

IN THE MATTER OF

The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Mynydd y Gwynt Ltd for an Order Granting Development
Consent for the Mynydd y Gwynt Wind Farm

Deadline VII

COMMENTS ON DEADLINE VI SUBMISSIONS AND RESPONSES TO THE
ExA'S REQUEST FOR FURTHER INFORMATION

CULTURAL HERITAGE

20th April 2015

CULTURAL HERITAGE

Introduction

1. This part has been drafted by Melissa Conway on behalf of MYG and deals with points on cultural heritage raised by:
 - i. The ExA in item 5.1 of his request for further information of 2nd April 2015; and
 - ii. The written summaries of oral cases put by PCC, NRW and others at the Issue Specific Hearing (ISH) held on 18/03/2015.

Response to ExA's request for further information

2. Question 5.1 of the ExA's third round of written questions requests that the Applicant respond to PCC's critique of the cumulative assessment presented at Deadline III. This is dealt with in our response to PCC's oral submission below.

Deadline VI submissions Response to written summaries of oral cases put at the Issue Specific Hearing from PCC and NRW

3. The Issue Specific Hearing (ISH) was held on 18/03/2015 and representations on archaeology and cultural heritage were made by PCC (Andrew Croft, Atkins acting for PCC) and NRW (Richard Kelly, Govannon Consultancy, acting for NRW). Written summaries of these oral cases were submitted for Deadline VI of the examination. Both summaries run to seven pages and raise a number of issues chiefly around:
 - i. The remit to comment on, and effects to, Registered Historic Landscapes;
 - ii. Harm to cairns and mines associated with setting change due the proposed scheme;
 - iii. Validity of the assessment and conclusions presented by the applicant, including the cumulative assessment;
 - iv. Duration and reversibility of harm associated with change in setting.
4. The representations of PCC and NRW are discussed in turn below.

PCC

5. At several points during the ISH, Mr Croft (see written summary of oral case, Paras. 1.2 & 3.6) made reference to the applicant's lack of response to their Section 42 comments. We have dealt with this issue in detail in our Written Representation (Sections 2-4) and where we found any validity to the issues raised, we have addressed them with submissions for Deadline III (chiefly the provision of a revised summary of scheme effects based upon an updated setting assessment and an assessment of cumulative effects). Mr Croft has highlighted some issues with regard to the cumulative assessment prepared for Deadline III and these are discussed below. For Mr Croft to still be referring to a lack of response to the Section 42 comments is unhelpful and does not acknowledge that work which we have undertaken to address the concerns expressed by PCC and aid the ExA through provision of clarified or additional information.

Harm to heritage assets due to change in setting

6. At the ISH we explained that Mr Croft, in previous submissions on behalf of PCC, appeared to have come to flawed conclusions relating to harm to heritage assets due to change in their setting occasioned by our scheme. We stated that, whilst they had applied the staged assessment process outlined in the EH setting guidance¹, that their conclusions seemed to equate change in setting with harm to heritage with little explanation of how this arises. Whilst Atkins' work does reference aspects of setting which contribute to the heritage significance of the assets in question, many of which we do not disagree with, they have failed to demonstrate how the scheme detrimentally affects these. To this end, we highlighted to the examiner the recent Javelin Park decision² since this provides a useful critique of such an approach and its validity.
7. In Para 1.1 to 1.5 of the PCC written summary, Mr Croft maintains that Atkins have properly applied the setting guidance and cite in support of this their experience with this guidance since its release in late 2011 and their experience in the archaeology of the upland landscapes of Mid-Wales, much of it gained via acting as advisors to PCC on windfarm applications since 2013. To clarify, we do not state they have not applied the staged guidance, merely that their conclusions with regard to Step 2 (Assessing whether, how

¹ MYG Core Documents: File 3 - Cultural Heritage and Historic Landscape. Tab 5

² MYG Core Documents: File 3 - Cultural Heritage and Historic Landscape. Tab 6

and to what degree these settings make a contribution to the significance of the heritage assets) and Step 3 (Assessing the effect of the proposed development on the significance of the assets) are incorrect in places and we will turn to this in detail below. It is noted that the 2011 setting guidance has been formally superseded by the English Heritage document since the ISH by the *Good Practice Advice note Historic Environment Good Practice Advice in Planning: Note 3 - The Setting of Heritage Assets*³. This document, whilst more concise, is substantively similar to the 2011 guidance and retains the same staged approach.

