English Heritage guidance in relation to all wind farm, and associated infrastructure, projects in Powys since February 2013. This has included the review of, and advice on, numerous ESs for major schemes; attendance and provision of evidence at the Conjoined Inquiry; and attendance and provision of evidence at the Garreg Lywd Wind Farm Inquiry. At none of these inquiries was PCC's approach and adherence to guidance challenged or questioned.
- 1.4. As set out in our oral evidence PCC follows the standard approach set out in English Heritage guidance as follows:
 - Step 1: identifying the heritage assets affected and their settings
 - Step 2: Assessing whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s)
 - Step 3: Assessing the effect of the proposed development on the significance of the asset(s)
 - Step 4: Maximising enhancement and minimising harm (*not relevant to this situation*)
 - Step 5: Making and documenting the decision and monitoring outcomes

- 1.5. In addition to following best practice, PCC's assessment is also based on considerable experience of assessing upland monuments in Mid-Wales including extensive complexes of Bronze Age barrows / cairns e.g. in SSA C for the Conjoined Inquiry. This has provided the Council and its advisors with detailed knowledge of the factors that contribute to the significance and setting of cairns/ barrows; how they relate to the landscape and recent archaeological research on the importance of the relationship between barrows and their wider landscape setting. Key advisors to the council also have extensive experience of the archaeological landscapes in the uplands of the west of the UK. Our assessment is therefore based on a robust understanding of process as well as the affected resource.
- 1.6. While it is clear that the applicant has attempted to employ the standard methodology, they have chosen to employ it in a manner that limits the potential harm by limiting the way that significance and the contribution that setting makes to significance is understood.

Impact on designated and non-designated cairns

- 1.7. In terms of the affected **Cairns**, the applicant and PCC clearly take differing positions on the significance on these assets and what aspects of their setting contribute to their significance. Consequently, the scale of impact that the development would have on the setting of the assets is minimised through the applicant's narrow approach.
- 1.8. PCC's view, as set out in previous responses, is that the significance of prehistoric cairns resides in a broad range of values including
 - The evidence they provide about prehistoric belief systems and approaches to life and death
 - Evidence of past relationships with the landscape and the natural world and how people engaged with that landscape
 - Physical evidence of human activity
 - An aesthetic role (as per Cadw definitions¹) in the landscape as a result of their physical visual presence and relationship to the landforms they occupy.
 - The opportunity provide people (including members of the lay, professional and academic communities) to learn about past life
 - The opportunity they give for members of the lay, professional and academic communities to make connections between past societies and the present; as well as providing intellectual stimulation for the modern communities.
- 1.9. Based on our knowledge of upland prehistoric monuments, current academic understanding and evidence presented by a range of parties at other inquires in Mid-Wales and beyond, our

¹ *Value, aesthetic: Value deriving from the ways in which people draw sensory and intellectual stimulation from a place*

view is that the environs and wider landscape in which the cairns are situated and their relationship to that landscape are central to their significance. These are monuments which were deliberately sited in relation to the landscape, other monuments, watercourses, movement routes and in a manner that reflected cultural and social trends and traditions in Bronze Age society. In our opinion the majority of their evidential value and significance in fact resides in the relationship between the cairns and their landscape setting.

- 1.10. The applicant places less weight on this factor, restricting the breadth of their interpretation of evidential and historical value and not acknowledging any aspect of Aesthetic Value in their assessment. They also fail to acknowledge the Communal Value of some of the cairns e.g. the summit cairns, in terms of their role in the Mabinogion legends of Wales. These cairns have meaning now as they did when they were built and during the intervening centuries. They are not static entities of value only because of the physical attributes their original builders endowed them with, but millennia old markers in the landscape which have had numerous meanings and values attributed to them over the time since their first creation.
- 1.11. As indicated at the hearing, PCC takes the view that the openness and uncluttered nature of the landscape in which these particular cairns are situated broadly reflects the ancient and historical form of the landscape in which the cairns would have been established and in which they have been situated for millennia. The applicant's attempts to characterise our position as being one that sees the landscape as a wholly Bronze Age authentic landscape is misplaced. Our position is that the open, uncluttered upland landscape in which these monuments is situated is reflective of past landscapes and has a high degree of historic authenticity. Aside from localised modern intrusions identified by the applicant e.g. a few fences and styles and larger anthropogenic features in the wider distant landscape e.g. reservoirs, the existing landscape is very similar in its basic form and nature to that which was experienced by the builders and their descendants. Consequently, the open and uncluttered nature of that landscape helps us to understand and appreciate the relationships between the cairns and that landscape, whole branches of archaeological research² focus on an experiential understanding of monuments in the landscape as a way of understanding and interpreting past cultures; it helps us identify and explore new relationships and seek new evidence and meaning. The nature of the landscape is therefore important in terms of the evidential, historical, communal and aesthetic values that contribute to the significance of the monuments; as well as providing a degree of authenticity to our experience of them. These are not merely 'scenic' factors as the applicant states in paragraph 2.4.5 of Appendix 6.2 of their 19th January submission.
- 1.12. 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

