

S.73 APPLICATION TO VARY CONDITIONS 3 AND 4

ENVIRONMENTAL STATEMENT ADDENDUM

CHAPTER 14: ARCHAEOLOGY & THE HISTORIC LANDSCAPE

**Ffos-y-Fran Land Reclamation Scheme, East of Merthyr Tydfil
CF48 4AE**

Merthyr (South Wales) Limited

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14.1.0 Introduction

S.73 Application Context

- 14.1.1 Planning permission for the operational surface coal mine at Ffos-y-Fran was originally granted under planning permission ref. A-PP 152-07-014 ('the original application'). The description of development was as follows:

"Application by Miller Argent (south Wales) Limited for the Ffos-y-Fran Land Reclamation Scheme, incorporating the extraction of coal by open cast methods, and being the final phase of the east Merthyr Reclamation Scheme."

- 14.1.2 The above permission was subsequently varied under a S.73 planning application (application ref. P/08/0316) which sought consent for:

"[The] Variation of condition 37 of planning permission A-PP 152-07-014 to permit the limited dispatch by road of up to 5% of the annual output of coal from the Ffos-y-Fran land reclamation scheme or a maximum of 50,000 tonnes of coal per annum (whichever is the lesser) via Cwmbargoed Disposal Point."

- 14.1.3 The application was refused by Merthyr Tydfil County Borough Council but the proposals were subsequently allowed at Appeal (Appeal ref. APP/U6925/A/10/2129921). The Appeal Decision was issued on the 11th of March 2011 and contained a comprehensive list of updated conditions, thereby superseding the original planning permission for the site as detailed above (permission ref. A-PP 152-07-014).

- 14.1.4 The purpose of this S.73 application is to allow for an extension to the lifespan of the mine. As such, the application seeks to vary the following conditions as contained within Appeal ref. APP/U6925/A/10/2129921:

- **Condition 3** – "All coal extraction from the development hereby permitted shall cease no later than 06 September 2022"; and
- **Condition 4** – "Final restoration of the land shall be completed no later than 06 December 2024 and aftercare shall be undertaken for a period of not less than 5 years upon certification of completion of each phase of the progressive restoration scheme."

- 14.1.5 The S.73 application, as submitted, seeks to extend the lifespan of the minerals extraction by a further 9 months. As such, the timescales stipulated within the above conditions will be varied to match this extended life span for the mine. No alterations are proposed to the extraction area or working practices at the mine as previously consented.

Consideration of S.73 Application

- 14.1.6 A review of the baseline Historic Environment has been undertaken to take account of any changes subsequent to the publication of Chapter 14: Archaeology & The Historic Landscape of the original 2003 Environmental Statement (ES). A review of the guidance and legislation informing the original ES in 2003 has also been undertaken.

- 14.1.7 The following information was submitted in support of the original application (ref. A-PP 152-07-

014) for minerals consent at the site, in relation to archaeology and the historic landscape:

- ES Chapter 14: Archaeology & The Historic Landscape
- Technical Assessment – Archaeological desk-based assessment
- Technical Assessment – Historic landscape characterisation
- Technical Assessment – Field evaluation
- Technical Assessment – Research into the Dowlais Free Drainage System

14.1.8 No additional information, in relation to archaeology and the historic landscape, was submitted in support of the subsequent S.73 application (ref. P/08/0316 / Appeal ref. APP/U6925/A/10/2129921) for the alternate haulage option at the site. The Appeal Decision reiterated **Condition 55** of permission APP 152-07-014, with regards to archaeology:

“The development hereby permitted shall not be carried out other than wholly in accordance with the phased Programme of Archaeological Work approved by the Local Planning Authority in accordance with condition 55 of permission APP 152-07-014.”

“For the duration of the development hereby permitted the site operator shall retain the services of an archaeologist approved by the Local Planning Authority who shall undertake a watching brief over recognised archaeological features throughout the excavation and restoration period of the land reclamation scheme.”

14.1.9 This was included to protect or record the archaeological features on the site.

14.1.10 All of the above technical assessments and associated ES Chapters have been reviewed in the undertaking of this Environmental Statement Addendum and the findings contained herein.