8. Mr Croft then goes on to state (Para. 1.6) that we have chosen to use the guidance in a narrow way, and essentially *“employ it [the guidance] in a manner that limits the potential harm by limiting the way that significance and the contribution that setting makes to significance is understood”*. This statement implies that the applicant has deliberately sought to limit the harm which this scheme can be found to have on the historic environment. I undertook the setting assessment and am an experienced landscape archaeologist with considerable experience in both upland environments and the assessment of effects related to setting change. My approach to setting has not been successfully challenged, despite involvement in many contentious schemes, so this is a point I take seriously. Mr Croft’s statement could also be construed an accusation of professional misconduct on my behalf and I will address this below at the close of the response to PCC’s submission.
9. In Paras. 1.8-1.10, Mr Croft sets out what he identifies as the significance of the prehistoric cairns in the vicinity of the site, including how setting feeds into this. In Paras. 1.11 – 1.13, he describes what he sees as the scheme effects and errors in our conclusions. Apart from Mr Croft’s conclusion that aesthetic value features to a great extent in the significance of these cairns, we do not disagree with the overall thrust of his argument on what factors in the significance of these assets. We maintain that, despite the fact that the scheme would be visible from these cairns, it generally would not affect the key values which comprise the heritage significance (see below).

³ <https://content.historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/gpa3.pdf/>

10. Mr Croft sees a great degree of the cairn's heritage significance as coming from how the assets are experienced in the landscape, an aspect of their setting, and appears to identify these as aesthetic values. We disagree that these are aesthetic values since, in order to draw any intellectual stimulation from these assets, a visitor must be able to recognise that these cairns are heritage assets and such a perception is something that flows from a knowledge of the evidential and historical values of such assets. This is a particularly relevant consideration for these cairns since there are a great many cairns in the Welsh uplands and not all of them are Bronze Age funerary monuments. This means that a visitor must bring with them a knowledge of their nature and function (their evidential and historical value) before they can be appreciated as significant remnants of past human activity. Ascription of aesthetic value to these cairns based on their visible presence in a location with scenic value is mistaken since it fails to acknowledge this.
11. The contribution of the Mabinogion legends to the significance of these assets and the way in which the scheme would affect this is discussed in the response to NRW's case below. Our conclusion can be summarised as being that the scheme would have no effect on any aspect of the cairns' significance which relates to the one paragraph in these legends in which they are mentioned.
12. As to the remaining aspects that Mr Croft identifies as comprising the cairns' significance (see Para 1.8), these may be summarised as:
- i. "The evidence they provide about prehistoric belief systems and approaches to life and death;*
 - ii. Evidence of past relationships with the landscape and the natural world and how people engaged with that landscape;*
 - iii. Physical evidence of human activity;*
 - iv. The opportunity for people (including members of the lay, professional and academic communities) to learn about past life;*
 - v. 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”.

13. As described in the ES and previous submissions, the scheme is generally well-separated from the cairns and would only appear in certain views from them and toward them - their commanding views into the landscape would remain and the existing intervisibility of cairns on the ridge would not be affected. This would generally not affect any of the aspects identified by Mr Croft as contributing to their heritage significance. Where this is not the case, as at the Pumlumon summit cairns and the Waun Goch cairn where the presence of the scheme would affect to an extent the legibility of those *“past relationships with the landscape and the natural world and how people engaged with that landscape”*, we have identified harm to these assets. As the other elements which contribute to the significance of these assets would remain unaffected, this has been identified as less than substantial harm.
14. Mr Croft goes on to say in Para 1.9 that the position of these assets 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”*. We do not disagree with this and cite the same factors as contributing in the same way to the significance of these cairns. Mr Croft then goes on to state *“the majority of their evidential value and significance in fact resides in the relationship between the cairns and their landscape setting”*. We do, however, disagree with this statement since we do not accept that the majority of these assets’ evidential value lies in their setting. This is as, whilst the way in which these assets were placed in the landscape is undoubtedly important, this quality is not inherent in their setting⁴ but comes from an understanding of the evidential and historic values of the cairns which stems from wider archaeological studies into specific cairns and this asset type in general.
15. At Para. 1.11 Mr Croft explains that PCC see the open and uncluttered nature of the landscape in which the cairns are sited as indicative of the landscape in which they were constructed and have lain since. He then misconstrues the statements we made in the hearing as characterising their view as that present landscape experience is that of an authentic Bronze Age landscape.

⁴ It is to be remembered that setting is defined as “the surroundings in which a heritage asset is experienced”.

