

Powys County Council response to applicant's Deadline VII submission "COMMENTS ON DEADLINE VI SUBMISSIONS AND RESPONSES TO THE ExA'S REQUEST FOR FURTHER INFORMATION, CULTURAL HERITAGE -20th April 2015"

14th May 2015

1. Introduction

1.1. The following provides PCC's response to and comments on the Deadline VII Cultural Heritage submission from the applicant. For ease this uses the same headings as the Deadline VII submission and cross-references to paragraph numbers in that submission.

2. Harm to heritage assets due to change in setting

- 2.1. We disagree with the Applicant's continued assertion that PCC has misapplied guidance and come to flawed conclusions in relation to assessment of setting and harm to significance; and that we have not demonstrated how the setting of the assets would be affected by the scheme and how this would in turn harm their significance (see Paragraphs 6 and 7 of Applicant's submission).
- 2.2. We have provided clear evidence and reasoning in our submissions and remain of the view that the scheme would alter the setting of the assets and due to the nature of the contribution that the setting makes to their significance, harm the significance of the numerous designated and non-designated assets (see Local Impact Report and Written Representations for details of affected assets). Our view remains that the applicant has taken a flawed view of the significance of the assets and how setting contributes to that significance. This is not an accusation of misconduct as the Applicant seems to believe at Paragraph 8 of their submission.
- 2.3. The Applicant has also placed undue weight on the interpretation of one planning appeal decision (Javelin Park) (see Paragraph 6 of their submission). The Javelin Park appeal is case specific and relates to a different form of development, in a different type of landscape and with different types of designated heritage assets being affected. Other recent appeal decisions such as the Castlemorris wind turbines¹ (APP/N6845/A/13/2209831 and APP/N6845/A/13/2209831); Bryn Llewellyn wind farm (APP/M6825/A/12/2189697, APP/M6825/X/13/515763 & APP/M6825/X/13/515764); and Felkington Farm wind turbines (APP/P2935/A/14/2215293) are more relevant to the situation under consideration here as they relate to scheduled monuments in open rural landscapes. In all these cases, the presence of wind turbines in the landscape was determined to be harmful to the setting and significance of the affected assets.
- 2.4. In paragraph 10 the applicant seems to be asserting that aesthetic and intellectual contributions cannot be taken into account in relation to the affected cairns as this requires prior knowledge on the part of the person experiencing the setting of the cairns. This

¹ <http://planning.pembrokeshire.gov.uk/AnitePublicDocs/00198210.pdf>

approach ignores the fact that a great number of people (lay, academic and professional) understand what these monuments are and their value and significance. These are not ambiguous features only understood by highly qualified and experienced professionals; they are well understood and well recognised forms of assets. The applicant seems to be arguing that for the purposes of assessing the contribution of setting to significance, we must treat everyone who experiences these assets as uninformed individuals and that aesthetic and intellectual interest cannot be attributed even though guidance clearly indicates that it can be. Cadw set out in their Conservation principles that Aesthetic Value is defined as “*Value deriving from the ways in which people draw sensory and intellectual stimulation from a place*”. It does not indicate that these people must have no prior knowledge for aesthetic value to be present – all, or any sub-group of, people can derive intellectual and sensory stimulation from a place, the stimulation may be partially conditional, in some circumstances, on their existing knowledge but this does not remove the contribution that this makes to the significance of a place. Our view therefore remains unaltered.

