

## Chapter Fourteen

# ARCHAEOLOGY AND CULTURAL HERITAGE

### INTRODUCTION

14.1 Chapter fourteen of the 2008 ES presented the results of an assessment of the effects of the proposals on archaeology and cultural heritage. The assessment and findings in the 2008 ES remain current, save for a small number of updates relating principally to the legal and policy context. This ES Addendum chapter should thus be read in combination with the 2008 ES chapter. It provides specific updates only where there have been changes.

### LAW AND POLICY UPDATE

#### Legislation

14.2 Since the original EIA was undertaken for the Enviroparks project, significant new legislation has come into force in the form of the Historic Environment (Wales) Act 2016. This legislation has been considered in this updated assessment in addition to the legislation summarised in table 14.1 in the 2008 ES.

**Table 14.1: Statutory protection for archaeology and heritage sites**

Legislation	Key Issues
Historic Environment (Wales) Act 2016	<p>The Act makes amendments to the Ancient Monuments and Archaeological Areas Act (1979) primarily in relation to ancient monuments in Wales. It also makes provision for the Welsh Ministers to compile and maintain a register of historic parks and gardens.</p> <p>The Act also makes amendments to the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to buildings in Wales that are of special architectural or historic interest ('listed buildings').</p> <p>The Act also includes provision for the compilation of a list of historic place names in Wales, for the compilation of a historic environment record for each local authority area in Wales, and for the establishment, constitution and functions of the Advisory Panel for the Welsh Historic Environment.</p>

14.3 The Historic Environment (Wales) Act 2016 makes changes to the existing law protecting the historic environment, including provisions to make it harder for those who unlawfully damage a scheduled monument to escape prosecution. It also introduces new structures to support the positive management of change in the historic environment. The Act will be complemented by an integrated body of policy, advice and guidance that will help to keep the management of the Welsh historic environment in step with current conservation philosophy and practice.

### Planning Policy Wales

14.4 Planning Policy Wales (PPW) was published in its 9th edition in November 2016. In this latest edition of PPW, Chapter 6 *The Historic Environment* has been fully revised in consultation with Cadw to reflect the provisions of the Historic Environment (Wales) Act 2016.

14.5 PPW, Chapter 6 *The Historic Environment* establishes that *'the historic environment is central to Wales' culture and its character, and contributes to [its] sense of place and cultural identity.'* Historic assets enhance the quality of life, add regional and local distinctiveness and is an *'important economic and social asset'* (PPW paragraph 6.1.1). In addition, PPW confirms that *'Historic assets should be subject to recording and investigation when they are affected by proposals that alter or destroy them. Historic assets are a non-renewable resource'* (PPW paragraph 6.1.2).

14.6 The overriding principle of Chapter 6 *The Historic Environment* is set out at paragraph 6.1.3: *'To enable the historic environment to deliver rich benefits to the people of Wales, what is of significance needs to be identified and change that has an impact on historic assets must be managed in a sensitive and sustainable way.'* In addition, PPW also asserts that *'The conservation of the historic environment also contributes to the Welsh Government's seven well-being goals for a sustainable Wales'* (PPW paragraph 6.2.2).

14.7 Local Planning Authorities (LPAs) have *'responsibility for considering the historic environment as part of their role in ... determining planning applications'* (PPW paragraph 6.3.6). LPAs must also have regard to national policies on the historic environment. With respect to World Heritage Sites, PPW confirms that the impacts of proposed developments on a World Heritage Site and its setting is a material consideration in the determination of any planning application (PPW paragraph 6.5.2). The conservation of archaeological remains is a material consideration in determining planning applications. Where *'nationally important archaeological remains'* and their setting are likely to be affected by proposed development, there *'should be a presumption in favour of their physical protection in situ'* (PPW paragraph 6.5.5).

14.8 When considering planning applications, PPW sets out that *'there should be a general presumption in favour of the preservation of a listed building and its setting'* (PPW paragraph 6.5.11). There is also a *'general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting'* (PPW paragraph 6.5.20).

### Local development plan policies

14.9 Following the submission of the 2008 ES, there have been changes to local planning policies as both BBNPA and RCT have adopted new local development plan documents. The new local planning policies relating to the built heritage of the area are set out below.

14.10 Rhondda Cynon Taf County Borough Local Development Plan (LDP) up to 2021 (adopted March 2011) includes:

**Policy AW 7 - Protection and Enhancement of the Built Environment**

*Development proposals which impact upon sites of architectural and / or historical merit and sites of archaeological importance will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.*

*Development proposals which affect areas of public open space, allotments, public rights of way, bridleways and cycle tracks will only be permitted where it can be demonstrated that :-*

1. *There is a surplus of such facilities in the locality, or;*
2. *The loss can be replaced with an equivalent or greater provision in the immediate locality; or*
3. *The development enhances the existing facility.*

14.11 The Brecon Beacons National Park Authority Local Development Plan 2007-2022 (adopted December 2013) includes an overall National Park policy with the aim to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park. Other relevant policies in respect of cultural heritage are:

**Policy 1: Appropriate Development in the National Park**

*All proposals for development or change of use of land or buildings in the National Park must comply with the following criteria, where they are relevant to the proposal:*

- i) *the scale, form, design, layout, density, intensity of use and use of materials will be appropriate to the surroundings and will maintain or enhance the quality and character of the Park's Natural Beauty, wildlife, cultural heritage and built environment;*
- ii) *the proposed development does not have an unacceptable impact on the economic, social, cultural and linguistic vitality and identity;*

