

## **Adroddiad**

Ymchwiliad a gynhaliwyd ar 05/12/17

Ymweliad â safle a wnaed ar 05/12/17

**gan Kay Sheffield BA(Hons) DipTP  
MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 26.01.2018**

## **Report**

Inquiry opened on 05/12/17

Site visit made on 09/01/18

**by Kay Sheffield BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 26.01.2018**

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TOWN AND COUNTRY PLANING ACT 1990

SECTION 78 APPEAL

BY RHOSCROWTHER WINDFARM LIMITED

LAND SOUTH OF VALERO AND EAST OF RHOSCROWTHER, REFINERY ROAD,  
HUNDLETON, PEMBROKE, PEMBROKESHIRE

Cyf ffeil/File ref: APP/N6845/A/15/3025045

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## **Abbreviations**

Angle Community Council	ACC
Above Ordnance Datum	AOD
Assessment of Significance of Impact of Development on Historic Landscape Area	ASIDHOL
Construction and Environmental Management Plan	CEMP
Campaign for the Protection of Rural Wales	CPRW
Decommissioning and Restoration Plan	DRP
Department of Energy & Climate Change	DECC
Digest of UK Energy Statistics	DUKES
Development of National Significance	DNS
Energy Policy Statement	EPS
English Heritage	EH
Enterprise Zone	EZ
Environmental Impact Assessment	EIA
Environmental Statement	ES
Guidelines for Landscape and Visual Impact Assessment	GLVIA3
Habitat Management Plan	HMP
Haven Waterway Enterprise Zone	HWEZ
Historic Landscape Aspect Area	HLAA
Landscape Character Area	LCA
Landscape and Visual Impact Assessment	LVIA
Listed Building	LB
Local Planning Authority	LPA
Ministry of Defence	MoD
National Energy Foundation	NEF
National Policy Statement	NPS
Natural Resources Wales	NRW
Ordnance Survey	OS
Pembrokeshire Coast National Park Authority	PCNPA
Pembrokeshire Coast National Park Local Development Plan	PCLDP
Pembrokeshire Coast National Trail	PCNT
Pembrokeshire County Council	PCC
Pembrokeshire Local Development Plan 2013	LDP
Planning Policy Wales	PPW
Planning (Wales) Act 2015	PWA

Regent Refinery Company Act, 1962	RRC Act
Renewable Energy Assessment	REA
Residential Visual Amenity Assessment	RVAA
Review of the Local Development Plan	LDP2
Rhoscrowther Windfarm Limited	RWF
Scheduled Ancient Monument	SAM
Secretary of State	SoS
Simplified Planning Zone	SPZ
Site of Special Scientific Interest	SSSI
Special Area of Conservation	SAC
Supplementary Environmental Information	SEI
Statement of Common Ground	SoCG
Strategic Search Area	SSA
Supplementary Planning Guidance	SPG
Supplementary Written Statement of Evidence	SWSOE
Technical Advice Note 8: Planning for Renewable Energy	TAN 8
Technical Advice Note 24: The Historic Environment	TAN 24
Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 Act	LB & CA
UK Renewable Energy Strategy	UK RES
Urban Vision Consultants	UV
Visual and Sensory Aspect Area	VSAA
Wales Spatial Plan	WSP
Well-being of Future Generations (Wales) Act 2015	WBFG Act
Welsh Government	WG
Written Statement of Evidence	WSoE
Zone of Theoretical Visibility	ZTV

**File Ref: APP/N6845/A/15/3025045**

**Site address: Land South of Valero and East of Rhoscrowther, Refinery Road, Hundleton, Pembroke, Pembrokeshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Rhoscrowther Windfarm Limited against the decision of Pembrokeshire County Council.
- The application Ref 13/0876/PA, dated 15/01/2014, was refused by notice dated 21/01/2015.
- The development proposed is to construct and operate 5 wind turbines with a maximum tip height of 100 metres together with ancillary development comprising substation, control building, new and upgraded access points, access tracks, hardstanding and temporary construction compound and associated works.
- This report supersedes that issued on 04/02/2016. That decision on the appeal was quashed by order of the High Court.

**Summary of recommendation: the appeal be dismissed.**

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**Procedural and background matters**

1. The application subject of the appeal was refused by Pembrokeshire County Council (PCC) in January 2015 and was subsequently appealed. Following an Inquiry, the appeal was dismissed in February 2016. However, the Inspector's decision was overturned by consent with the Welsh Ministers conceding that the Inspector's approach to the relationship between the change in setting and harm to a heritage asset had been defective. The starting point of this appeal is that the previous decision and the conclusions reached have no legal effect. The merits of the case must be determined as if they had not been previously considered. I have dealt with the appeal on this basis.
2. Although the previous decision on the appeal was made by the Inspector on behalf of the Welsh Ministers, the proposal now falls within the categories and thresholds of the Developments of National Significance (DNS) process. All appeal proposals which fall within the categories and thresholds of the new Developments of National Significance process are now recovered for determination by the Welsh Ministers. The appeal has therefore been recovered in accordance with section 79 and paragraph 3(1) of Schedule 6 to the Town and Country Planning Act ("the 1990 Act").
3. I opened an Inquiry into the appeal on 5 December which sat for four days. Due to adverse weather conditions an accompanied site visit was delayed until 9 January 2018 and I carried out unaccompanied visits on 8 and 10 January. During the accompanied visit I attended properties and viewpoints within the local area and visited more distant viewpoints referred to in evidence unaccompanied. Visibility during the accompanied visit was slightly restricted and I therefore took advantage of clearer conditions the following day to return to many of the viewpoints visited the previous day.
4. The planning application was accompanied by an Environmental Statement (ES) which was prepared and submitted in accordance with The Environmental Impact Assessment Regulations 2009 as amended. The ES comprises Volume 1: Main Text; Volume 2: Figures; Volume 3: Technical Appendices; ES addendum and Figures (dated 24/07/2014); and

Archaeological Evaluation Report (dated April 2015). The ES includes a Landscape and Visual Impact Assessment (LVIA) which followed the methodology established by the Guidelines for Landscape and Visual Impact Assessment (GLVIA3). At the request of PCC the initial LVIA was supplemented by further assessment work which forms the addendum to the ES.

5. Prior to the Inquiry PCC questioned whether the ES and subsequent addendum remained complete for the purpose of the regulations. I reviewed the ES in the light of the question raised by PCC and the comments submitted on the matter by Rhoscrowther Windfarm Limited (RWF). On the information before me I found that the ES continued to address the significant effects of the proposed development on the environment that are likely to arise as a result of the development subject of the appeal. I therefore concluded that the ES and subsequent addendum remain complete for the purposes of the current regulations.
6. Following the submission of an Archaeological Evaluation Report and agreement of acceptable mitigation, PCC's second reason for refusal relating to archaeology was not pursued as part of the previous Inquiry. Subject to the imposition of appropriate planning conditions it remains the case that the development would not have a significant or unacceptable archaeological impact. The second reason for refusal has therefore not been explored in the re-determination of the appeal.
7. The Pembrokeshire Branch of the Campaign for the Protection of Rural Wales (CPRW) appeared at the Inquiry in opposition to the proposal and was awarded Rule 6 party status in the proceedings.

### **The site and its surroundings**

8. The appeal site occupies an area of approximately 11 hectares on land near to the village of Rhoscrowther, 9km west of Pembroke and 4km east of Angle. The site is within countryside to the south of the Haven Waterway in an area characterised by undulating farmland, dotted with farmsteads and occasional buildings sited alone or grouped in small clusters. It is located on the slopes of a shallow valley between two gently rolling low ridgelines that run east/west with the ridgeline to the north rising to approximately 63m AOD and that to the south rising to approximately 59m AOD. A stream passing through the site drains into the sea in Angle Bay approximately 1.3km to the west. There are some small ponds and a small patch of riparian broadleaved woodland and marshy areas associated with this stream but the rest of the appeal site is a mix of improved grassland and arable land within a semi-regular pattern of small and medium sized fields bounded mainly by hedgerows.
9. The Valero Oil Refinery (the refinery) is located to the north of the site on rising land. It is a large sprawling industrial complex which includes six tall stacks up to 169m high, with buildings, a multitude of tanks, pipework, gantries and other structures including extensive car parking. There are solar farms at Hoplass and Wogaston Farms to the south east of the site and slightly further afield to the north east is the Pembroke Power Station (the power station) and extensive electricity transmission lines. To the west of the site on the shores of Angle Bay are the remains of the former BP Oil

Storage site. Both the site and the refinery lie within the Haven Waterway Enterprise Zone (HWEZ).