Purpose and Structure of Chapter

14.1.11 This chapter of the Environmental Statement Addendum (ESA) considers the impact of the proposed material amendments in relation to archaeology and the historic landscape.

14.1.12 This Chapter includes consideration of:

- changes in legislation, policy and guidance relating to the Historic Environment since 2003; and
- any changes to the baseline environment, both within and beyond the site.

14.2.0 Methodology

- 14.2.1 To inform the original ES Chapter, a series of archaeological studies were undertaken. Firstly, an archaeological desk-based assessment reviewed the previously existing information about the archaeological resource within the site and a defined study area surrounding it. Secondly, historic landscape character studies were carried out to provide further information on the significance of the historic landscape within which the Site is located and the effects that the proposals would have. The landscape in question is the Registered Historic Landscape of Merthyr Tydfil (HLW (MGL) 2). As part of the ES Chapter, and in addition to the historic landscape character studies, an Assessment of the Significance of the Impact of Development on Historic Landscape (ASIDOHL) was undertaken.
- 14.2.2 Following these desk-based studies, a field evaluation was conducted. The evaluation comprised 34 test pits, each c. 4m x 1.8m, excavated down to the underlying natural bedrock (maximum depth of c. 2m depth). These test pits were located within the southern part of the site, between the disused quarries at Garth Fawr and the steep sided valley of Cwm Golau and Nant Gyrawd. This maximised coverage of the general area and allowed for investigation of the possible archaeological features identified by the desk-based assessments and associated walkover survey.
- 14.2.3 Additionally, further research was commissioned into the Dowlais Free Drainage System. This research formed the basis of a review of the condition, integrity and value of the water features associated with the Dowlais Ironworks in general, and those that would be affected by the proposals.
- 14.2.4 Within the original ES Chapter, impacts upon the following were considered:
- below-ground archaeological remains;
 - built heritage; and
 - historic landscape.
- 14.2.5 A range of adverse direct and indirect impacts were identified. Adverse direct impact on below-ground archaeology and built heritage features was discussed on pages 139-142 of the original ES Chapter. Adverse direct and indirect impact on historic landscape was discussed, in depth, on pages 99-137.

Changes in Legislation, Guidance and Planning Policy

Historic Environment (Wales) Act 2016

- 14.2.6 The Act made several amendments to the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990. The new Act was intended to give more effective protection to listed buildings and scheduled monuments, enhance existing mechanisms for the sustainable management of the historic environment, and introduce greater transparency and accountability into decisions taken on the historic environment.

Technical Advice Note 24: The Historic Environment

- 14.2.7 Technical Advice Note 24 (TAN 24) is to be read in conjunction with Planning Policy Wales (PPW) (see below) which sets out the land use planning policies of the Welsh Government, including for

the Historic Environment. The purpose of TAN 24 is to provide guidance on how the planning system considers the historic environment during development plan preparation and decision making on planning and Listed Building (LBC) applications. TAN 24 superseded the following policies: Welsh Office Circulars 60/96: Planning and the Historic Environment: Archaeology; 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas; and 1/98 Planning and the Historic Environment: Directions by the Secretary of State for Wales.

Guide to Good Practice on using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process Revised (2nd) Edition: Including Revisions to the Assessment Process (ASIDOHL2) (Cadw and CCW 2007)

14.2.8 The 2003 ES Chapter assessed the effect that the development had on the Registered Historic Landscape of Merthyr Tydfil by using the methodology of an Assessment of the Significance of Impact of Development On Historic Landscape areas (ASIDOHL). In 2007 the guidance of completing an ASIDOHL was revised.

14.2.9 The principal changes are to be found in the formulae and grading systems used in Stages 2–4 of the ASIDOHL process. To differentiate between the first and second edition, the assessment was named ASIDOHL2. Nonetheless, no alterations are proposed to the extraction area or working practices at the mine, as previously consented, and there will be no further impact upon the historic landscape.