This was not what we stated. What we stated was that many representations could be read as implying that the present landscape is a Bronze Age landscape. What we sought to do was explain the complicated, multi-period, nature of the landscape as experienced in the vicinity of the site, including from the Pumlumon summit cairns. To this end we have highlighted that, even in the vicinity of the Pumlumon cairns themselves, there are modern features that affect the experience of these assets. Such features include fences and stiles immediately adjacent to the cairns which must be climbed to get to the cairns and a substantial walkers' shelter built into one of the summit cairns comprising walls to a height of c. 1m. We have acknowledged that the experience of the Pumlumon ridge itself and the land to the west of the ridge is wilder and has a more timeless feeling. We have also stated that the landscape to the south and east of the ridge is much more varied including modern elements, such as the rally track within the application site and the extensive forestry plantations Hafren and Tarennig, alongside fieldscapes and woods of medieval to post-medieval origin.

16. Mr Croft's argument in Paras. 1.9-1.11 hinges on how he sees landscape and change. In this context it is to be remembered that "landscape" relates to how we perceive our environment and is composed of factual elements (e.g. topography, geology and land-use patterns) and perceptions. The authenticity of the experience of the cairns cannot yet be known since we do not know what the contemporary landscape in the vicinity was like and have only limited understanding of change in this landscape since the construction of these assets. The gaps in understanding landscape change and settlement and land-use patterns in Wales during and since prehistory are readily acknowledged by specialists in this subject⁵. There is nothing in the views out from, or to, the cairns that can be categorically stated to be "authentic" apart from the topography. Even the peat deposits which clothe parts of Pumlumon and form a defining quality to movement along the ridge may have significantly changed and developed since these assets were built. We can imagine what it might have been like in the Bronze Age, but this is not a fact and is based on the assumptions and knowledge that each person brings to these assets and is, therefore, subjective.

⁵ See Research Framework for Archaeology of Wales summary documents at <http://www.archaeoleg.org.uk/documents2011.html>

17. Mr Croft makes several references to the “*open and uncluttered nature*” of the landscape. The existing landscape contains windfarms in relatively close proximity to the Pumlumon ridge. If Mr Croft accepts that the landscape is presently “*open and uncluttered*” then he accepts that the presence of turbines in views from the ridge does not necessarily equate to clutter. As demonstrated by the material presented in the ES and as part of this examination, whilst the Mynydd y Gwynt scheme would appear in views out from these cairns, it would not affect the commanding views to the wider landscape and the ability to perceive the surroundings and landscape positioning of these assets nor would it affect their relationship to other topographic features identified in their settings (summits, watercourses) so it cannot affect any element of the assets’ significance which stems from these factors. Where this is not the case, and these factors are affected, we have identified harm. This is not substantial harm since all other more important elements of the significance of the asset remain.
18. In Para. 1.12 Mr Croft states that it is our 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*”. We do not state this and acknowledge that the position of these assets in the landscape is important and that this aspect of the setting contributes to their significance. We have demonstrated that our scheme does not affect these factors.
19. Turning to Mr Croft’s comments on the mining heritage assets in proximity to the site in Paras. 1.14-1.17, his statements suggest we have disavowed that any part of the assets’ setting contributes to their significance. This is not the case. Again in Para. 1.14, he cites a number of historic and evidential factors in the significance of mines. We have taken account of these in our interpretation these assets. He then goes on to argue that we have given no weight to the “*open and uncluttered nature*” of these sites and their remoteness as factors of their setting which contribute to their significance. We have previously addressed these points, both during the ISH and Deadline VI submission, finding that these are not relevant factors in the significance of these assets.
20. As regards the “*open and uncluttered nature*” of the landscape in the vicinity of the assets and their remoteness this is not true either in the case of Nant yr Eira or Nantiago. Nant yr Eira lies on the edge of Hafren Forest. This is a

well-used area for public recreation and there are newly surfaced paths running adjacent to the monument. Nantiago lies on the edge of the rally track and one of these tracks runs adjacent to, and then crosses through, the area of mining remains. In addition there is a coniferous shelter belt directly to the south of the remains which cuts views to the wider landscape to the south and affects approaches to the asset from the south.

21. In Paras. 1.15 Mr Croft again states 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”*. As discussed at the ISH and in previous submissions we do not accept this assertion and maintain that the setting of these assets tells you little of these factors and that an understanding of why these mines developed and failed stems from understanding the evidential values embedded in their physical remains and historic values derived from documentary sources. This does not equate to a *“limited definition of significance and the contribution that setting makes to it”* as argued by Mr Croft in Para. 1.17, but to a developed understanding of how setting figures in these exact monuments as per Step 2 of the setting guidance.