10. The site lies close to the boundary of the Pembrokeshire Coast National Park (PCNP). The boundary runs in a north-south direction a short distance to the west of the site, encompassing the eastern margins of Angle Bay and continuing south and east to include the Angle Peninsula and Freshwater West. The turbines would be located between approximately 500m and a little over a kilometre from the National Park boundary at its nearest point.
11. There are no dwellings within the site. There are sporadic dwellings, including farmsteads, in the surrounding area including a cluster of properties at Wallaston Green and on the lane which runs to the south of the site, the nearest being approximately 800m from the nearest turbine. Within Rhoscrowther village the nearest residential property is situated approximately 600m from the nearest turbine. As a result of an incident at the refinery in the early 1990's most of the residents moved out of the village and many of the properties have been demolished. Whilst at the time of the Inquiry only two dwellings were occupied, it is understood that one of these has recently been vacated and only the dwelling nearest the site remains occupied.
12. There are no public rights of way across the site. However, there is a network of rural roads in the surrounding area which includes the B4320, the main road between Pembroke and Angle, and the minor roads to the north and south of the site boundary, the former also providing access to the refinery. Other public rights of way in the area include the Pembrokeshire Coast National Trail (PCNT).

### **Planning statute and policy**

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *"If regard is to be had to the development plan for the purpose of any determination under the planning acts the determination must be made in accordance with the development plan unless material considerations indicate otherwise"*. The development plan for the area in which the appeal site lies is the Pembrokeshire County Council Local Development Plan (LDP)<sup>1</sup>, adopted in 2013.
14. The Well-being of Future Generations (Wales) Act 2015 (WCFG Act) places a duty on public bodies to carry out sustainable development. The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when taking decisions on planning applications.
15. A plan-led approach is the most effective way to secure sustainable development. Legislation secures a presumption in favour of development in accordance with the development plan unless material considerations indicate otherwise. In taking decisions on individual applications, it is the responsibility of the decision-taker to judge whether this is the case using all

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<sup>1</sup> CD Volume 8 POL-33

available evidence, taking into account the key principles and key policy objectives of planning for sustainability.

16. Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (LB & CA Act) states that in considering whether to grant planning permission for development which affects a listed building or its setting the decision maker “*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*”

*Pembrokeshire County Council Local Development Plan*

17. In refusing planning permission PCC cited strategic policy SP 16 together with general policies GN.1, GN.4 and GN.38. Also cited in evidence are strategic policies SP 1, SP 2, and SP 3.
18. Policy SP 16 seeks to meet the essential requirements of people who live and work in the countryside whilst protecting the landscape and natural and built environment of Pembrokeshire and adjoining areas. It makes provision for certain types of rural development, although these are not relevant to this proposal.
19. Policy GN.1 provides a framework for the evaluation of development proposals. With regard to visual and landscape effects the policy states that development will be permitted where:
- the nature, location, siting and scale of the proposal are compatible with the capacity and character of the site and the area in which it is located (criterion 1);
  - the proposal would not result in a significant detrimental impact on local amenity in terms of, amongst other things, visual impact or an increase in noise (criterion 2);
  - the development would not adversely affect landscape character, quality or diversity, including the special qualities of the PCNP and neighbouring authorities (criterion 3); and
  - the natural environment, including protected habitats and species, is protected and respected (criterion 4).

The special qualities of the PCNP include coastal splendour; diverse geology; diversity of landscape; distinctive settlement character; rich historic environment; cultural heritage; richness of habitats and biodiversity; islands; accessibility; space to breathe; remoteness, tranquillity and wildness; and the diversity of experiences and combination of individual qualities<sup>2</sup>.

20. Whilst Pembrokeshire lies outside of a Strategic Search Area (SSA), the LDP recognises that the county “*has significant potential to provide further energy from all renewable sources, building on its existing role as an energy centre*”<sup>3</sup>. The aim of Policy GN.4 is to encourage further use of renewables to produce energy, which will help to meet Government targets for generating power from renewable resources. The policy therefore supports developments which enable the supply of renewable energy through

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<sup>2</sup> CD Volume 8 POL-36 page 34

<sup>3</sup> CD Volume 8 POL-33 page 85 paragraph 6.28



environmentally acceptable solutions. Onshore wind energy is recognised in the explanation of the policy as a form of renewable energy. It is also stated that *"The sites for these proposals do not necessarily have to be directly linked to new development proposals, but major schemes will often require a functional link between the source of power and a user of the end product and/or the National Grid"*. Furthermore it is stated that landscape impact, alone and in combination, will be a material consideration in the renewable energy proposals, with LANDMAP providing a valuable landscape analysis tool.

21. Pembrokeshire has a rich and varied historic environment made up of architectural, historical and archaeological features which, according to the LDP<sup>4</sup>, are integral to its quality and distinctiveness and a major asset to the county's visitor economy. Under Policy GN.38 proposals that affect sites and landscapes of architectural and/or historical merit or archaeological importance, or their setting, will only be permitted where it is demonstrated that their character and integrity would be protected or enhanced.
22. Policy SP 1 relates to the overriding objective of the LDP to deliver sustainable development and requires development proposals to demonstrate how positive economic, social and environmental impacts will be achieved and adverse impacts minimised.
23. Development is permitted under Policy SP 2 at the ports of Milford Haven and Fishguard for port related facilities and infrastructure, including energy related development. The policy is spatially defined on the Proposals Map and the explanation of the policy states that *"The spatial area defined recognises those areas that are most suitable for these forms of development, but the policy is not intended to protect such areas exclusively for such development"*<sup>5</sup>.
24. Policy SP 3 provides for the development of 173 hectares of employment land on a mix of strategic and local employment sites. The policy lists 4 strategic employment sites all of which fall within the boundary of the HWEZ. Whilst two of the sites were allocated in order to support the future development of port and energy related activities in proximity to the Haven Waterway, the appeal site is not allocated.

#### *Pembrokeshire County Council Supplementary Planning Guidance*

25. In October 2016 PCC adopted its Supplementary Planning Guidance (SPG) on Renewable Energy<sup>6</sup> which sets out the details and evaluations required in the submission of applications. The SPG seeks to ensure that the benefits resulting from renewable energy generation are balanced with economic, social and amenity impacts on local communities, and with environmental effects, including those on biodiversity, and visual and landscape considerations, including the historic environment.

#### *LDP Renewable Energy Assessment*

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<sup>4</sup> CD Volume 8 POL-33 page 128 paragraph 6.154

<sup>5</sup> CD Volume 8 POL-33 page 50 paragraph 5.9

<sup>6</sup> CD Volume 8 POL-34

26. Whilst a review of the LDP (LDP2) has commenced with the intention to publish a Review Report at the end of 2017, in the absence of any evidence in respect of its content it carries no weight in the determination of the appeal. However, PCC has published its LDP Renewable Energy Assessment, April 2017 (REA)<sup>7</sup> which represents the evidence base that is intended to inform LDP2 and presents the potential generation capacity for renewable and low carbon energy across the county. One of its purposes is also to be an aid to making decisions on planning applications.
27. The REA sought to identify opportunities for wind development of between 5MW and 25MW when assessed against identified environmental, heritage, transportation, air traffic control and radar interference constraints. Whilst the impact on landscape character was not considered a constraint that would prevent the practical deployment of wind energy development, it was recognised in the REA as a significant factor to be mindful of when reviewing opportunities for such development, particularly regarding the potential for cumulative impact in relation to the high numbers of existing and committed small, medium and large turbines that have been permitted within the county in recent years, and the potential impact upon the PCNP<sup>8</sup>.
28. Although the Welsh Government Toolkit recommends a 7km separation distance between potential and existing wind farm areas, in its assessment of cumulative impact the REA applied a 15km buffer. The REA recorded that, in line with the advice of *"the White Consultant's report"<sup>9</sup>, the Council concluded that the nature of the topography of Pembrokeshire forming many of the county's areas of outstanding and high quality landscapes (designated in LANDMAP), coupled with the National Park designation with its long boundaries, suggest that the higher separation distance of 15km would be justified, based on local circumstances. A key consideration is that there are few locations in Pembrokeshire that are further than 15km from the Park boundary."*<sup>10</sup>
29. The report also states that due to the proliferation of turbine installations the Council considered the 15km buffer zone should be applied to *"existing turbines (small to large) within and around the County area, and not just wind farms and significant wind turbine clusters"*. The application of a 15km buffer zone results in *"the exclusion of the whole of the study area for potential large scale turbines"*. The result would be the same if a 7km buffer was applied.
30. Having considered all the constraints the REA concluded that *"there is no renewable energy contribution from wind technology"*<sup>11</sup>. However it goes on to note that the assessment is *"too high level for detailed conclusions to be drawn for future wind turbine applications in Pembrokeshire. Consequently, detailed assessments would need to be carried out for individual applications"*

