



The North Wales Wind Farms Connection Project

Written Summary to SP Manweb's Oral Case
in relation to Berain

Application Reference: EN020014

Deadline 9 Submission
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WRITTEN SUMMARY OF SP MANWEB'S (THE "APPLICANT") CASE IN RELATION TO BERAIN

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INTRODUCTION

1. This is a short synopsis of the Applicant's case on the impacts of the Proposed Development on the complex of listed buildings at Berain. This topic was addressed orally at the issue specific hearing held on 8 December 2015 and the impacts were assessed in the Environmental Statement (APP-099, Paragraphs 8.5.24, 8.7.43, 8.8.11, 8.10.3, 8.11.4, Table 8.12, Figures 4, 25-27).

THE POLICY TEST

2. The principal purpose of historic environment assessment is to identify, describe and determine the effects of a proposed development on heritage assets and their setting. Effects are measured in terms of change to the nature, extent and level of significance of a particular asset. Significance of a heritage asset is defined in NPS EN-1, Paragraph 5.8.2, as being "*The sum of the cultural heritage interests*" (or values).

METHODOLOGY

3. The historic environment assessment was based on the methodology set out within the Design Manual for Roads and Bridges (DMRB), Volume 11 Section 3 Part 2 (Highways Agency, rev. 2013). DMRB is routinely applied to the environmental assessment of energy and other non-road projects, including energy connections in Wales. The methodology and assessment criteria are outlined in the Environmental Statement (ES) (APP-099, Section 8.4).

ASSESSMENT

Baseline

4. The heritage assets under consideration are four buildings which benefit from statutory protection by virtue of being Listed Buildings. Two buildings are Grade II* and two are Grade II. All the buildings have been ascribed "High" value in SP Manweb's historic environment assessment (Table 8.4, Table 8.12). Berain House derives its significance from its special architectural significance as an important early Tudor gentry house and for its special historic importance as the home of Katherine (Tudor) of Berain, 'The Mother of Wales', and is listed Grade II* (LB 163). The agricultural range derives its significance from the 'special interest of its origins as an exceptionally large and scarce example of a timber-framed Elizabethan barn, retaining its original roof trusses, and for Berain's important historic associations' and is listed Grade II* (LB 19855). The former carthouse (LB 19856) and brewhouse/pigsty (LB 19857) are included for their group value and are listed Grade II.
5. To the north of the listed buildings are several large modern cattle sheds which extend almost 80m into the adjoining field. These buildings have strong prominence and degrade the immediate setting of the listed buildings.
6. A description of the significance of the listed buildings and the contribution of their setting to that significance is presented in Paragraphs 8.5.24 and 8.7.43 of the ES (APP-099) and in the Deadline 2 and Deadline 6 submissions in accordance with the requirements of Paragraph 5.8.8 of NPS EN-1.
7. These submissions demonstrate that and explain why the listed buildings at Berain principally derive significance from their architectural qualities and historical associations, and that their setting is secondary.

8. I set out below first what I consider to be the setting of the listed buildings at Berain and, second and more importantly, the contribution the setting has to the significance of the listed buildings, compared to the architectural qualities and historical associations described above (Paragraph 4). Following this, I present my assessment of the impact of the proposed 132 kV Overhead Line on the listed buildings and consider what this means in policy terms.