EN 1 consideration

22. Mr Croft in 1.18 cites EN 1 and its provisions regarding harm to heritage assets, including due to change in the setting. At no point have we suggested that any harm that this scheme has to the historic environment should not be given the weight it deserves in the planning balance.

Duration of development

23. This application is for 25 years. Whilst this is a long term change to the setting of these assets in human terms, it is temporary as it is inherently time-limited. We do not state that a temporary effect cannot constitute substantial harm. Since EN 3 does direct a decision-maker to have regard to the reversibility of effects related to setting change, we maintain that the fact that the harm to the setting of assets in proximity to the scheme will cease on removal of the scheme should be duly considered by the examiner.

24. In Para. 2.4 Mr Croft states that we have given weight to the duration of the scheme in undertaking our assessment and that to do so is incorrect. We refute this statement. We have not let the reversibility of the effect factor into the extent of the harm recorded and there is no evidence to support Mr Croft's view. We have maintained that the harm is temporary and is associated with a time-limited scheme and that this, in accordance with policy and guidance, be borne in mind by the examiner. This is not the same as factoring in the time limited nature of the scheme into the extent of harm.

Cumulative assessment

25. In Para. 3.1 Mr Croft picks up on a comment made by us at the hearing that the cumulative assessment is "*quite light*". He cites this as evidence that "*This logic is inconsistent in our view and is based on the applicant's narrow interpretation of significance and harm to setting*". Mr Croft has misunderstood what was said. What I stated to the examiner was that our assessment indicated very limited cumulative effects and therefore the document that explains these might appear "*quite light*" to some. The length of the cumulative documents reflects that potential cumulative effects applied to a very limited selection of asset and found that it is our scheme that provided the majority of change to assets and that additional schemes do little to change this.

26. Mr Croft maintains that there are significant issues with our cumulative assessment and in Para. 3.2 states that there may be legal concerns as to whether the site is consentable. He cites that these issues relate to;

- i. A lack of cross-references to the Applicant's 2015 CLVIA or material in the original ES;
- ii. A lack of wireframes or photomontages from or to designated assets and registered landscapes;
- iii. No detail on the cumulative schemes assessed; and
- iv. Very limited descriptive text relating to impacts on setting and significance.

27. Taking his first point we explained, in our Deadline VI submission, that, since the CLVIA was being updated at the time of our cumulative assessment, we could not cross-reference to this document so prepared our cumulative

assessment in close consultation with the landscape architect undertaking this work. This included joint site visits to the Pumlumon ridge since this was a key factor in both our assessments.

28. Taking his second point regarding wireframes, wireframes demonstrating cumulative schemes appear in the ES and 2015 CLVIA. Those of relevance to understanding effects to heritage assets are:
- i. VP01. View from central cairn on Pumlumon. Illustrative of cumulative change to views from the Pumlumon summit cairn SAMs; and
 - ii. VP03. View from Plynlimon Cwmbiga. Illustrative of cumulative change to views from the Carn Biga cairn SAM.
29. Taking his third point regarding detail of schemes assessed, our cumulative assessment named and listed those schemes considered, whether they were operational or in planning and showed the locations of each turbine associated with the cumulative schemes on Figures 3 and 4. Detail on the hub and tip height of the turbines associated with these schemes is included in ES Table 8.19 and CLVIA 2015 Tables B and C and shown in the table below.

Scheme	Status	Turbine number and Size h- hub height r – rotor diameter
Bryn Titli	operational	22 x 48.5m (30h 37r)
Carno	operational	56 x 53.5m (31.5h, 44r)
Carno Extension	operational	12 x 80m (49h, 62r)
Cefn Croes	operational	39 x90m/ 100m (54.5h /64.5h, 71r)
Llandinam P & L	operational	103 x 45.5m (31h 29r)
Llangwryryfon	operational	11 x 66m (40h, 52r)
Mynydd Gorddu	operational	19 x 56m (35 h, 42r)
Rheidol	operational	8 x 46m (31h, 30r)
Carno III	in planning	18 x 126.5m (80h, 93r)
Bryn Blaen	in planning	6 x 100m (60h, 80r)
Hirddywell	in planning	9 x 125m (80h, 90r)
Llaithddu	in planning	27 x up to 115.5m (80h, 71r)

30. Taking his fourth point regarding text explaining cumulative effects, as discussed above, limited potential for cumulative effects was identified. This

limited potential relates entirely to the fact that Mynydd y Gwynt is what effects change in the setting of these assets from the baseline and that the effects of the additional proposed schemes would only lead to a minor change in turbine visibility in the context of heritage assets so cumulative effects would not be created. Where this was not the case, as in the Clywedog Valley RHL, the potential for a cumulative effect was identified. In this case we assessed that no cumulative effect would, in fact, be caused since our scheme has no negative effect on the heritage significance of this RHL. Any negative effects to this RHL would be caused entirely by other proposed sites and, therefore, would not be cumulative.