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<sup>7</sup> CD Volume 8 POL-35

<sup>8</sup> CD Volume 8 POL-35 page 17

<sup>9</sup> Pembrokeshire and Carmarthenshire: Cumulative Impact of Wind Turbines on Landscape and Visual Amenity Guidance – Whilst Consultants April 2013

<sup>10</sup> CD Volume 8 POL-35 page 18

<sup>11</sup> CD Volume 8 POL-35 page 18

*in terms of constraints, technical viability and landscape and cumulative impact as required by the Council's Renewable Energy SPG".*

#### *Haven Waterway Enterprise Zone*

31. The site lies within the HWEZ<sup>12</sup> which was established in 2012 following an application to Welsh Government (WG) from PCC. With around 20% of the UK's energy supplies being received via Pembrokeshire, the WG considered the HWEZ offered the opportunity to build on existing and potential new energy sites<sup>13</sup>. The EZ therefore seeks to promote energy related development within spatially defined areas. Whilst the HWEZ is designed to create the best possible conditions for business to thrive, development proposals would still need to comply with the policies and criteria of the LDP. The HWEZ is designated as a Simplified Planning Zone (SPZ).

#### *Pembrokeshire Coast National Park*

32. The site is not within the PCNP and planning policy of the Pembrokeshire Coast National Park Authority (PCNPA) cannot apply directly to the proposal. However, given the proximity of the National Park to the site, it is material to note the consideration given in the Pembrokeshire Coast National Park Local Development Plan (PCLDP)<sup>14</sup>, adopted in 2010, and the Authority's Renewable Energy SPG<sup>15</sup> to the scope for wind energy development in the PCNP.
33. Policy 33 of the PCLDP only permits large scale renewable energy schemes where they do not compromise the special qualities of the PCNP. Further guidance given in the SPG indicates that there may be limited opportunity for a single or small cluster of medium or large (under 100m to blade tip) scale turbines on land close to existing oil refinery chimneys to provide a new point of focus as long as they are sited sensitively taking into account guidance set out in the SPG in respect of each Landscape Character Area (LCA). LCA6: Castlemartin and Merrion Ranges and LCA7: Angle Peninsula constitute the areas of the PCNP closest to the appeal site. In respect of LCA6 the SPG guides turbines away from the coastal edge and alongside existing built development whilst ensuring that they do not compete with *"the church towers and spires as landmarks on the skyline"*<sup>16</sup> and protect historic and archaeological sites from infrastructure associated with turbines. In LCA7 the guidance similarly directs turbines away from the undeveloped coastal edge as well as away from the village of Angle. It also seeks to ensure traditional agricultural field patterns with hedges and hedgebanks are not affected<sup>17</sup>.

#### *National Policy*

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<sup>12</sup> CD Volume 7 POL-24, POL-25 and POL-25a

<sup>13</sup> Document 11 Written Statement by WG page 1

<sup>14</sup> CD Volume 8 POL-36

<sup>15</sup> CD Volume 8 POL-37

<sup>16</sup> CD Volume 8 POL-37 page 87

<sup>17</sup> CD Volume 8 POL-37 page 88

34. Insofar as national policy and advice are concerned, the most relevant documents are Planning Policy Wales (PPW)<sup>18</sup>, Technical Advice Note (TAN) 8: Planning for Renewable Energy and TAN 24: The Historic Environment. PPW has been updated since the submission of the application and it is edition 9 published in November 2016<sup>19</sup> which is the latest version. The parties had regard to edition 9 in their submissions and I have had regard to it in reaching my recommendation.
35. Section 12.8 of PPW highlights the UK target of 15% of energy from renewables by 2020 and the commitment of the (WG) to deliver this. Paragraph 12.8.2 states that *"Planning policy at all levels should facilitate delivery of both the ambition set out in Energy Wales: A Low Carbon Transition and UK and European targets on renewable energy"*. Local planning authorities are required by paragraph 12.8.9 to facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help tackle causes of climate change. At the same time paragraph 12.8.10 expects local planning authorities to *"ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed"*.
36. Paragraph 12.8.12 of PPW recognises that in the short to medium term, wind energy continues to offer the greatest potential (for activities within the control of the planning system in Wales) for delivering renewable energy. Wales has an abundant wind resource and power generation using this resource remains the most commercially viable form of renewable energy. It is also accepted that the *"introduction of new, often very large structures for onshore wind needs careful consideration to avoid and where possible minimise their impact. However, the need for wind energy is a key part of meeting the Welsh Government's vision for future renewable electricity production as set out in the Energy Policy Statement (2010) and should be taken into account by decision makers when determining such applications"*.
37. TAN 8<sup>20</sup> recognises that in areas outside SSAs there is a balance to be struck between the desirability of renewable energy and landscape protection. Whilst that balance should not result in severe restriction on the development of wind power capacity, there is a case for avoiding a situation where wind turbines are spread across the whole of a county. There is an implicit objective in TAN 8 to maintain the integrity and the quality of the landscape within the National Parks and Areas of Outstanding Natural Beauty, i.e. no change in landscape character from wind turbine development. In the rest of Wales and outside the SSAs, the implicit objective is to maintain the landscape character i.e. no significant change in landscape character from wind turbine development.
38. The TAN 8 Database 2017 – Review of On-Shore Wind Farm Development<sup>21</sup> provides a summary of the output of on-shore wind farm schemes over 5 MW in Wales which are being considered, have been approved or are

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<sup>18</sup> CD Volume 7 POL-14

<sup>19</sup> CD Volume 7 POL-17

<sup>20</sup> CD Volume 7 POL-16

<sup>21</sup> CD Volume 8 POL-42

operational as at 1 April 2017. The summary differentiates between projects for up to 50 MW, which are determined under Town and Country Planning legislation, and projects over 50MW, which until March 2016 were determined by the UK Government. It also distinguishes between the different SSA's as well as schemes outside of a SSA and separates schemes which have been operational prior to or since the publication of TAN 8 in 2005. The potential total is recorded as 1963.7 MW of which 879.2 MW is operational, 552 MW is consented and 532.5 MW is awaiting determination.

39. TAN 24<sup>22</sup> provides specific guidance on how aspects of the historic environment should be considered in the determination of planning applications.
40. A judgement has to be made over whether a proposed development may be damaging to the setting of the historic asset, or may enhance or have a neutral impact by removing existing inappropriate development or land use. TAN 24 recognises the multiple impacts of climate change on historic assets as a particular challenge. One of the measures that need to be taken in response to the impact of climate change is identified as renewable energy projects. TAN 24 goes on to state that the public benefit of taking action to reduce carbon emissions, or to adapt to the impact of climate change, should be weighed against any harm to the significance of assets.
41. In respect of the setting of an asset TAN 24 confirms that "*The setting of an historic asset includes the surroundings in which it is understood, experienced and appreciated. Its extent is not fixed and may change as the asset and its surroundings evolve. 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. Setting is not a historic asset in its own right but has value derived from how different elements may contribute to the significance of a historic asset*"<sup>23</sup> It goes on in paragraph 1.27 to state that factors which may affect the setting of an historic asset include: intervisibility with other historical or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.
42. When considering development proposals that affect scheduled monuments TAN 24 states that "*there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains*"<sup>24</sup>.
43. Further guidance is given in WG document "Setting of Historic Assets in Wales", 2017. It states "*the setting of a historic asset is made up of: its current surroundings; our present understanding and appreciation of the historic asset; and what (if anything) survives of its historic surroundings*"<sup>25</sup>. It also confirms that setting does not depend on public rights of way or current ability to access the asset or viewpoints, though these can contribute

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<sup>22</sup> CD Volume 9 HER-10 replaced WO Circulars 60/96, 61/96 and 1/98

<sup>24</sup> CD Volume 9 HER-10 paragraph 4.2

<sup>25</sup> CD Volume 9 HER-9 section 4.2

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to the significance of a historic asset and its setting. Likewise, the number of visitors to a site or viewpoint does not affect the importance of the setting.