Conservation Principles: For the sustainable management of the historic environment in Wales (Cadw 2011)

14.2.10 The guidance is used to aid the assessment of historic assets in terms of their significance. Significance is defined by Cadw as “*the sum of the cultural historic values of a place*”. Conservation Principles further defines that an asset’s derives from its historic values, including evidential, historical, aesthetic, and communal value. This approach allows for a detailed and justifiable determination of heritage significance and the interests from which that significance derives.

Setting of Historic Assets in Wales (Cadw 2017a)

14.2.11 The guidance explains what setting is, how it contributes to the significance of a historic asset and why it is important. The guidance also demonstrates when and how to assess the impact of a proposed change or development within the setting of historic assets in several stages.

Heritage Impact Assessment in Wales (Cadw 2017b)

14.2.12 The guidance sets out the general principles to consider when planning changes to historic assets and applying for Listed Building, Conservation Area, and Scheduled Monument Consent. The guidance also explains why, when, and how to use the heritage impact assessment process and how to write heritage impact statements.

Planning Policy Wales

14.2.13 Planning Policy Wales (PPW) was originally published in 2002; however, the original 2003 ES chapter does not refer to it. PPW sets out the Welsh Government’s planning policies, under which Local Planning Authorities (LPAs) prepare their Local Development Plans (LDPs). The latest version of PPW, Edition 11, was published in February 2021.

Merthyr Tydfil Replacement Local Development Plan 2016 – 2031

- 14.2.14 Local planning policy has also changed since the publication of the 2003 ES Chapter. The most recent Local Development Plan (LDP) was adopted in January 2020. The LDP has policies that specifically relate to the historic environment, including Policy CW1: The Historic Environment and Policy CW2: Cyfarthfa Heritage Area. Policy CW1 would be the only relevant local policy, however, as the 'Cyfarthfa Heritage Area' relates to a specific area around the Grade I Listed Cyfarthfa Castle, closer to the town centre.

Assessment Methodology

- 14.2.15 The assessment methodology for the Historic Environment was defined within Chapter 14 of the original ES. However, the sections below detail changes to this methodology in light of more recently adopted policy.
- 14.2.16 The historic assets included in the 2003 ES were characterised in accordance with the *Design Manual for Roads and Bridges, Vol. 11: Section 3, Part 2*. The current approach for assessing the significance of historic assets, the magnitude of change brought about by a development, and thus the significance of the effects is outlined below.

Historic Significance

- 14.2.17 The assessment of historic significance is guided primarily by the policies and guidance contained in *Conservation Principles* (Cadw 2011). The significance of a historic asset is considered to derive from the four key 'values' set out in Table 14-1 below.

Table 14-1: Historic Significance

Significance	Description
Evidential	Derives from those elements of an historic asset that can provide evidence about past human activity, including its physical remains or historic fabric.
Historical	Derives from aspects of past ways of life, or association with notable families, persons, events, or movements – it embodies the connection between past events and society with the present.
Aesthetic	Derives from the sensory and intellectual stimulation drawn from an historic asset. It may include its physical form, and how it lies within its setting. It may also be the result of design, or an unplanned outcome of a process of events.
Communal	Derives from the meanings that an historic asset has for the people who relate to it, or for whom it figures in their collective experience or memory. It may be commemorative or symbolic and relate to issues of identity or collective memory.

Sensitivity Criteria

- 14.2.18 The criteria for assessing the sensitivity of a historic asset are set out in Table 14-2 below. These broad categories reflect current heritage statute and policy for Wales, and professional best-practice guidance (see following publications *Setting of Historic Assets in Wales* (Cadw 2017a) and *Heritage Impact Assessment in Wales* (Cadw 2017b)). The terms expressed in Paragraph 6.1.3 of the Planning Policy Wales (PPW) (Edition 11, 2021) are also used, and this defines the 'most important historic assets', namely World Heritage Sites, Scheduled Monuments, Protected Wreck Sites, Registered Battlefields, Grade I and II* Listed Buildings, and Grade I and II* Registered Parks and

Gardens.