- 2.5. The applicant also disagrees with PCC’s view that much of the evidential value of the cairns resides in their setting (see paragraph 14) where the applicant states that “*...we do not accept that the majority of these assets’ evidential value lies in their setting. This is as [sic], whilst the way in which these assets were placed in the landscape is undoubtedly important, this quality is not inherent in their setting.* [A footnote is used to remind the reader that setting is an experiential matter] *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.*” The applicant seems to be indicating that how a cairn was placed in the landscape is not an inherent quality of its setting because setting is something that is “experienced”. They then go on to state in paragraph 18 that they “*...acknowledge that the position of these assets in the landscape is important and that this aspect of the setting contributes to their significance.*”
- 2.6. Our view is that the placement and setting is central to providing evidence as to why cairns were built (they were not just burial mounds and have additional layers of meaning – much as burial monuments in churches and churchyards have added layers of meaning), and what functions they served in prehistoric society. The setting of a cairn makes a strong contribution to the significance of a cairn by virtue of the evidence it provides for that – how the setting is experienced is an aspect of its evidential value. Our view remains as expressed in our submission and we contend that the Applicant is presenting a particular and narrow interpretation of how the setting and significance of these assets can be understood.
- 2.7. The value of the open and uncluttered nature of the landscape around the cairns and the contribution that this makes to setting and significance of the cairns was addressed in our previous submissions. The applicant returns to this point in Paragraph 16, 17 and 18. Here they re-iterate previous remarks made at the hearing and in previous submissions. They indicate that “*There is nothing in the views out from, or to, the cairns that can be categorically stated to be “authentic” apart from the topography.*” If we had stated categorically that the cairns were situated in an authentic landscape setting then this statement (and the rest of the

accompanying text) would be helpful. But that is not the case. As set out at paragraph 1.11 of our previous submission *“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....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...”*

- 2.8. This is a more measured and balanced position than the Applicant has sought to characterise our position as. Obviously the landscape has changed over many millennia but our view remains that its broad, open, uncluttered nature is an important aspect of the setting of the assets. Other wind farms have impinged in these open uncluttered views and the proposed development would contribute further to that situation.
- 2.9. In terms of the cairns, the Applicant’s and PCC’s views differ significantly as to what constitutes the significance of the assets and the contribution that the setting makes to their significance; this position has not changed since the initial submission. Both parties do however agree that harm would occur to the significance of some designated cairns, but we disagree as to the number of cairns that would be affected and the severity of the harm.
- 2.10. In terms of the mines, the position of the parties has not changed and the Applicant’s submission reiterates their previous comments. Our view remains that the remote rural landscape setting of the mines contributes to their significance – this is in contrast to the applicant who takes a position focussed on functional relationships between the mines and features in the landscape around the mines. No additional evidence is presented in the Applicant’s submission and there is no change to either party’s position.

3. Duration of development

- 3.1. We welcome clarification of the applicant’s position in relation to the 25 year life span of the development (see paragraphs 23 and 24).
- 3.2. We also note that at recent cases such as the Roseland Wind farm² (March 2015) little weight is attached the temporary nature of development. The decision letter for Roseland stated that *“He [the SoS] also agrees 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*

²² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/412188/15-03-12_DL_IR_Roseland_Wind_Farm_Bolosver_2212093.pdf

carries little weight in view of the adverse effects of the turbines in this sensitive location which would last for a generation."

4. Cumulative Assessment

- 4.1. PCC has previously made a number of comments in relation to the content of the Cumulative Cultural Heritage Assessment provided by the applicant (see Section 3 of the Deadline VI submission – *“Written Summary of Oral Case on Behalf of Powys County Council – Issue Specific Hearing on Cultural Heritage – Wednesday 18th March 2015”*. Summary dated 26th March 2015).
- 4.2. Some of these issues have been partially addressed by the Applicant’s Deadline VII submission:
 - *A lack of cross-references in the Cumulative Cultural Heritage Assessment to the Applicant’s 2015 CLVIA or material in the original ES* – in Paragraph 27 the applicant explains that the CLVIA was not available. Even though the CLVIA and original ES are now available, the applicant has however still not provided links between the Cumulative Cultural Heritage Assessment, CLVIA and ES to enable the reader user to quickly cross reference different visualisations, wireframes, ZTVs, written material etc;
 - *A lack of wireframes or photomontages from or to designated assets and registered landscapes* – The applicant has indicated at paragraph 28 that only two wireframes are relevant (VP01 and VP03). Given that there are 6 discrete groups / individual cairns spread along the Pumlumon ridge we are of the view that the production of only 2 wireframes provide insufficient evidence, particularly given the spread of cairns along the ridge. We also note that the applicant has not provided details of cumulative wireframes for the Registered Historic Landscapes (RHL), as requested. It would have been useful to be provided with a list of cumulative wireframes that are considered relevant for the RHLs;
 - *No detail on the cumulative schemes assessed* – the applicant has now provided a detailed list of schemes included;
 - *Very limited descriptive text relating to impacts on setting and significance* – Paragraph 30 of the applicant’s submission re-iterates previous statements that as, in their view, there would be only limited cumulative impacts, sufficient analysis was presented. As per our previous submissions we would still have expected more description of the change to the setting of the assets, in particular for the ridgeline scheduled cairns and registered historic landscapes. This should have described the current baseline and then identified, with supporting material, the disposition of the cumulative schemes and Mynydd y Gwynt turbines and the change this would have caused. The current level of detail and limited number of relevant wireframes (see above) makes it difficult for as user and the decision maker to draw their own view on whether significant cumulative effects would occur;