44. UK Government National Policy Statements (NPS) set out the planning policy context for nationally significant infrastructure projects which are subject to the Planning Act 2008 regime. The overarching NPS for energy (EN-1) and NPS for Renewable Energy Infrastructure (EN-3) state that they are likely to be material considerations in decision making in respect of applications that fall under the Town and Country Planning Act 1990 (the 1990 Act).

### **Planning history**

45. With regard to the appeal site, planning permission<sup>26</sup> was granted by PCC in April 2013 for an anemometer mast for a temporary period of 18 months. The mast is no longer in place. No other applications on the site have been referred to in evidence.
46. Within the wider context there is sporadic turbine development on the northern side of the Haven Waterway, including at Wear Point, 3km to the north of the site which comprises four turbines with blade tip heights of 105m. Other similar developments in the local area include proposals on land at: Wogaston Farm and Hoplass Farm located to the south east of the appeal site; Broomhill Farm to the west of the appeal site; and south of the B4320 close to Corston Beacon Round Barrow. Both the Broomhill Farm and Corston Beacon sites are within the PCNP.
47. Two applications have been made in respect of Wogaston Farm. The first, which dates from 1999, was for three turbines with blade tip heights of 73m<sup>27</sup>. It was refused on grounds of significant harm to the character, amenities and appearance of the locality and subsequently dismissed on appeal. The second, for a single turbine with a blade tip height of 35.5m<sup>28</sup>, was submitted in 2015 and refused on similar grounds to the first scheme. Similar reasons were given for the refusal of an application submitted in 2006 for a single turbine with a blade tip height of 70m at Hoplass Farm<sup>29</sup>. The proposal was dismissed on appeal.
48. Proposals for a single turbine with a blade tip height of 39m at Broomhill Farm and two turbines with a blade tip height of 35.5m close to Corston Beacon date from 2014 and 2015 respectively. Both were refused by the PCNPA and the subsequent appeals were dismissed on grounds relating to the natural beauty and cultural heritage of the area<sup>30</sup>.
49. Schemes for solar photovoltaic arrays on land at the adjoining Wogaston and Hoplass Farms were refused by PCC. The subsequent appeals were allowed in 2015 as no undue harm to landscape character or visual amenity was identified. The permissions have been implemented.

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<sup>26</sup> Application Ref: 12/0709/PA

<sup>27</sup> Application Ref: 99/0697/PA

<sup>28</sup> CPRW Document 11

<sup>29</sup> CPRW Document 14

<sup>30</sup> CPRW Documents 12 and 13

50. Permission was granted in 2015 for the infilling of part of the former BP Oil Storage site in order to create a meadow habitat with the aim of improving the biodiversity of the site which is returning to nature<sup>31</sup>.
51. An application for the development of a combined heat and power (CHP) plant on land within the confines of the refinery has recently been allowed. The scheme which was to supplement electrical power and steam demands of the refinery fell within the categories and thresholds of the DNS process.

### **The proposal**

52. The appeal scheme comprises a cluster of five wind turbines with a blade tip height of 100m and rotor radius of 41m giving a hub height of 59m. Each turbine would have a maximum capacity of 2.5 MW giving the scheme a potential installed capacity of 12.5MW. This would deliver power for approximately 7000 homes throughout the operational life of the proposal and displace between 14000 and 33732 tonnes of CO<sub>2</sub> emissions entering the atmosphere each year based on gas and coal generation respectively.
53. The turbines would mainly be sited on the south facing slope of the shallow valley descending westwards past Rhoscrowther to Angle Bay. Turbines 1 and 2 would be sited towards the top of the slope, with their bases at an elevation of approximately 55m AOD; turbines 3 and 5 would be slightly lower, with their bases set at around 45m and 35m AOD respectively; and turbine 4 would be on the south side of the stream within the valley with its base set at around 32m AOD.
54. The farmland rises northwards to a gentle crest at about 63m AOD. In common with others in the local landscape, the crest is marked by the minor road which separates the site from the refinery and leads to Rhoscrowther. Access to the turbine locations would be via two tracks leading from the minor road. The control building and substation would be located in close proximity to the site entrance and connection to the local grid would be on site into the existing overground power line.
55. Whilst RWF seeks the determination of the appeal on the basis of five turbines it has indicated it would be prepared to accept a condition which required turbine 4 not to be constructed. A four turbine scheme would constitute less development not only due to the omission of a turbine but also the access track and other infrastructure associated with it. The potential installed capacity of the scheme would be reduced to 10MW and the displacement of CO<sub>2</sub> emissions would be approximately 18417 tonnes<sup>32</sup>. Although the effect of the omission of turbine 4 has been addressed in evidence by RWF including the submission of photomontages from key viewpoints<sup>33</sup>, PCC has made no detailed assessment, there has been no formal consultation on the matter and no review of the ES has taken place.

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<sup>31</sup> CPRW Document 10

<sup>32</sup> Document 36

<sup>33</sup> Document 9

## **Other agreed matters**

56. Although RWF drafted a revised Statement of Common Ground (SoCG) for the purposes of the appeal, it was not agreed with PCC. I have therefore relied on the original SoCG. Nevertheless, PCC and RWF were agreed that, subject to the imposition of appropriate planning conditions, the development would not have a significant or unacceptable impact in respect of the following matters: geology and hydrology; ecology; traffic and transportation; noise; shadow flicker; tourism; television reception; residential amenity; and public rights of way.

## **The case for Rhoscrowther Windfarm Limited**

The material points made by RWF are:

### *Statutory requirements for determination*

57. WG is under a statutory obligation to promote sustainable development. Of particular importance is the requirement, imposed by Section 2 of the Planning (Wales) Act 2015, to determine the appeal as part of carrying out sustainable development in accordance with the WCFG Act, for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales. This complements the duty imposed by section 3 of the WCFG Act to carry out sustainable development and taking all reasonable steps in determining the appeal to meet the well-being objectives in the Act. Recognising the limits of the global environment and using resources efficiently and proportionately including acting on climate change is recognised as an important element of those objectives<sup>34</sup>.

58. Section 66 of the LB & CA Act provides that in considering whether to grant permission for development which affects a listed building or its setting the determining body shall have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This duty does not preclude any development which may have an adverse impact on a listed building. The weight to be given to the desirability of preserving the setting of a listed building is not uniform and will depend among other things on the extent of any assessed harm. There is no positive duty on a decision-maker to demonstrate compliance with the duty and the decision maker will have discharged the duty if they refer to the duty, apply policy properly and work through the guidance properly. A decision-maker can lawfully conclude that even giving due weight to the statutory duty the harm to the setting of a listed building is outweighed by the environmental benefits arising from a wind turbine development. Furthermore the statutory duty has also to be balanced with the other statutory duties already referred to.