Defining the setting of the listed buildings at Berain

9. In the absence of a statutory definition of setting, my steer comes from guidance by Cadw, Historic Scotland and Historic England, that setting should be thought of as embracing all of the surroundings from which the heritage asset can be experienced, understood and appreciated or that can be experienced, understood and appreciated from or within the asset.
10. In the case of the listed buildings at Berain, their setting can be described and defined in terms of functional, topographical and historical relationship to the surrounding landscape. The setting includes the farm curtilage, adjacent roads, field pasture with surviving parkland characteristics and woodland lying in-between the Bryn-isaf Dingle to the west and the Cocsydd Dingle to the east and historic roads from Henllan to Pentre Isaf to the north and from Henllan to Llanefydd to the south. The dingles form physical barriers and visible markers on the landscape and serve to carve it into managed land portions. Not unsurprisingly, therefore, Berain's working farm estate extends towards, up to and not beyond these dingles. For this reason, the setting of the listed buildings at Berain approximates to Mr Jones' present-day land ownership.
11. The landscape characteristics of the Llanefydd Lowlands (the landscape character area in which the setting of the listed buildings sit), undulating landform, hedgerows and mature trees, formed part of the baseline against which the historic environment effects were assessed. Degraded parkland is a component of the Llanefydd Lowlands and is recognisable locally, but the surviving parkland character is not strong, a point supported by Sarah Gibson in her Deadline 6 submission on Berain.
12. The historic environment assessment also records that modern infrastructure, including farm buildings, a low voltage overhead electricity line, telegraph poles, a wind turbine, access tracks and post and wire fences, formed part of the setting of the listed buildings and the baseline against which the historic environment effects were assessed.

Special interest and the contribution of setting to the significance of the listed buildings at Berain

13. In order to be listed, a building must have "special" interest. The statutory criteria when assessing whether a building meets the test of special interest are architectural interest, historic Interest, close historical associations and group value (Welsh Office Circular 61/96, Annex C). Setting and views are often an essential part of a building's character and they can also be an important factor in assessing special interest. In the case of the historic buildings at Berain, the reasons for listing, architectural qualities and historical associations, are outlined above in Paragraph 4. These special interests lie at the heart of understanding the significance of the listed buildings. Setting and views play a secondary role to understanding the significance of the listed buildings by virtue that they are not statutory criteria for listing.
14. Views can be an important aspect of experiencing setting and thereby contribute to understanding the significance of a heritage asset. In the case of Berain, particular 'key views' are not identified in Cadw's official listings, nor in the regional Historical Environmental Records and nor have they been identified and protected by local planning policies and guidance. Views are identified in official listings where of particular importance to the special interest being protected. In this absence, the weight given to their contribution to the significance of the assets at Berain should be

less than if such views were officially identified and protected. This does not of course mean that setting and views cannot contribute to understanding the significance of a heritage asset, it simply demonstrates that the reason Berain was listed was not because of its setting nor views experienced to or from the buildings and within the surrounding landscape.

15. Assessing whether, how and to what degree setting makes a contribution to the significance of heritage assets is a requirement of Paragraph 5.8.8 of NPS EN-1.
16. In the case of Berain, setting does contribute to understanding significance; the experience of setting is primarily an understanding of the functional relationship of the farm to its working estate.
17. In considering setting, it is my opinion that the wider setting cannot be considered as being equally important as the immediate setting. An asset's immediate setting normally contributes more to significance than its wider setting. My reasoning is based on the fundamental principal that an observer must be able to appreciate significance of a heritage asset. If one of the elements of that asset is hidden, obscured or at distance, then surely it must have less significance than one that is nearer or in full view, which the immediate setting provides in this instance. Therefore, when stood in the wider setting, an observer is far less able to appreciate or understand the significance of the functional qualities of the working estate to the listed buildings. My opinion accords with the underlying concept of proportionality that underpins EN-1.
18. Berain's wider setting includes degraded parkland (Paragraph 11, above). Parkland can add another dimension to the experience, understanding and appreciation of setting and thereby contribute to significance. In the case of Berain, however, the limited aesthetic qualities of the surviving parkland adds little to the experience of setting and contributes little to understanding the significance of the listed buildings. Consequently, the overall contribution made by setting to the significance of the listed buildings as a whole is lower than it would have been had the setting included higher quality parkland. Indeed, there is no link between the historic interest sought to be protected – the early Tudor Gentry house and the home of Katherine of Berain and the parkland which is a much later addition.
19. In conclusion, it is my opinion that the listed buildings at Berain derive significance principally from their architectural qualities and historical associations. Setting is secondary, and the aspect of setting which matters is more about functional understanding of how the buildings operate within their working estate, than aesthetic appreciation of any surviving parkland.
20. It is of importance to note that with or without the Proposed Development, this would have no effect on my - or anyone else's - ability to understand and appreciate the historical associations of the buildings of Berain with Katherine of Berain.
21. This conclusion accords with national guidance, that 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.