31. Mr Croft then states in Para. 3.4 that our cumulative assessment seems “to be based on an assumption that there would be no cumulative effects”. This could be read as alleging that we have prejudged our results. As for similar comments from Mr Croft above, this could be taken as an allegation of professional misconduct and is one which I take seriously and respond to below.

32. Mr Croft then describes our ZTV “*flawed*” in para. 3.4 and goes on state that “*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*”. He then goes on to say that it is not a “*credible*” piece of information for the decision maker. As we have described, and Mr Croft has acknowledged, there is no guidance for assessing cumulative effects to heritage assets. It was our view that the key elements to understand in looking at cumulative effects relating to Mynydd y Gwynt were:

- i. Where in the landscape turbines are already visible;
- ii. Where turbines would become visible due to proposed schemes; and
- iii. The siting of these turbines in relation to assets which would experience effects associated with Mynydd y Gwynt.

33. This approach and the schemes to be included in the assessment were informed by comments made by both PCC and NRW in their earlier submissions. Taking the lead from the way in which cumulative ZTVs were presented for the CLVIA, we chose to present the ZTV in a format which enables distinction between the visibility of existing schemes, how Mynydd y

Gwynt would change that and then how proposed schemes would change that. We believe this is a valid approach. Mr Croft suggests that we should have prepared a ZTV from which it is clear how many turbines can be seen from an asset. This is technically possible but we do not believe this would be a useful approach in this case and also would not contextualise changes to views of the assets in any way. It also appears to presuppose that adding visibility of turbines in the setting of a heritage asset would equate to cumulative harm. In a situation such as this, whereby many turbines are already visible in the landscape and there are several other proposed schemes, we do not feel that simply counting the number of turbines visible from each asset and the numbers that proposed new schemes would add to this would be a meaningful statistic to present to the decision-maker. This is as such a purely statistical approach tells you nothing about how close the turbines are and in what directions they lie and neither does it tell you anything about how their presence might affect the heritage significance of the assets in question. Such a ZTV or tabular information would give you no conception of how this would meaningfully change the setting of any given asset. This is why we have taken a descriptive approach which uses a ZTV and turbine location information, alongside the ES wireframes, to support the judgements we have made on cumulative effects.

34. This approach is supported by the setting guidance which recognises that whilst technical approaches such as *“viewshed analyses, sensitivity matrices and scoring systems”* can *“assist analysis to some degree”* that *“as setting is a matter of qualitative and expert judgement, they cannot provide a systematic answer”*. The guidance then goes on to state that *“technical analyses of this type should be seen primarily as material supporting a clearly expressed and non-technical narrative argument that sets out ‘what matters and why’ in terms of the heritage significance and setting of the assets affected, together with the effects of the development upon them”*. We believe that the cumulative assessment is entirely in-keeping with this guidance document and conveys sufficient useful information to the Examiner on cumulative effects to heritage assets.
35. In para. 3.5 Mr Croft refers to the inclusion of the Nant y Moch scheme. We have explained why we cannot include this scheme in our cumulative assessment.

36. In para. 3.6 Mr Croft makes several disparaging comments on the quality of our cumulative assessment and again makes reference to their Section 42 response. We do not accept Mr Croft's critique of our cumulative assessment for the reasons outlined above and have not used the absence of formal guidance on this topic as an excuse for a flimsy piece of work. As described above we believe it is deeply unhelpful for PCC to still be referring to the content of their Section 42 response when we have taken actions necessary to outstanding concerns on the content of the ES submitted to the examination.