**Policy 22: Areas of Archaeological Evaluation**

*Where important archaeological remains are known to exist or may exist within an area for archaeological evaluation, the archaeological implications of development proposals shall be evaluated by qualified and independent Archaeologists before planning applications are determined. Planning permission will not be granted where the evaluation is deemed inadequate by the NPA in consultation with its archaeological advisor.*

**ARCHAEOLOGICAL AND CULTURAL HERITAGE FEATURES**

**Features of interest within the site**

14.12 For the preparation of the 2008 ES, information was obtained from both Cadw (the Welsh Government's historic environment division) and the Glamorgan Gwent Archaeological Trust (GGAT), as to the likely presence of archaeological artefacts or cultural heritage features at the site which would require consideration.

14.13 In the 2008 ES, it was stated that GGAT confirmed that the Historic Environment Record showed no known sites within the proposed development area. This was unsurprising given that this is a previously developed site that was substantially levelled, drained and remodelled by the former Welsh Development Agency to render it attractive for new development. In view of this GGAT concluded that, should proposals for the development of this site be submitted, they would be unlikely to recommend that there is a requirement for any archaeological condition to be attached to any consent granted nor would there be a need for an archaeological input into an ES/EIA.

14.14 Planning permissions were issued by BBNPA and RCT in December 2010. Neither planning permission included a condition in respect of archaeology or heritage. This is consistent with the conclusion that the proposals lacked the propensity to exert direct significant adverse effects on heritage assets. It is expected that the amended development now proposed at the site would likewise have no adverse effects and would not require any archaeological condition to be attached to any future consent granted.

### Historical sites in the wider locality

14.15 The 2008 ES identified statutory and undesignated cultural heritage and archaeology assets that might potentially be affected by the proposals. For the purpose of the current ES addendum, a review has been undertaken to establish whether any new assets have been discovered or designated. The picture is the same as presented in the 2008 ES, with the following additions.

14.16 Two designated heritage assets identified in the review were not referenced in the 2008 ES:

- The Rectory at Penderyn is a grade II listed building (List No. 1848) located in its own grounds on the south side of the church and the south side of Church Road, 1.6 km north of the site. It is listed as a 19th century rectory in the Georgian style retaining original character, and as part of a group including the church, churchyard wall, and a signpost beside the lych gate. The rest of this group was included in the 2008 assessment. The Rectory is surrounded by mature trees and other vegetation and the setting of the property and the group of which it forms a part would be unaffected by the current proposals.
- The Glynneath Gunpowder Works are a Scheduled Ancient Monument (Monument No. BR 230) located immediately to the west of the River Mellte which provided a useful source of energy to power waterwheels and turbines that powered the manufacturing processes. The Works were established in 1857 to produce black powder for use in mining and quarrying, and operated until the early 1930s, although the works had many different owners over this time. The Glynneath Gunpowder Works are located approximately 2.3km north west of the site. Intervening terrain and vegetation mean that there is no intervisibility between the works and the current proposals.

14.17 In addition, one historic property – Heritage Cottage at Cwmdare – has been acquired by Cadw. The property lies 5.6 km to the south-east of the development site. According to Cadw's website:

*Heritage Cottage is a great example of a mid-19th century miner's cottage. Uniquely, it retains many of its original features including a stone corner stairs, a cast iron fireplace bearing the date 1854, and a larder complete with its slate slab. The cottage is being conserved and*

*restored using traditional techniques and will be a case study in how historic properties can be efficiently and sympathetically brought in to modern use.*

14.18 Due to the intervening topography and vegetation between the development site and the Heritage Cottage, notably Mynydd Cefn-y-gyngon, there would be no intervisibility between the Enviroparks development from Heritage Cottage and no potential for adverse effects on setting.

## CONCLUSION

14.19 The potential impacts from the proposed development on archaeology or cultural heritage features or designated sites has been assessed against the significance matrix provided in the 2008 ES.

14.20 The conclusion is the same as the 2008 ES. The lack of any likely archaeological or historical features on or around the site, and the distance of the proposed development from any significant features of interest, indicate that the potential effects of the proposed development on the cultural heritage of the Hirwaun or Brecon Beacons area would be **negligible**. It is considered that no listed buildings or Scheduled Monuments, historic parks and gardens, registered battlefields or Conservation Areas would be directly affected by the proposed scheme.

14.21 This conclusion is supported by the response from the Welsh Government to EWL's pre-application consultation, described in the *Pre-Application Consultation Report* that accompanies the current planning applications. In a letter dated 6 February 2017, the Welsh Government advised that:

*Having carefully considered the information provided with the pre-planning application, our records show that there are no scheduled monuments or registered historic parks and gardens within the vicinity of the proposed development. We therefore have no comments to make on the proposed development.*

14.22 This chapter has also identified updates to law and policy in respect of heritage assets. Unsurprisingly in view of the conclusion of the preceding paragraph, the new law and policy do not affect the conclusion of the original assessment.

## MITIGATION

14.23 Notwithstanding the presence of the additional heritage assets identified above, the conclusion in paragraph 14.28 of the 2008 ES to the effect that no specific mitigation measures are required in order to protect the cultural heritage of the area from the effects of the proposed development remains unchanged.

14.24 As concluded in the 2008 ES, there are no residual adverse effects for consideration.