² Phenomenology is a long established archaeological approach to understanding past societies that uses contemporary experience to inform interpretation and focuses on human interaction with space and time. This coupled with high end spatial GIS analysis is a current and ongoing area of archaeological research.

for these assets does not contribute to the significance of the assets and we disagree with the overall narrowness of their interpretation of the significance of the cairns and the contribution that their setting makes to that significance.

- 1.13. In light of our understanding of significance and setting, which is based on extensive local and national experience of setting issues and this form of monument in these forms of landscape, 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.

Impact on designated and nationally important mines

- 1.14. As with the Cairns (see above) the applicant has once again taken a narrow and limited view of what comprises the significance of the scheduled Nant yr Eira mine complex and nationally important but non-scheduled Nantiago Mine complex and how their setting contributes to their significance. They have focussed entirely on the evidential and historic values relating to the technological and process elements of the mines, this is very much a limited archaeological perspective. They have not taken into account the broader social history of the mines, their wider historical context in relation to the rapid growth and collapse of metal mining in 19th and 20th century Britain, the way in which the mines were planned, developed, operated and why they failed etc. Consequently, they have a very limited view of what aspects of setting contribute to the significance of the mines and give absolutely no weight to the current open and uncluttered form of the landscape and the remoteness of that landscape as factors that contribute towards their significance.
- 1.15. PCC's view, as articulated in more detail in our LiR, written representations and other responses, is that the remoteness of the mines and the open upland character of the landscape they are situated in are key elements of their story and significance in terms of how they were planned, developed, operated and ultimately why they failed. Their remoteness and their upland location are central to their story and to understanding how they fit in the wider UK picture of post-medieval metal mining. There are other similar upland metal mines in Mid Wales, the North Pennines, Cumbria and the Yorkshire Dales all which occupy remote rural locations and all of which developed, expanded and ultimately failed in similar ways to of the scheduled Nant yr Eira mine complex and the Nantiago Mine complex. The remoteness and upland setting of the mines is therefore a key element of their story and significance. The fact that these mining complexes survive in a remote and uncluttered upland landscape also enhances our ability appreciate and understand their significance and story (see definition of aesthetic value above).
- 1.16. PCC has identified that the scheme would result in Less than Substantial Harm to the scheduled Nant yr Eira mine complex due to very substantial changes to its setting (the applicant accepts that there would be extensive change to setting – see paragraph 2.5.6 of Appendix 6.2 of the 19th January submission) which directly affects its sense of remoteness and openness. A similar finding of less than substantial harm has been identified for the

nationally important but non-scheduled Nantiago Mine complex, in this case we have assessed the harm as being a long way up the scale of less than substantial.

- 1.17. The applicant has identified no harm to either mine complex due to their limited definition of significance and the contribution that setting makes to it; we are of the view that this is an incorrect assessment that substantially underplays the actual scale of harm.

EN-1 consideration

- 1.18. As set out in paragraphs 5.8.14 and 5.8.15 of EN-1, the harm to the cairns and mines requires consideration. There should be a presumption in favour of the conservation of these designated assets; given their scheduled status there should be a greater presumption in favour of their conservation. All harm needs to be weighed against the benefits of the application. Paragraph 5.8.18 goes on to state *“When considering applications for development affecting the setting of a designated heritage asset, the IPC should treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset. When considering applications that do not do this, the IPC should weigh any negative effects against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval.”* Clearly, the development does not make a positive contribution to or better reveal the significance of the affected assets. All the identified impacts are negative and require consideration in the balance, taking into account the presumption set out in paragraph 5.8.14.