Table 14-2: Sensitivity of historic assets

Sensitivity	Description
Very High	- World Heritage Sites (including nominated sites). - Assets of acknowledged international importance. - Assets that can contribute significantly to acknowledged international research objectives.
High	- Scheduled Ancient Monuments (including proposed sites). - Undesignated assets of schedulable quality and importance. - Grade I and II* Listed Buildings. - Other listed buildings that can be shown to have exceptional qualities in their fabric or historical associations not adequately reflected in the listing grade. - Conservation Areas containing very important buildings. - Undesignated structures of clear national importance. - Assets that can contribute significantly to acknowledged national research objectives.
Medium	- Designated or undesignated assets that contribute to regional research objectives. - Grade II Listed Buildings. - Historic (unlisted) buildings that can be shown to have exceptional qualities in their fabric or historical associations. - Conservation Areas containing buildings that contribute significantly to its historic character. - Historic Townscape or built-up areas with historic integrity in their buildings, or built settings (e.g., including street furniture and other structures).
Low	- Designated and undesignated assets of local importance. Assets compromised by poor preservation and/or poor survival of contextual associations. - Assets of limited value, but with potential to contribute to local research objectives. 'Locally Listed' buildings. - Historic (unlisted) buildings of modest quality in their fabric or historical association. - Historic Townscape or built-up areas of limited historic integrity in their buildings, or built settings (e.g., including street furniture and other structures).
None	- Assets with very little or no surviving archaeological interest. - Buildings of no architectural or historic note; buildings of an intrusive character.

Magnitude of Change (Impact)

- 14.2.19 The descriptions of change describe the ways in which a historic asset or elements of its setting may be harmed by (or benefit from) a development. This includes the consideration of issues, such as: which, and how many, elements of an asset are affected; whether the change physically modifies the asset or whether it comprises changes in visual aspects, noise or access that would alter its setting; and whether the change in the significance of an asset will be adverse or beneficial.
- 14.2.20 The magnitude of change on historic assets can be assessed using the criteria in Table 14-3 below.

Table 14-3: Magnitude of Change

Magnitude of Change	Description
High	Change to most or all key archaeological or historic building elements, such that the asset is totally altered. Total changes to setting of archaeological or historic building assets. Change to most or all key historic landscape elements, parcels, or components; extreme visual effects; gross change of noise or change to sound quality; fundamental changes to use or access; resulting in total change to the character of a historic landscape area.
Medium	Changes to many key archaeological or historic building elements, such that the asset is noticeably modified. Changes to setting of archaeological or historic building assets, such that it is noticeably modified. Changes to many key historic landscape elements, parcels, or components; visual change to many key aspects of the historic landscape; noticeable differences in noise or sound quality; considerable changes to use or access; resulting in moderate changes to the character of a historic landscape area.
Low	Very minor changes to archaeological or historic building elements or their settings. Very minor changes to key historic landscape elements, parcels, or components; virtually unchanged visual effects; very slight changes in noise levels or sound quality; very slight changes to use or access; resulting in very small change to the character of a historic landscape area.
None	No changes to archaeological or historic building elements or their settings. No changes to key historic landscape elements, parcels, or components; unchanged visual effects; no changes in noise levels or sound quality; no changes to use or access; no change to the character of a historic landscape area.

Significance of Effect

- 14.2.21 The significance of effect upon any historic asset is a product of the significance of the asset, and the magnitude of impact upon it. This is summarised in Table 14-4 below. Where two alternatives are given in the table, professional judgement would be used to decide which best reflects the significance of effect upon the heritage asset.

Table 14-4: Significance of Effect

Magnitude of Effect	Sensitivity of Receptor				
		High	Medium	Low	Negligible
	High	Substantial / Major	Substantial / Major	Moderate	None
	Medium	Substantial / Major	Moderate	Minor	None
	Low	Moderate	Minor	Minor	None
	None	None	None	None	None

- 14.2.22 Regarding the significance of the effect upon historic assets, the key principle to be considered is whether the effect is significant. In Environmental Impact Assessment terms, 'significant' effects are considered to be of 'Moderate' significance of effect or higher, as highlighted in Table 14-4 above. The significance of effect can be adverse or beneficial. Such effects may also be temporary or permanent, and reversible or irreversible.
- 14.2.23 The measured significance of effect may be equated to key concepts in planning policy and heritage

guidance regarding the assessment of development effects upon heritage assets, as per Table 14-5 below. Key principles that are considered, in accordance with PPW. When a significant effect is identified, it may be appropriate to propose suitable mitigation measures to avoid, reduce or offset the effect.