Propriety of professional conduct

37. I have been a *Member of the Chartered Institute for Archaeologists*, and its predecessor the *Institute for Archaeologists*, over the length of time for which I have been involved in this scheme. Principle 1 of the Institute's Code of Conduct, to which I have signed up to as part of my membership, places a duty on its members to "*adhere to high standards of ethical and responsible behaviour in the conduct of archaeological affairs*"⁶. Seeking to misrepresent the effects of a scheme upon the historic environment would be in direct violation of this, particularly Rule 1.8 under this principle which reads "*A member shall abstain from, and shall not sanction in others, conduct involving dishonesty, fraud, deceit or misrepresentation in archaeological matters*"⁶. For the avoidance of doubt, in execution of the setting assessment, I have applied the guidance in the same manner as I have in other schemes and undertaken what I believe to be a robust assessment of the way in which setting factors in the significance of the assets which may be affected by this scheme and how said scheme would affect this significance. I have also approached cumulative effects with an open mind and undertaken what I believe to be a robust assessment of such effects following a clearly presented and transparent methodology.

NRW

38. Mr Kelly gave an in-depth explanation of the genesis of, and rationale behind the identification of Registered Historic Landscapes, hereafter RHLs, in Wales and the assessment of effects to these landscapes (see Summary of Oral Case Paras. 2-10 & 16). As this is not a designation seen in other parts of the

⁶ Chartered Institute for Archaeologists 2014 *Code of Conduct: Principle 1*

UK, and as elements of the ASIDOHL process associated with them can seem arcane to non-specialists, this explanation is valuable and welcomed. As part of this explanation, Mr Kelly quoted extensively from the Landscapes of Historic Interest in Wales: Part 2 of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales – Part 2.1 Landscapes of Outstanding Historic Interest, published by Cadw in 1998. He has appended two parts of this document to his summary of oral case; the introductory section and the Upland Ceredigion RHL register entry. The register entries for RHLs of Special Historic Interest were published as Landscapes of Historic Interest in Wales: Part 2 of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales – Part 2.2: Landscapes of Special Historic Interest, by Cadw, in 2001. Mr Kelly has not appended any sections of this part of the register to his summary of oral case.

39. The Register is an important document since it introduces the process by which RHLs were defined, explains how differing elements combine to form the historic interest⁷ of the RHL and those items which can form key characteristics of an RHL. It also gives entries for each RHL identified as of Outstanding Historic Interest which explain the historic interest of these landscapes.
40. Mr Kelly quotes sections of the document which underline the importance of these register landscapes in para. 8 of his submission. Notable amongst these are the statements that RHLs are those “*landscapes of greatest significance to the Welsh nation*” and that their “*loss would be a form of cultural cleansing*”. In all of the assessments prepared for the applicant, the status and importance of RHLs, and the importance of their preservation, has not been in question and it is accepted that these are heritage assets of national importance.
41. The introduction to the document includes several statements to contextualise the designation and presence of RHLs which he has not drawn the Examiner’s attention to and which are relevant to the effects of the present scheme. These are:

⁷ In the terms of the policy and guidance used by this examination, historic interest is regarded as equating to the heritage significance of an RHL.

- i. *“Historic landscapes are living landscapes fashioned to meet current needs. However, the Register is not about fossilising landscapes, reconstructing the past or curtailing change.”*⁸;
- ii. *“The Register encourages informed change so that we have the opportunity to create tomorrow’s landscape without necessarily sacrificing the best of yesterday’s.”*⁸;
- iii. *“The Register should not be used in a restrictive way by the planning system to discourage change and progress – the Register is not intended to produce and unworkable landscape stuck in the past.”*⁹; and
- iv. *“The Register should ensure that necessary change is accommodated without sacrificing the essential integrity and coherence of historic landscape areas.”*¹⁰

42. The introduction to the document also explains the format of the register entries which describe the extent and nature of RHLs and which contain a number of elements¹¹. The register entry is described as a summary of key information on the RHL, the most important sections of which in understanding the heritage significance of an RHL are:

- i. *Principal Area Designations – “This includes: the principal statutory designations affecting substantial or significant areas; the principal designated sites or features occupying a significant part of the landscape or having extensive curtilages or settings. The latter are included wherever their presence is likely to significantly influence the consideration or treatment of the historic interests identified in the landscape. This is not, therefore, an exhaustive list of all the statutory designations affecting the landscape. The information given is correct as of 31 December 1995”*¹²;
- ii. *Contents and significance – “This gives a summary of the principal archaeological and historic interests and significance of the landscape.”*

⁸ Cadw 1998 *Landscapes of Historic Interest in Wales: Part 2 of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales – Part 2.1 Landscapes of Outstanding Historic Interest*, page xiv

⁹ *Ibid*, page xxxi

¹⁰ *Ibid*, pages xxxi-xxxii

¹¹ *Ibid*, pages xxxiii-xxxvi

¹² *Ibid*, page xxxv

43. Subsequently, further analysis carried out by the Welsh Archaeological Trusts, hereafter referred to as the Trusts, a process of refining the extents of and further explaining the content and significance of RHLs. This resulted in their division into Historic Character Areas (HCAs) which likewise have written descriptions and outline the key characteristics of each HCA. All register entries and descriptions for RHLs and their component Historic Character Areas (HCAs) which would experience visual change in views either from or to them due to the presence of the scheme are included in Appendix 1-3 of ES Appendix 12.3. It against the key characteristics and heritage significance, as expressed in this material, that we have made our assessment of the effects of the scheme.