### *Welsh policy*

59. The statutory duties with respect to sustainable development are stressed in PPW. The planning system is identified as necessary and central to achieving the sustainable development of Wales and discharging the

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<sup>34</sup> Section 4 Table 1 "a prosperous Wales" and "a resilient Wales".



statutory duties<sup>35</sup>. Addressing climate change and providing for renewable energy is seen as being at the heart of sustainable development. In contributing to the goals of the WCFG Act planning decisions should inter alia “*maximise the use of resources*”, “*promote a low carbon economy*” and “*support the need to tackle the causes of climate change by moving to a low carbon economy...facilitating development that reduces emissions of greenhouse gases in a sustainable manner, provides for renewable..energy sources at all scales*”.<sup>36</sup>

60. Tackling climate change is identified as a fundamental part of delivering sustainable development. The commitment of WG to tackling climate change is based on a scientific imperative to reduce greenhouse gas emissions and deal with the consequences of climate change<sup>37</sup>. Planning to minimise the causes of climate change means taking decisive action to move to a low carbon economy by facilitating the delivery of new and more sustainable forms of energy production at all scales<sup>38</sup>. By providing renewable energy this proposal lies at the heart of the sustainability duties applying to the determination of planning appeals.
61. PPW, which sets out specific provisions for renewable and low carbon energy, provides for a rise from 0.7 GW of onshore wind capacity to 2GW by 2015/17<sup>39</sup>. Whilst PPW looks for a significant contribution towards this target from SSAs not all of the new onshore wind energy provision is expected to come from within the SSAs.
62. PPW identifies different scales of wind farm proposals<sup>40</sup> in which the appeal scheme ranks as a “Local Authority-wide” proposal and provides that local planning authorities “*should facilitate local authority-wide scale renewable energy*”<sup>41</sup>. It attaches considerable importance to projects of the scale of this proposal. There is no suggestion that such projects are of lesser value, should be restricted or given that not all local authorities have SSAs within their boundaries, limited to SSAs. The importance of the provision to be made from proposals of the scale of the appeal is further emphasised by the fact that the proposal is treated as one of National Significance. Such projects are of greatest significance to Wales because of their potential benefits and impacts.<sup>42</sup>
63. With respect to wider areas outside the SSAs TAN 8 recognises that a balance has to be struck between the desirability of renewable energy and landscape protection, but that this should not result in severe restrictions on the development of wind power capacity<sup>43</sup>. With this in mind TAN 8 left open the possibility of local planning authorities introducing policies in their development plans restricting “*almost all*” schemes over 5MW to within SSAs

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<sup>35</sup> PPW paragraph 4.2.1

<sup>36</sup> PPW paragraph 4.4.3

<sup>37</sup> PPW paragraph 4.5.1

<sup>38</sup> PPW paragraph 4.5.7

<sup>39</sup> PPW paragraph 12.8.13

<sup>40</sup> PPW Figure 12.2

<sup>41</sup> PPW paragraph 12.8.18

<sup>42</sup> PPW paragraph 3.7.2

<sup>43</sup> TAN 8 paragraph 2.13

and brownfield sites<sup>44</sup>. PCC has not chosen to adopt such an approach but is instead supportive of further renewable energy development and recognises that Pembrokeshire has "*significant potential to provide further energy from all renewable sources*"<sup>45</sup>.

64. Welsh national policy recognises and properly responds to the international obligations arising from the widespread recognition of the challenges raised by climate change and the urgency of addressing these problems.
65. The proposal should be viewed against the recognition of the pressing need to address climate change and improve the country's security of energy supply. There is widespread national and international recognition of the problems arising from climate change, the need to reduce carbon dioxide emissions and provide more electricity from renewable sources. The EU Climate and Energy package (formally agreed April 2009) commits the EU to achieving a reduction in EU greenhouse gas emissions of 20% by 2020 compared to 1990 levels and included a binding renewable target of 20%. The UK's share of this target is to deliver 15% renewable energy by 2020 which compares with a figure of 3.8% in 2011. Under EU Decision 406/2009/EC the UK has a binding target of a 16% reduction in greenhouse gas emissions by 2020 compared to 2005 emissions levels<sup>46</sup>. The UK Renewable Energy Strategy (UK RES) states that the UK needs to increase radically its use of renewable energy. The importance of achieving these aims, and the inevitable impacts arising from achieving them, has been reiterated on numerous occasions not only at a UK level but also in Wales.
66. The urgent need for new renewable electricity generation projects is stressed in the NPS<sup>47</sup> together with the need for a dramatic increase in onshore wind generation<sup>48</sup>. It is also recognised that development on the scale required to meet the energy needs identified and to satisfy the UK Government's policy will inevitably result in significant residual adverse impacts<sup>49</sup>. Whilst the NPSs specifically address development under the Planning Act 2008, they were importantly presented to Parliament and the general statements reflect widely recognised views accepted by Parliament.
67. Although the primary driver of legislation and policy in this area is undoubtedly the importance of tackling climate change and ensuring security of energy supply, it is also important to remember that there are significant economic and employment benefits associated with the development of renewable energy as recognised for example in the UK Renewable Energy Strategy<sup>50</sup>.
68. The need to address these matters must be considered with a proper recognition of the vital role that energy in general and electricity in particular plays in maintaining modern life and living standards. As stated in

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<sup>44</sup> TAN 8 paragraph 2.13

<sup>45</sup> CD Volume 8 POL-33 Policy GN.4 and paragraph 6.28

<sup>46</sup> CD Volume 6 POL-6 page 31 box 1.3

<sup>47</sup> CD Volume 6 POL-1 – NPS EN1, 3.4.5

<sup>48</sup> CD Volume 6 POL-1 – NPS EN1, 3.3.10

<sup>49</sup> CD Volume 6 POL-1 – NPS EN1, 3.2.3

<sup>50</sup> CD Volume 6 POL-6

paragraph 3.2.1 of EN1 *“Energy underpins almost every aspect of our way of life. It enables us to heat and light our homes; to produce and transport food; to travel to work around the country and the world. Our businesses and jobs rely on the use of energy. Energy is essential for the critical services we rely on – from hospitals to traffic lights and cash machines. It is difficult to overestimate the extent to which our quality of life is dependent on adequate energy supplies.”*<sup>51</sup>

69. PCC suggested that there has been a departure from or some downgrading of this policy and it attempted to downplay the scale and urgency of the need. It argued that because of claimed good progress in meeting targets less weight should be given to the various policy statements of the need for and support for projects of the nature of this proposal. PCC’s reliance on the Ministerial Statement<sup>52</sup> in June 2015 is misplaced:
- it is not a planning policy statement. The Minister was not responsible for planning. It addresses the issue of financial support for on-shore wind energy and was plainly driven by political circumstances in England;
  - the advice provided in the NPS has not been altered as a result of the Ministerial Statement;
  - Welsh Ministers have made it plain that the statement does not alter the policy position in Wales or their support for onshore wind proposals<sup>53</sup>;
  - furthermore in so far as the Ministerial Statement affects the availability of financial support for onshore wind energy in Wales, Welsh Ministers are actively seeking to have this changed<sup>54</sup> and appear to be meeting with some success<sup>55</sup>.
70. The Minister for Environment and Rural Affairs recently confirmed:
- a desire to focus on accelerating the transition of the energy system in Wales particularly through the increased deployment of renewable energy;
  - a need for many more projects at all scales and technologies to transform the energy system;
  - a determination to drive change using all the levers available in Wales;
  - a new target of Wales generating 70% of its electricity consumption from renewable energy by 2030; and
  - a need for the bulk of energy supply to come from the most affordable technologies if the costs are to be found from energy bills.<sup>56</sup>
71. As recognised in PPW and TAN 8, it remains the case that onshore wind energy remains the cheapest and most tried of these forms of energy. Far from there being a reduced need as PCC contended the need for additional proposals of this nature has been strengthened. This is further reinforced by the duty placed on Welsh Ministers to ensure that net emissions are at least 80% lower than 1990 levels by 2050<sup>57</sup>.

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<sup>51</sup> CD Volume 6 POL-1

<sup>52</sup> CD Volume 2 POL-12

<sup>53</sup> CD Volume 7 & 8 POL-20, POL-17, POL-27 and POL-31

<sup>54</sup> CD Volume 8 POL-46

<sup>55</sup> CD Volume 8 POL-47

<sup>56</sup> CD Volume 8 POL-31

<sup>57</sup> MS paragraph 7.6

### *Development plan policy*

72. The principal policy in the consideration of this appeal is Policy GN.4 of the LDP which is supportive of renewable energy proposals. In accordance with the urgency identified in PPW and the significant potential for such proposals the explanatory text confirms that the policy "aims to encourage further use of renewables to produce energy"<sup>58</sup>. This includes onshore wind energy<sup>59</sup>. Whilst landscape impact is correctly identified as a material consideration<sup>60</sup> the policy test is whether the proposal is "*acceptable*". It is recognised that onshore wind energy proposals will inevitably have adverse landscape and visual impacts wherever they are located and a policy supporting such development inevitably accepts that there will be adverse impacts. The important issue is whether the impacts are acceptable which involves a balancing exercise. The mere identification of harmful impacts does not entail any conflict with the policy.
73. Policy SP 2 also supports development of energy related proposals. The appeal site is not within the area identified on the proposals map to which PCC contend the policy applies. However the explanatory text explains that the map identifies those areas "*most suitable*" for these forms of development. The policy does not restrict development to those areas<sup>61</sup>.
74. The site lies within the HWEZ<sup>62</sup> where energy related development is encouraged. Whilst it is not a spatial planning policy neither is it simply about providing financial support as suggested by PCC. It is a strategy which contemplates that there will be such development within those areas which very clearly will have land use planning consequences. In particular if it is to serve its purpose those areas will change and will not remain undeveloped. This is an important consideration in interpreting and applying LDP Policy SP 2 given that it is not limited to those areas identified on the proposals map. PCC accepted that the HWEZ is an important material consideration in the determination of the appeal.