- *Reliance on a limited and flawed ZTV* – paragraphs 32 to 34 inc. provides the applicant’s response to this point but they provide no revised evidence. The applicant’s original ZTV provides a simplistic map indicating whether one tip or any number of turbines would be visible from any location. This provides no useful evidence for a decision maker. ZTVs showing cumulative numbers of turbines (hub and tip) are easy to generate and these coupled with descriptive text for each asset (see comment above) enable a decision maker to draw their own conclusions as to whether significant cumulative effects would have occurred. The applicant states that their approach is valid as it identifies:
 - *“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.”*

But as indicated above it provides very limited detailed on these aspects. As the Applicant rightly acknowledges the mere sight of a turbine does not necessarily harm the setting and significance of an asset, other factors need to be taken into account. These include, amongst many other factors, factors such as the disposition of turbines in the landscape around an asset, the distance between turbines and the asset, the number of turbines visible, the visual dominance of the turbines in views to and from the asset (from a range of relevant viewpoints), the nature of the existing landscape setting of the asset, the particular significances of the asset and the contribution the setting makes to that significance etc. A simple ZTV showing whether any number of turbines would be present contributes essentially nothing to the discussion of cumulative effects. Our comments still stand.

- *Absence of consideration of Nant-y-Moch in SSAD* – our view that Nant-y-Moch should have been considered remains unchanged. At the very least we would have wished to see the scheme included within the Cumulative Assessment in a manner that should the decision maker decide that Nant-y-Moch should be included in the list of cumulative schemes then the decision maker could have identified the cumulative effects it would bring. Given that Nant-y-Moch was firmly in the development pipeline when the original ES was being prepared we would have expected it to appear in the cumulative cultural heritage assessment that should have been included in the original ES. It has now been confirmed that SSE has transferred the option to develop the Nant y Moch wind farm to Vattenfall.

4.3. The applicant also indicates in paragraph 31 that they take the view that our criticism of the cumulative assessment implies professional misconduct on their part. This is an over-reaction. The applicant has chosen to take an approach to cumulative assessment that has at its starting point their assessment that Mynydd y Gwynt would have only limited cultural heritage impacts and therefore there can only be limited cumulative impacts as they indicate that cumulative impacts can only occur where there is an impact arising from Mynydd y Gwynt.

Our view is that a decision maker needs to be provided with a comprehensive body of information in the cumulative assessment (in the form of wireframes, ZTVs, visualisations, descriptive text etc) so that if they take a different view to the applicant on whether assets are harmed by the scheme they can then use the cumulative assessment to inform their own view on cumulative harm. The material provided by the applicant in their Cumulative Cultural Heritage Assessment does not, in our view, provide sufficient evidence for the decision maker to reach their own opinion on cumulative effects.

- 4.4. Our comments in Section 3 of our Deadline VI submission on the Cumulative Cultural Heritage Assessment therefore remain largely unaltered and we remain of the view 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.

5. Other matters: Responses to specific Paragraphs

- 5.1. We note the Applicant's concerns in Paragraph 5 regarding PCC's reference to the Section 42 consultation response. The fact stands that the Applicant did not take into account PCC's Section 42 response in relation to cultural heritage and that they have only sought to address those aspects of PCC's response where they "*..found any validity to the issues raised,..*". They have therefore only selectively responded to PCC's concerns raised at the Section 42 consultation stage.