Table 14-5: Criteria for Significance of Effect

Significance of Effect	Criteria
Substantial/Major Adverse	- Extensive harm to or total loss of the value of a designated historic asset (or asset worthy of designation) such that development should not be consented unless substantial public benefit is delivered by the development. - Total loss of a non-designated heritage asset of medium value (i.e., which may contribute to regional research objectives) without compensatory mitigation measures agreed with statutory consultees. - Harm to a landscape designated by virtue of its historic landscape value.
Moderate Adverse	- Less than extensive harm to or total loss of the value of a designated historic asset (or asset worthy of designation) such that the harm should be weighed against the public benefit delivered by the development to determine consent. - Total loss of a non-designated historic asset of medium value (i.e., which may contribute to regional research objectives) with compensatory mitigation measures agreed with statutory consultees. - Harm to a non-designated historic asset, of a greater degree than that perceived of as Minor Adverse, which should be considered in determining an application. - Harm to a historic landscape type of more than limited significance, and of some rarity.
Minor Adverse	- Harm to a non-designated historic asset that can be adequately compensated through the implementation of a program of industry standard mitigation measures. - Harm to a historic landscape type of limited heritage significance, and not of a rare form. - Less than substantial harm to the value of a designated historic asset, of a lesser degree than that perceived as Moderate Adverse, but which should still be weighed against the public benefit delivered by the development to determine consent.
None	Effect that is nil.
Minor Beneficial	Development will deliver a positive contribution and / or better reveal the value of a non-designated historic asset.
Moderate Beneficial	Development will deliver a positive contribution and / or better reveal the value of a designated historic asset (or asset worthy of designation) such that an application should be treated favourably.
Major Beneficial	Development will deliver a positive contribution and / or better reveal the value of a historic asset of recognised international value such that an application should be treated very favourably.

Mitigation Hierarchy

- 14.2.24 Within the original 2003 ES Chapter a detailed mitigation hierarchy was described (pages 138-147). Where it was not possible to avoid adverse effects, i.e., deep topsoil stripping and underground workings, options for reducing and/or offsetting the effects were suggested. This included such measures as surveying and recording, field evaluations, and archaeological monitoring.

Effects Not Requiring Further Assessment

14.2.25 No alterations are proposed to the extraction area or working practices at the mine as previously consented. As such, the effects not requiring further assessment that were assessed within the original ES chapter are those relating to:

- topsoil stripping and storage;
- road construction;
- haulage road construction;
- overburden removal;
- extraction of material;
- water treatment works installation; and
- drainage.

14.3.0 Changes in Baseline Conditions

Original ES Baseline

- 14.3.1 The baseline at the time of the original application was set out within Section 14.4 and 14.5 of the original ES.

Original ES Future Baseline

- 14.3.2 No future baseline was defined within the original ES.

Current Baseline

- 14.3.3 A review of the current baseline, including designated and non-designated historic assets, suggests that no further historic assets have been identified within the site or the immediately surrounding area.
- 14.3.4 Additionally, as highlighted above, no alterations are proposed to the extraction area or working practices at the mine. Therefore, there is no potential for as yet unknown features to be present within the site.

Changes in Baseline

- 14.3.5 Section 14.4 and 14.5 of the original ES establish the current baseline considerations. Upon review, it can be confirmed that there have been no subsequent changes to the baseline.

14.4.0 Assessment of Effects

- 14.4.1 The original ES assessment of effects upon identified historic receptors is detailed in Section 14.8.3 of the original ES Chapter. These effects range from None up to Major. No alterations are proposed to the extraction area or working practices at the mine as previously consented. Therefore, the effects will be unchanged from those considered under the original ES Chapter.

Additional Effects

- 14.4.2 There will be no additional effects associated with the Historic Environment beyond those identified within the original ES Chapter.

Additional Cumulative Effects

- 14.4.3 There will be no additional cumulative effects associated with the Historic Environment beyond those identified within the original ES Chapter.