44. The statements from the Register and from the guidance document for assessment of effects to register landscapes¹³, underline that RHLs have been designated so that their heritage significance is recognised and so that loss of this significance is avoided. They make it clear the purpose of RHLs is not to restrict change but that change which meets present and future needs can be accommodated if it does not detrimentally affect the heritage significance of RHLs.

Who is responsible for Registered Historic Landscapes?

45. In para.1 of the Summary of his Oral Case, Mr Kelly states that *“the Countryside Council for Wales was, and latterly NRW continues to be, the primary body responsible for the operation of the Register in Wales”*. Whilst we have covered this issue in previous submissions we note here that Mr. Kelly’s statement is not supported by the guidance issued to assess the effects to this landscape, aka the ASIDOHL 2 guidance issued in 2007¹³ which contains the following statements:

- iii. That the register’s *“principal sponsors” are “Cadw and the Countryside Council for Wales”*¹⁴;
- iv. That guidance on application of the process should be sought *“in the first instance from the Welsh Archaeological Trusts” who are also “able to advise on the latest revisions”*¹⁵; and

¹³ MYG Core Documents: File 3 - Cultural Heritage and Historic Landscape. Tab 4

¹⁴ Ibid. page 2

¹⁵ Ibid. page 15

v. *Directs those with queries about the register and guide to CCW, Cadw and the Welsh Archaeological Trusts*¹⁶.

46. This indicates a continuing and significant role for Cadw and the Trusts in the context of Registered Historic Landscapes. This guidance has not been superseded so these roles remain. I was recently in contact with the planning advice service of a neighbouring Trust with regard to an ASIDOHL 2 assessment for a proposed windfarm for which I am undertaking the archaeological and cultural heritage studies. Their response indicates that the consultation process, roles and assessment process described in the ASIDOHL 2 guidance of 2007 remain valid.

Validity of the ASIDOHL2 process and findings with regard to windfarm applications

47. Mr Kelly states at para.17 that “*it is generally accepted by its practitioners that ... the ASIDOHL2 system still tends to give lower impact scores than should be the case*” for windfarm developments and cites this as evidence for its need for revision. It is true that some planning decisions have found ASIDOHL 2 scores to be unduly low where the area affected directly by a wind generation scheme is disproportionately smaller area than the area in which visual effects are felt, notably in the case of the Bedlinog windfarm. I discussed the relevance of this specific decision and the wider principle in our response to Deadline II submissions (para. 6.19); Bedlinog is not a relevant parallel for our scheme and, since ours covers an extensive area, the results of our ASIDOHL2 assessment are reliable.

The Mabinogion and the Pumlumon cairns

48. The Pumlumon cairns are not listed as one of the *Principal Area Designations* in the register entry for the Upland Ceredigion, nor are they specifically named in its Contents and significance section. This is despite being Scheduled several years prior to the cut-off point of 31 December 1995 for inclusion within the entry¹⁷. As described above, the Principal Area Designations include those “occupying a significant part of the landscape or having extensive curtilages or settings” and states that these “are included wherever their presence is likely to significantly influence the consideration or treatment of the historic interests identified in the landscape”¹². This indicates

¹⁶ Ibid. page 3

¹⁷ Information derived from Cadw Scheduled Ancient Monument Record documents for each SAM

that effects brought about by changes in the setting of the Pumlumon cairns were not considered by those who designated the RHL as to be likely to greatly affect the heritage significance of the Upland Ceredigion RHL.