Effects of the proposed 132 kV Overhead Line on the listed buildings

22. Effects on heritage assets are measured in terms of impact on the significance of a particular asset (Paragraph 2, above). For the reasons set out below, the impact of the proposed 132 kV Overhead Line is limited to setting, whilst the special interests from which the listed buildings derive principal significance, as discussed in Paragraphs 4, 13-21 above, are unaffected.
23. Direct physical impacts on the fabric of the listed buildings at Berain will not arise, on account of the fact that the proposed 132 kV Overhead Line is located to the west of the farm, outside of its immediate setting. Architectural qualities, one of the principal

values from which they derive significance, will not therefore be affected by the proposed 132 kV Overhead Line.

24. It follows, also, that the historical associations of the listed buildings at Berain, a further principal value from which they derive significance, are also unaffected by the proposed 132 kV Overhead Line. These historical associations fundamentally relate to the historic buildings as being the home of Katherine (Tudor) of Berain, and not to their surviving parkland setting, the origins and morphological development of which have no proven connection to her.
25. The only effects therefore to consider are indirect impacts on setting. Such effects are assessed in terms of the impact on the experience, understanding and appreciation of the whole setting (Paragraph 9, above) and not solely by localised change and individual views.
26. At the DCO Hearing, I emphasised that there would be considerable variation in the indirect effects of the proposed 132 kV Overhead Line across Berain's setting, these being strongest over the western half of the setting but notably less over the eastern half of the setting and this should be given due consideration in the overall assessment of effect on setting. To be clear, simply because you are within the setting of a listed building does not mean that effects experienced would be the same. The importance of the setting to the significance of the asset will vary across the area of the setting. The impact of the proposed development on the setting will also vary, as will the impacts of the proposed development on the ability to appreciate and understand the significance of the heritage assets across the setting.
27. For example, for an observer stood in the western half of the setting, the poles would have a moderately strong presence in the landscape when viewed close up, in views looking north and south along the course of the proposed 132 kV Overhead Line, and also in particular views to the south and west of the farm. By contrast, an observer stood within the eastern half of the setting would generally be further from the proposed 132 kV Overhead Line and the landscape characteristics would help to visually disconnect the observer from it, for the reasons described in Paragraph 11, above.
28. The engineering design selected, double wooden poles, is at the lower size end of electricity infrastructure. This means that the degree to which any visual effects would be experienced would decrease rapidly as the observer gets further away. Moving east towards the Cocsydd Dingle, for example, an observer would be stood within the setting up to 750m from the proposed 132 kV Overhead Line and the effects would reach a point where they barely register. Effects on understanding and appreciating setting, and in turn effects on the significance of the listed buildings, would therefore approach negligible/none.
29. Notably, the form and materials of double wooden poles, rather than steel pylons, are in keeping with the hedgerow trees and woodland which characterise the estate and its broader landscape, and significantly they do not introduce an entirely new form of modern infrastructure into the setting (Paragraphs 5, 12, above). Furthermore, the pole spacing and semi-permeable nature of overhead lines do not prevent an observer from seeing and understanding setting, which in the case of Berain is the all important functional relationship between the farm buildings and their working farm estate (Paragraphs 13-21, above).
30. I have considered near- and middle-distance views within the setting and also views across the dingles from within the setting to the wider landscape, including distant views to the east to the Clwydian Range, which are the most important outward views. I have also paid particular attention to views where the proposed 132 kV Overhead Line would be seen in conjunction with the listed buildings. My findings demonstrate that significant impacts would be limited and localised, on account of the landscape character of the setting. Notably, views from the east, including those which show

change to the skyline, would be strongly influenced by the existing agricultural sheds which have strong visual weight (Paragraph 6, above). I therefore concur with the view of Conwy County Borough Council's Planning Committee that:

"The most significant vantage points for these buildings are from the various points along the Cefn Berain to Bont-newydd Road, and from within the farmyard itself. The listed buildings are also visible from the road that runs north-west of Henllan, but the aspect from this direction has already been affected by the existing modern buildings" (CCBC, 2010, Paragraph 21, Planning Application Number 0/37194).