Consideration of Original ES

- 14.4.4 There will be no alterations to the extraction area or working practices, and therefore no new or increased effects on the Historic Environment beyond those identified within the original ES.

14.5.0 Requirement for Additional Mitigation or Monitoring

- 14.5.1 Mitigation measures were set out in the original ES Chapter (Section 14.8 and 14.9). These mitigation measures were relevant to the Historic Environment in relation to the works highlighted in Section 14.2.25 above.
- 14.5.2 No further mitigation, beyond that laid out in the original ES Chapter, will be required as a result of a time extension to the mineral extraction at the site.

Original ES Mitigation

- 14.5.3 The original ES Chapter provided a range of mitigation measures, as follows:
- Where “No effects” to heritage receptors were identified, condition surveys were recommended. These were to include the taking of photographs and field notes. Where a feature was associated with another feature that would be affected by groundworks, the recording was to be more detailed.
 - Where “Slight or moderate adverse effects” to heritage receptors were identified, condition surveys, survey and recording of exposed features, field evaluation, and archaeological monitoring were recommended.
 - Where “Major effects” to identified heritage receptors were identified, survey and recording, field evaluation, local investigation, and artefact recovery documentation and emergency conservation works were recommended.

Subsequent Mitigation or Monitoring

- 14.5.4 The original ES Chapter also included mitigation provisions for the monitoring and enhancement of the retained archaeological features and landscapes during the aftercare and restoration phases of the scheme.
- 14.5.5 Additionally, the original ES Chapter provided provisions for future site drainage, to be “*designed in order to retain the character of the Free Drainage System*”. It was further noted that this stage would involve Cadw and other interested parties.

Alternate or Additional Mitigation and Monitoring

- 14.5.6 No alternate or additional mitigation is required beyond that set out in the original ES Chapter.

14.6.0 Residual Effects

- 14.6.1 The effects upon the Historic Environment, following mitigation measures, are outlined in Section 14.8.4 of the original ES Chapter. The original assessment categorised the effects upon the identified heritage receptors as being either Minor Adverse or Beneficial.

Consideration of Original ES

- 14.6.2 There are no changes to the effects previously identified within the original ES.

14.7.0 Other Environmental Issues

14.7.1 This Section identifies any relevant environmental effects upon other environmental topics included in the EIA (i.e., besides Archaeology and Historic Landscape). Where there are no such effects, this is also specified below for clarity.

14.7.2 Please see Chapter 22 for a summary of the 'Other Environmental Issues' identified across all of the technical assessments undertaken and the Chapters prepared as part of the ES.

Other Environmental Issues of Relevance

Infrastructure

14.7.3 The risks associated with Infrastructure are not of relevance to this Chapter.

Waste

14.7.4 The risks associated with Waste are not of relevance to this Chapter.

Population and Human Health

14.7.5 The risks associated with Population and Human Health are not of relevance to this Chapter.

Climate and Carbon Balance

14.7.6 The risks associated with Climate and Carbon Balance are not of relevance to this Chapter.

Risks of Major Accidents and/or Disasters

14.7.7 The risks associated with Risks of Major Accidents and/or Disasters are not of relevance to this Chapter.

Summary

14.7.8 With regards to the EIA regulations 2017, in terms of the Historic Environment there are not considered to be any likely significant effects with regards to Other Environmental Issues.

14.8.0 Summary of Effects

- 14.8.1 There will be no changes to the construction phase. There are no alterations to the extraction area or working practices at the mine as previously consented.
- 14.8.2 There is a slight change to the operational phase, i.e., the proposed extension of mineral extraction by a further nine months. However, this slight change will not result in any additional impact upon the Historic Environment. Therefore, operational phase impacts associated with the Historic Environment will be unchanged from those identified in the original ES.
- 14.8.3 The proposed amendments will not alter the effects as identified within the original ES.

14.9.0 Conclusions

- 14.9.1 The impact of the proposed changes on the Historic Environment are **None**. The proposed amendments will not alter the assessment of potential effects set out in the original ES Chapter, and no additional mitigation measures will be required.

REFERENCES

Cadw 2011, *Conservation Principles: For the sustainable management of the historic environment in Wales*

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