### *Other local policy and background documentation*

75. The HWEZ designation recognises the area as an attractive location for energy development where WG actively encourages investment in the energy sector.<sup>63</sup> PCC conceded that as the appeal site lies within the HWEZ landscape change from further proposals for energy related development was anticipated and land, including the appeal site, would not remain open. This is an important material consideration in considering landscape and visual impact.
76. The HWEZ designation also recognises the existing infrastructure in particular in the form of the grid connection and transport network. These are important considerations in considering this proposal. Onshore wind energy development inevitably requires a grid connection and this usually

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<sup>58</sup> CD Volume 8 POL-33 paragraph 6.28

<sup>59</sup> CD Volume 8 POL-33 paragraph 6.29

<sup>60</sup> CD Volume 8 POL-33 paragraph 6.30

<sup>61</sup> CD Volume 8 POL-33 paragraph 5.9

<sup>62</sup> CD Volume 7 POL-24, POL-25 and POL-25a

<sup>63</sup> CD Volume 7 POL-24 and PF Supplementary Statement 3.13-3.15

results in a need to provide new overhead connections over a distance to connect to the grid. An important benefit of the proposal is that it does not rely upon any grid upgrades and connects locally to the existing grid without intrusive additional infrastructure. Similarly there would be no need for significant additional development to achieve road access for the turbine components<sup>64</sup>. As accepted by the Council, these are both significant benefits of this development.

77. The REA is not policy. It is also unable to assist in the consideration of applications as in producing the REA the authors followed an instruction from PCC to apply a 15km buffer around the PCNP, adjoining local authority areas and any existing wind turbine. There is no basis for applying such a buffer, the application of which excludes all areas within PCC.
78. The claim in the REA that the buffer is based upon the toolkit and a White Consultant's report betrays a complete misunderstanding of both documents. The approach is inconsistent with the recognition in the LDP that there is significant potential for proposals for onshore wind energy development. The application of the buffer is completely arbitrary and even if there was support for a buffer in either of the documents relied upon there is no analysis or evidence to support the buffer selected in this case, as accepted by PCC. Furthermore, the REA concedes that it is at too high a level to draw any conclusions from it with respect to any applications. In this respect PCC accepts that the REA cannot be used for development management purposes or give support to decision making and fails to achieve its first stated purpose.
79. The Council's SPG on renewable energy<sup>65</sup> does not take the matter any further.
80. The PCNPA SPG identifies only limited scope for development of large scale wind turbines within the PCNP. However, its identification of a limited opportunity for such development on land close to the existing refinery chimneys as a new point of focus recognises that there are advantages in locating close to the refinery and contemplates that a very different level of impact is associated with turbines in such locations compared to what could be expected elsewhere. These conclusions must apply with even greater strength to locations outside the PCNP, particularly in considering impacts of any such development upon views from the PCNP.
81. PCC agreed with the PCNPA assessment that there is some scope for large wind turbines within this area of the PCNP and that it is an appropriate approach to site turbines on land close to the oil refinery<sup>66</sup>. The SPG explains that an important point is that the turbines would provide a new point of focus and PCC agreed that there was nothing objectionable about turbines being seen in this area from the PCNP and that they would draw attention from the oil refinery. PCC also conceded that if wind turbines are acceptable in the PCNP near to the oil refinery the same principle must apply at least equally to such development outside the PCNP. Although logic would

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<sup>64</sup> PF Supplementary Statement 3.16-3.18

<sup>65</sup> CD Volume 8 POL-34

<sup>66</sup> CD Volume 8 POL-37 page 87

suggest that the principle must apply all the more strongly outside the PCNP, this was not accepted by PCC but it was agreed that the appeal site was less sensitive than a location within the PCNP.

82. PCC stressed that the PCNPA SPG suggests that there could be room for up to 3 turbines. However, this fails to acknowledge that the guidance is for development within the PCNP. Such a limitation does not apply to land outside the PCNP and given it is less sensitive it would be wrong to seek to apply such guidance in the manner suggested by PCC. Furthermore, PCC accepted that the appeal proposal satisfies all the guidance in the SPG on matters relating to siting.
83. An assessment of the proposal undertaken on behalf of PCC by consultants Urban Vision (UV) gave careful consideration to the proposals. Although additional information was requested, in its initial report UV broadly concurred with the LVIA that the turbines would be seen in the context of the refinery which is visually dominant; that the refinery is audible which is a strong influence on receptors' appreciation of visual and landscape qualities; and that even from further away the oil refinery is still a prominent feature in views with the turbines becoming less visible. PCC were essentially in agreement with these comments.
84. Much of the case of PCC rests upon the impact of the proposal on the PCNP, in particular on views from the west. In respect of these views the UV report concluded "*...whilst the level of effect I have assessed as substantial moderate and significant, I consider the association with 'clean' energy to be an interesting and dynamic contrast with the 'old fossil fuel' oil refinery and is, therefore, not wholly negative. This is particularly so bearing in mind the life span and ease of decommissioning.*"<sup>67</sup> UV also considered that "*a clear distinction between the refinery stacks and the wind farm can be ultimately more successful in terms of reducing adverse impacts, than one clustered behind and closer to the existing refinery stacks, but there is a balance to be sought.*"<sup>68</sup>
85. As already noted UV required additional information, following receipt of which a further report concluded "*I feel there are some outstanding issues and consider the arrangement from a landscape and visual perspective could be improved, particularly with its extension south and towards the PCNP. On balance, however, I would still consider the scheme broadly acceptable but would be wary of ensuring this would not imply a precedent for further similar development this close to the PCNP. Should the scheme be refused and go to an appeal, I consider that it could be difficult to contest on landscape and visual grounds.*"<sup>69</sup>.
86. The conclusion in the UV report that the proposal was broadly acceptable is significant as it is a clear finding that it complies with the relevant LDP policy GN.4. The conclusions of UV were only partially reported to members in the officers' report and there was no proper explanation as to why they should

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<sup>67</sup> CD Volume 10 LVIA-8 paragraph 3.2

<sup>68</sup> CD Volume 10 LVIA-8 paragraph 3.4

<sup>69</sup> CD Volume 10 LVIA-9 paragraph 3.0

not be followed. PCC conceded that it was remiss of it to fail to draw attention to the findings of UV.

### *Need*

87. PCC drew attention to the latest data on renewable provision and to the fact that in 2016 provision of electricity from renewable sources stood at 24.6%<sup>70</sup> which it contends is grounds for confidence that the aim of 30% by 2020 will be achieved. Unfortunately this fails to acknowledge that the binding target is to achieve 15% of energy use from renewables and this includes heating and transport as well as electricity. The 30% figure for electricity derives from the lead scenario in the UK Renewable Energy Strategy which relied upon 30% from electricity together with 12% of heat demand and 10% of transport demand in order to achieve the binding 15% requirement<sup>71</sup>.
88. The latest figures show only 6.2% for heating and 4.5% for transport which is barely an increase on the figures for 2012 and the necessary contributions from heat and transport to satisfy the lead scenario are not going to be met. Although the position has not been made public, this is recognised in the letter from the Secretary of State (SoS) for Energy and Climate Change<sup>72</sup> and the need to achieve greater contributions from renewable electricity generation is recognised by WG. PCC appeared to mistakenly understand the situation when it suggested that the electricity target had been increased to 30% to address the shortfall in heat and transport. This error was conceded and the need to increase the contribution from electricity from renewable energy to help address this shortfall was recognised.
89. In Wales there is also a need for more onshore wind proposals. WG's Energy Policy Statement in 2010 evinced an aim to have 4.5 kWh per day per person of installed wind generation capacity by 2015/17 which was to be achieved inter alia by "*optimising the use of the existing strategic search areas set out in Technical Advice Note (TAN 8)*" and providing sensitively designed new grid connections<sup>73</sup>. These aims are reiterated in the more recent WG document Energy Wales: a low carbon transition<sup>74</sup>. The achievement of these aims could not be left until 2020/25 as suggested by PCC.
90. The objective of achieving 2GW capacity by 2015/17 will not be realised. The TAN 8 database for 1st April 2017 reveals an operational capacity of some 880 MW with a further 552 MW consented<sup>75</sup>. Furthermore onshore wind has always been seen as the technology most able to deliver in the short term which places all the more importance upon the provision of onshore wind energy which offers a mature and proven technology which can be delivered in the necessary timescales.
91. The disappointment in achieving existing targets and the inevitable impacts arising from trying to meet those targets has not resulted in any lessening of