31. In conclusion, the proposed 132 kV Overhead Line would result in considerable variability of impact across the setting with some parts experiencing change and others none. It would locally alter the character and appearance of the setting, notably on its western side. Impact on the experience of the farm's setting, however, would not prevent understanding and appreciation of the functional relationship between the farm and its working estate, this being the fundamental aspect of setting in this case (Paragraphs 13-21, above).

Determining Magnitude of Effect in relation to DMRB Criteria

32. DMRB criteria for determining magnitude of effect consider minor, moderate and major effects as arising from slight, considerable or comprehensive change to setting, respectively.
33. In the case of Berain's setting, it is my opinion, for the reasons outlined above (Paragraphs 22-31), that the effects of the proposed 132 kV Overhead Line would be 'considerable' and therefore moderate, but would not be 'comprehensive', i.e. it would absolutely not affect all or nearly all elements of the setting, and therefore the threshold for a 'major' magnitude of effect would not be reached.
34. The assessed moderate effects are considered a conservative judgement, the actual effects being towards the lower end of moderate, on the basis that:
 - (a) Architectural qualities and historical associations are the principal values from which the listed buildings at Berain derive significance, whereas setting in this instance is secondary (Paragraphs 13, 19, above);
 - (b) Modern infrastructure has detrimental influence, albeit localised, on the setting of the listed buildings (Paragraphs, 5, 12, above), and
 - (c) Reduction in the lifetime of the proposed 132 kV Overhead Line to 30 years would reduce the duration of potential adverse effects on the setting of the listed buildings.
35. The assessed "moderate" adverse effect on the setting of the listed buildings at Berain is significant in EIA terms, on account of the "high" value ascribed to the buildings and which derives from their listed status as being nationally important (Paragraph 4, above).

EIA Terminology, Substantial Harm, Acceptability and Balancing Exercise

36. The assessed "moderate" magnitude of effect of the proposed 132 kV Overhead Line on the listed buildings at Berain is significant in EIA terms.
37. Effects judged to be significant under the terms of the EIA Regulations do not necessarily equate in policy terms to 'Substantial Harm' and do not mean that the 132 kV Overhead Line becomes unacceptable in planning terms. Ratings of significance are independent of 'acceptability', which is a judgment above and beyond that of significance. Acceptability is about the overall balance of benefits and harm from the

proposals as viewed or weighted by national policy and development plan policies and determined in this case through the DCO examination process. It is notable that the Inspector at paragraph 441 of his report on the Mid-Wales Inquiry (published 7 September 2015), states that:

"[I]n the light of EN-1 guidance it is important to establish which, if any, of the above effects would result in substantial harm. This is a very high level of harm and I accept that it must lie at the upper end of the spectrum of major adverse effects."

38. It follows, therefore that whilst both moderate and major adverse effects (on a high value asset) can generate significant effects in EIA terms, only major adverse effects can give rise to substantial harm.
39. In the case of Berain, and in the absence of major adverse effects, there is no substantial harm to or loss of the heritage assets.

Conclusions

40. The above synopsis accords with and builds on the conclusions reached in Chapter 8 of the ES.
41. It is notable that the Welsh Government in its response to First Written Question 9.1 has stated that:

"Cadw has agreed the results and the findings of the heritage assessment and have no particular concerns."

42. Reducing the lifetime of the proposed 132 kV Overhead Line to 30 years would reduce the duration of potential adverse effects on the setting of the listed buildings at Berain, and therefore would reduce the overall effects within the assessed moderate range further towards its lower end.