2. Duration of development

- 2.1. As required by paragraphs 2.7.17 and 2.7.43 of EN-3 the decision maker needs to take into account the lifetime of the proposed development. The proposed development would have an operational life of c. 25 years. This broadly equates to a generation in human terms. This is a long term impact that will substantially alter the experience of an asset for a continuous period. Given that ‘Setting’ is an experiential concept³ this length of time cannot be considered as temporary and therefore incapable of resulting in Less than Substantial Harm or Substantial Harm.
- 2.2. *National Planning Guidance: Renewable and low carbon energy - Particular planning considerations for hydropower, active solar technology, solar farms and wind turbines* supports this view and states that *“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*

³ *“Setting: 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.”* We have taken the definition of setting from PPS5 and the NPPF which provided the policy background for EN1 and EN3

significance of the asset." (see Paragraph: 019 Reference ID: 5-019-20140306). This would indicate that the "temporary" nature of wind energy development does not preclude Substantial Harm and, logically, Less than Substantial Harm, occurring. Accordingly, PCC attributes little weight to the duration of the development in terms of assessing its potential harm to the significance of heritage assets.

- 2.3. This view has been supported in a number of decisions including the Secretary of State's recent decision regarding the Roseland Community Wind Farm (APP/R1010/A/14/2212093 – 15th March 2015) where the SoS concluded in Paragraph 21 that "*He also agrees [with the Inspector's Report] that the harm to a range of other heritage assets, landscape character and visual amenity, adds to that harm; and that the reversibility of the proposal carries little weight in view of the adverse effects of the turbines in this sensitive location which would last for a generation.*" (our emphasis).
- 2.4. It became clear in the oral session that the applicant has given weight to the 25 year duration of the wind farm in undertaking their impact assessment (evidence from Melissa Conway). This is, in our view, incorrect. The assessment of harm to the significance of the heritage asset should not be influenced by the duration of the development. The weight attributed to the duration, if any weight should be attributed, is a matter for the decision maker once the assessment has been completed. PCC's view, as supported by published guidance and recent decisions, is that little weight should be attributed to this factor by a decision maker.

3. Cumulative Assessment

- 3.1. As indicated during the hearing the Applicant's accept that their Cumulative Assessment (as presented in Appendix 6.2 of the 19th January 2015 Submission) is "quite light" [oral evidence provided by applicant]. They state that this reflects their view that there were no cumulative effects. This logic is inconsistent in our view and is based on the applicant's narrow interpretation of significance and harm to setting (see preceding material above).
- 3.2. Our view remains that the applicant's cumulative assessment is inadequate and fails to provide the decision maker with sufficient evidence to determine whether cumulative effects would occur. This is an important point with legal implications as to whether consent is capable of being granted. Key issues relate to provision of limited evidence including:
 - A lack of cross-references to the Applicant's 2015 CLVIA or material in the original ES;
 - A lack of wireframes or photomontages from or to designated assets and registered landscapes;
 - No detail on the cumulative schemes assessed; and
 - Very limited descriptive text relating to impacts on setting and significance.
- 3.3. Addressing these omissions is not considered to be a major task, but nevertheless an essential one

- 3.4. From a review of the provided material and oral evidence, the assessment seems to be based on an assumption that there would be no cumulative effects (hence the provision of limited information) and a flawed cumulative ZTV presented on Figure 4 in Appendix 6.2 of the applicants 19th January material. The ZTV does not allow for the identification of number of turbines visible from any asset / part of a registered landscape or whether the visibility is to hub or tip etc. The ZTV as presented simply provides the decision maker with no credible or usable information to ascertain the scale of impact on the setting and significance of the affected assets and landscapes.
- 3.5. Importantly, the assessment also, wrongly in our view, excludes consideration of Nant-y-Moch in SSAD. Given the acknowledged affect that this may have on the setting of the affected scheduled cairns we would have expected it to be included in any cumulative heritage assessment.
- 3.6. Given that there is no industry standard guidance for historic environment cumulative assessment we do not see this as a reason for the production of a thin and minimal assessment. The absence of guidance also makes consultation with key stakeholders critical. PCC clearly highlighted the issues with the absence of a cumulative assessment in the draft ES in its Section 42 response in July 2013. The applicant made no attempt to discuss this with PCC before submission of the final ES in April 2014. Consequently, that final version failed to include any cumulative assessment (contrary to guidance in paragraphs 4.2.1 and 4.2.5 of EN-1) and the applicant resorted to a rapid and what Powys submits is an ill-thought out and inadequate assessment in January 2015. Our view is that these issues could have been properly addressed had the applicant acknowledged and taken on board the issues raised in the Section 42 consultation response.