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<sup>70</sup> MS 22 Table 6.7

<sup>71</sup> CD Volume 6 POL-6 paragraph 2.7

<sup>72</sup> CD Volume 8 POL-49

<sup>73</sup> CD Volume 7 POL-22 Section 11

<sup>74</sup> CD Volume 7 POL-21

<sup>75</sup> CD Volume 8 POL-42 and PF Supplementary Statement 2.30

policy support for further renewable energy development in general and onshore wind in particular. To the contrary, the Cabinet Secretary for the Environment has recently announced a desire to focus on accelerating the transition of the energy system in Wales particularly through the increased deployment of renewable energy, and a determination to drive change using all the levers available in Wales. As part of this a new target has been set of generating 70% of electricity consumption from renewable energy by 2030. To put that in context 32% was generated in 2015<sup>76</sup>. Many more projects at all scales will be needed.

### *Landscape and visual impact*

92. Onshore wind turbines have particular locational requirements which mean that the number and location of suitable sites are quite limited even before other constraints to their development are considered. However, they have time-limited conditions and are completely reversible so that on decommissioning all landscape and visual effects cease. Furthermore they bring benefits to the wider landscape by contributing to tackling climate change. These are important factors to take into account in forming a view on the impact of the proposal.
93. Due to their scale the wind turbines would inevitably have some landscape and visual impact wherever they are located and, as recognised in national and local policy, such impacts always figure large in any consideration of wind farm proposals. Views differ as to whether such impacts are generally positive or negative, but given the inevitability of such impacts the clear national and local policy support for this form of development means that a degree of impact must be acceptable. Consequently it is not for the decision-maker to decide whether the appeal proposal would result in significant effects on landscape and/or visual amenity but whether the scheme (including the proposed mitigation and enhancement measures) has been designed so that any likely significant residual adverse effects can be considered acceptable when weighed in the planning balance.
94. A range of embedded and good practice mitigation measures has been incorporated into the site search and detailed design of the proposal that would limit the effects of the development on the landscape and visual amenity of this site and locality. The embedded mitigation includes:
- selecting a site that is outside any national or local landscape designations, close to an existing grid connection and adjacent to the Valero Oil Refinery;
  - selecting 5 x 100m wind turbines that are similar to the existing Wear Point Wind Farm (4 x 100m) on the north side of Milford Haven and well below the height of the nearby oil refinery stacks (up to 169m);
  - locating the substation and the single storey, pitched roof control building close to the site entrance which is next to the Valero Oil Refinery; and
- gap-planting hedgerows on the site with native hedgerow species to compensate for the loss of hedgerows at the site entrance and along the

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<sup>76</sup> CD Volume 8 POL-31 and PF Supplementary Statement 2.28-2.29



access track (these measures to be included in the Habitat Management Plan (HMP) to be secured by way of condition).

95. The good practice mitigation measures would include:

- a clerk of works to oversee the environmental protection measures during the construction and decommissioning phases;
- the use of temporary protective fencing;
- retaining and reusing site derived subsoil and topsoil;
- surfacing site tracks and the crane hardstandings and working areas with locally sourced aggregate; and
- restoring all areas temporarily disturbed during the construction and decommissioning phases.

These measures would be included in the Construction and Environmental Management Plan (CEMP) and Decommissioning and Restoration Plan (DRP), to be secured by way of condition. They would limit the residual effects of the appeal proposal on landscape and visual amenity.

96. The appeal site falls within the LANDMAP Visual and Sensory Aspect Area (VSAA) PMBRKVS061 (VS061), an extensive area which has different qualities in different parts of the area. Consequently RWF assessed the impact of the proposals within the various different identifiable parts of the area and the analysis reveals that there would be significant major/moderate impacts upon landscape character on some parts of VS061 within up to 2 km of the site.

97. This is a comparatively limited area of impact which arises in part because of the undulating nature of the landscape and shielding this provides. It confirms that this is a good location for this form of development and that the appeal proposal has been carefully and sensitively designed. Whilst this would result in a very small area of "landscape with wind turbines" on and immediately surrounding the site it would not give rise to a "windfarm landscape". Furthermore none of the existing key qualities or key elements that should be conserved in VS061, as recommended in LANDMAP, would be affected and the key elements that should be enhanced for VS061 (boundaries which are hedgerows on this site) would be enhanced by gap planting.

98. There would be some significant change in views and visual amenity for a limited number of residential properties within up to 4 km of the proposal, together with some footpaths up to 4.5 km, and some road users up to approximately 3km of the proposal. These are again relatively limited visual impacts for a proposal of this scale.

99. The appeal proposal would not have any effects on the splendour (scenic quality and visual amenity) of the majority of the coastline around the National Park and where it would be visible, such as from St Ann's Head, around Dale Bay to Great Castle Head and from Angle Bay and part of the north coast of Angle Peninsula, it would be seen in an area of coastline where views are already characterised by industrial development. The proposal would not have any effects on the other special qualities of the PCNP.

100. The effects on natural beauty (landscape character) would be limited to a very small part of VS061 just inside the boundary of the National Park (and

where the PCNP SPG suggests 2 to 3 large scale (up to 100m to tip) wind turbines could be accommodated). The appeal proposal would not significantly affect the natural beauty of the National Park or the ability of the public to enjoy and understand the special qualities of the National Park and so would not compromise the ability of the National Park to fulfil its purposes.

101. It is furthermore important to consider these limited impacts in the context of the relationship of the proposal with the refinery. Given that some adverse impacts from development of this nature for a number of kilometres is inevitable there is clear advantage in locating turbines within or on the edge of existing industrial areas where the effects on landscape and visual amenity are much reduced. In this case the oil refinery already exerts a very significant impact upon landscape and visual amenity in the surrounding area and there would be relatively few receptors affected by the proposal. The HWEZ designation contemplates further development and a view has been taken that more development can and should be accommodated.
102. The wind farm and oil refinery are complementary both functionally (clean energy contrasting with very large fossil fuel production) and visually, particularly where each can be seen as discrete sculptural elements but closely associated, that is, when the wind turbines are adjacent to but not overlapping with the oil refinery chimneys. The viewpoint analysis<sup>77</sup> demonstrates that this is the case in the majority of locations surveyed. PCC accepted that it is an advantage if development can be located within or adjacent to existing industrial areas to take advantage of existing infrastructure; the HWEZ anticipates this will inevitably result in landscape change; the appeal site would not remain open; and that this is an important material consideration in considering the landscape and visual impact.
103. PCC considered that there was nothing to distinguish the appeal site from land within the PCNP and it suggested that, but for the refinery, the site would have been included in the PCNP. However, PCNP preceded the refinery by over 10 years. PCC accepted that the refinery had had nothing to do with whether the appeal site was within the PCNP and that its boundaries had been correctly drawn. Given this it cannot sensibly be suggested that there is no difference between the appeal site and land within the PCNP.
104. PCC also suggested that the landscape sweeps up in a northerly direction from the National Park to the refinery and that the latter turns its back to the land and the appeal site and faces the sea. However, there are several intervening ridges including a ridge between the refinery and the Haven Waterway which partially screens the refinery from the south as can be seen in ES figure 5.9 and viewpoint 10. In fact the refinery is more visible from the south; it appears on the ridgeline and presents a strong visual context of complex plant and tall chimneys. PCC's appraisal appears to have exaggerated the quality and value of the appeal site and downplayed the impact of the refinery.