49. In para. 22-24 Mr Kelly makes several points related to the landscape surroundings of the Pumlumon cairns and the age of this landscape. These are dealt with the response to PCC's summary of oral case.
50. In our previous submissions we have recognised that the associations of Pumlumon with the tale of Culhwch and Olwen, which is contained within the Mabinogion, were not included in the ASIDOHL 2 assessment since they were not referred to in either the register entry for Upland Ceredigion RHL or the description of the Pumlumon HCA.
51. We agree that Wales' myths are an important part of the Nation's cultural heritage and have looked at the scheme's potential effect upon this in previous submissions. The legend states the Cei and Bedwyr, on a quest, rested on a cairn atop Pumlumon and their ability to see smoke to the south, issuing from the fire of a bandit, from this vantage point enabled them to achieve part of their quest. We acknowledge these points but, unlike Mr Kelly (para. 24) maintain that, since Pumlumon contains five summits, two of them fairly prominent (Pumlumon Fawr and Pen Pumlumon Arwystli) and each having at least one Bronze Age cairn upon it, it is not possible to definitively identify this mythical event with a specific heritage asset. The English translation of the legend cited by Mr Kelly (para.14) describes the smoke seen by the men as lying "*to the south, far off from them*". The multi-period nature of the landscape which can be seen from these locations and the commanding views over much of the mid-Wales landscape which can be gained from them have been described above and in our previous submissions. The tale of Culhwch and Olwen is thought to be set between the later-prehistoric and pre-medieval period. Mr Kelly maintains that the vistas experienced in the tale would be lost if our scheme were constructed (para. 15 &24). As demonstrated by our previous submissions, any vista which may have been experienced by Cei and Bewdyr has already changed markedly as the landscape seen from the ridge is multi-period in nature. It is arguably the ability to see over the wider landscape, particularly to see a great distance to the south, from a cairn on the Pumlumon ridge which is the key part of Cei and Bewdyr's experience and pivotal in this part of the legend. As described

in the ES and our previous submissions to the examination, the commanding views into the surrounding landscape currently available from the Scheduled cairns on the Pumlumon ridge, including those views to the south, will not be affected by the scheme. The scheme would not, therefore, be harmful to or erode any aspect of the heritage significance of the Scheduled cairns or the Upland Ceredigion RHL which relates to associations with the Mabinogion.

Effects of the Scheme on the RHLs

52. In his summary of oral case, Mr Kelly again alleges that we have underscored the effects of the scheme to both RHLs and their component HCA's, focussing in particular on the Upland Ceredigion RHL and the Pumlumon HCA (Para 18 -21). We have addressed these issues in detail in previous submissions, finding that he has simply equated change in views out from and into RHLs and HCAs with harm to their heritage significance. Mr Kelly has not addressed this point convincingly and his statements at the ISH, and his summary of oral case, further reinforces this impression. In para. 20 of his summary he states that the scheme would introduce "*an alien group of structures within the setting of the Historic Landscape*". The use of the term "*alien*" is emotive and suggests he believes turbines to be inherently unsuitable in the environs of a RHL. It also fails to recognise fact that there are two operational windfarms in proximity to the Upland Ceredigion RHL and a further three inside it. These are demonstrably not alien structures either within or in proximity to the Upland Ceredigion RHL and have been part of the perception of this historic landscape since the mid-late 1990s. In para. 20. He also refers to the duration of permission sought under this application for the scheme. We follow the NPS in stating that the time-limited nature of the scheme is borne in mind by the Examiner in judging the effects of the scheme's harm to heritage assets in the balancing exercise. As described in the response to PCC, the time-limited nature of the harm to the Upland Ceredigion RHL as a result of the scheme has not factored in the level of harm found in respect of this asset.

53. In para. 21, Mr Kelly has misunderstood the point I made with regard to the wording of guidance on assessing the effects of setting change, including EN 3 and parts of the English NPPG which specifically relate to wind generation. I did not maintain that our scheme may not harm the historic landscape, my point was that all guidance is couched in the terms that turbines can harm

significance through setting change not that they necessarily and automatically do (my emphases). This point was made to counter the overall tenor of representations from PCC, NRW and others which represented policy and guidance as inferring that wind turbines are always harmful to heritage assets due to setting change. As described in our previous submissions and at the ISH we recognise that the presence of turbines in settings can harm heritage assets and, where this would arise from our scheme, have identified harm.

54. The Register and ASIDOHL 2 guidance all recognise that it is how schemes affect the heritage significance (historic interests and key characteristics) of a RHL which must be judged rather than how visible a scheme is in the landscape. We have addressed this in detail in the ES and previous submissions and come to the conclusion that the scheme would have a harmful effect upon the Upland Ceredigion RHL, since it would affect some of the Pumlumon HCA's key characteristics, but that this harm is less than substantial, reversible and would last only for the life of the scheme. Mr Kelly and NRW have presented limited evidence throughout the process to explain how harm arises, aside from the visibility of the scheme from within the RHLs and their component HCA's. They have not explained how the presence of the scheme would affect the heritage significance of the RHL.