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<sup>77</sup> Appendix 4, KFH/3

105. The significant adverse effects on landscape character and visual amenity would be very limited in extent, the proposal would be seen as discrete but complementary to the adjacent oil refinery and the appeal proposal could be satisfactorily accommodated in this location. This is not only the view of RWF but was also the conclusion reached by UV.

#### *Cultural heritage*

106. It is common ground that subject to the imposition of conditions there would be no direct effects from the development on any heritage assets and objection to the proposal on cultural heritage grounds is in respect of the impact upon setting. It is clear from the evidence of PCC that the only real issue relates to the impact of the proposal on the setting of Rhoscrowther church and the other two associated listed buildings. However, it is also appropriate to consider Eastington, Angle and Corston/Wollaston Barrows given that they appear to have previously given rise to some concern.

107. In respect of setting PCC agreed that:

- setting is not an historic interest in its own right;
- the value of any setting derives from how it contributes to the significance of the historic asset in question<sup>78</sup>;
- given that the value of setting derives from its contribution to significance of the historic asset there are three essential questions: what is the significance of the historic asset in question; how does the setting contribute to that significance; and what will be the impact (if any) upon the significance of the historic asset as a result of the particular impact upon setting that has been identified;
- change to setting over time is inevitable<sup>79</sup>;
- change to setting is not necessarily harmful<sup>80</sup>;
- one of the factors which will change setting is climate change;
- policy urges authorities to plan positively to address climate change and this includes encouragement for renewable energy projects of the type proposed;
- policy advises that the public benefit of renewable energy should be weighed against any harm to the significance to the heritage asset<sup>81</sup>. This is important to note in considering the duty under section 66;
- the guidance Setting of Historic Assets in Wales<sup>82</sup> advises how to assess impact of change or development within the setting of historic assets and that advice should be followed in this case<sup>83</sup>;
- there is no conflict with this advice and the statutory duty under section 66. The legal authorities are clear that if one complies with this guidance one will comply with the requirements of the Act;
- although considerable weight must be given to the desirability of preserving the setting, it can be outweighed by amongst other things the benefits arising from renewable energy projects of the nature of this proposal;

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<sup>78</sup> TAN 24 paragraph 1.25 and HER-9 page 2

<sup>79</sup> TAN 24 paragraph 1.8 and HER-9 page 3

<sup>80</sup> HER-9 page 3

<sup>81</sup> TAN 24 paragraph 1.9

<sup>82</sup> CD Volume 9 HER-9

<sup>83</sup> TAN 24 paragraph 1.1

- it remains relevant to consider the Historic England advice which is heavily relied upon in the Cadw guidance;
- it is important not to confuse an impact on landscape and visual amenity with an impact on setting;
- being able to see a development in views to or from an asset does not of itself equate to an impact on setting;
- it is necessary to consider the significance of those views and in particular how they contribute to the significance of the setting;
- the presence of a wind farm within a view to or from an historic asset does not necessarily have a detrimental impact on setting even if the views of windfarms are considered to be unattractive.

108. As the importance of setting derives from its contribution to significance of a heritage asset any assessment of impact on the setting needs to start with a proper understanding of the significance of the historic asset. One must also properly understand how the setting contributes to that significance. PCC accepted that its evidence failed to do this other than in respect of the church and school hall.

109. The elements of the Church identified by PCC as relevant to the significance of the building are:<sup>84</sup>

- the age of the church;
- the place of the church at the centre of a medieval settlement;
- the dedication to St Decumanus;
- the architectural details of the church such as its developed plan, fine tower and windows;
- details within the church; and
- the oratory.

110. PCC accepted that the appeal site has no relevance to any of these elements. In these circumstances there could be no question of development on the appeal site having any impact upon the significance of the historic asset. PCC agreed that the place of the church as the centre of the settlement had been the key element of its setting and the loss of the community as a result of the refinery had had a dramatic impact upon its setting. However, the proposal does not contribute to this.

111. PCC argued that the view towards the appeal site had remained unchanged for 800 years and the church tower was a landmark used for navigating around the area. However, the church is built at the bottom of the valley with only very limited visibility of the tower. Even when it can be seen it is never a skyline view and from most places it is not noticed. Given its location it would never have been a dominant feature in the landscape and it is now dominated by the refinery. The church is acknowledged to be an important building but PCC's suggestion that it was unlike any other in the area is unfounded as parallels can be drawn with the church at Castlemartin and comparison is made in the Historic Landscape Characterisation<sup>85</sup> with the church at Pwllcrochan.

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<sup>84</sup> MP Supplementary Proof paragraph 6.5

<sup>85</sup> CD Volume 9 HER-30

112. RWF considers that the key elements of the heritage significance of the church lie in its connection with early Celtic Christianity, its medieval fabric, a number of important internal features including fine medieval and post-medieval tombs and its place at the heart of the historic community of Rhoscrowther. The church sits in the base of the valley in an intimate and largely peaceful location although the refinery is clearly audible. The church setting is best appreciated in approaches from the north and east gates to the churchyard. In longer views to the church the refinery is a dominant presence. The stream to the south of the church with its link to the sea was an important element in the setting of the church as was the relationship with the well. Historically, the setting of the church would have sat primarily in its immediate spatial relationship with the buildings of the village, to the north and east. In terms of longer distance views, those to the well and the sea would have been particularly important. As it is, the village no longer exists and the outward views to the well and sea have been blocked.
113. The concerns raised by PCC relate to views over the appeal site particularly from the north of the church. However, when appreciating the church from those viewpoints one would be looking at the church and the turbines would be very much a peripheral element. Any impact of the turbines would be no more than a minor negative impact. The heritage significance of the church would be very largely preserved; the turbines representing another phase in the development of a landscape that has changed around the building for millennia. The small impact on the rural character of the church's surroundings would not prevent it from being appreciated and understood by visitors.
114. With respect to the church hall, it was originally the village school and was accessed from the road. Its main historic significance was attached to its role in the education of the children in the village rather than a church function. The original and essential context of the school was its relationship with the village from which it took its pupils. This has all now been lost. The most important remaining elements of the school's setting are its relationship with the church and churchyard, best appreciated from the road. This would be unaffected by the proposed scheme. This being the case the heritage significance of the building would be preserved.
115. The cross shaft is the oldest feature in the churchyard marking this as a place of early Christian worship. Its primary significance lies in the fact that it indicates that this was a place of Christian worship well before the current church was built. The relationship between the cross shaft, the church and the churchyard is the most important aspect of its setting. Given the nature of the monument and its relationship with the church and graveyard, the presence of turbine 4 on the horizon from certain angles would not affect its significance.
116. Eastington stands immediately in front of the refinery which has inevitably had a major and dramatic effect on its setting. Notwithstanding this, when standing close to the manor house it is easy to appreciate its historic setting, looking out across Angle Bay across the entrance to the inlet at Rhoscrowther. Even with the dramatic impact of the refinery one can still appreciate the significance of this building. The most important views from Eastington Manor are those looking directly out across Angle Bay, which it

was evidently designed to dominate. Similarly the best and most important views are those looking back towards the house although in long distance views one sees the rising bulk of the refinery behind it. The nearest of the proposed turbines would be sited over a kilometre to the east of Eastington Manor. While they will form a new and significant element in views from the Manor, albeit partially blocked by intervening landforms and structures, this view does not contribute to the historic significance of the building. The far more important views to and from the sea will not be affected. Given the already much altered setting of Eastington Manor and the very oblique nature of the views towards the turbines from this position, its heritage significance would be preserved.

117. With respect to Angle the views identified in the Conservation Area Proposals SPG as important to the Conservation Area<sup>86</sup> are those looking north and south across the village which reflects the fact that it is a self contained layout, partly designed with safety in mind. Furthermore the SPG identifies those areas outside the Conservation Area which are of significance to the Conservation Area; the appeal site is not within any of those areas, and is some distance removed from them. Wind turbines 4.5km to the east would have little effect upon its heritage significance. The presence of the turbines would only be felt in views looking east from the coast running north-east from the village, notably from The Old Point House. These views across Angle Bay have been substantially changed already by the presence of the refinery and the power station beyond. The proposed scheme would therefore not represent a change in terms of the heritage significance of the village. With respect to The Old Point House its significance relates essentially to the fabric of the building. The views over the bay towards the site are of landscape value. There would be no impact upon the heritage significance of either the Conservation Area or The Old Point House.
118. With respect to the barrows they cannot be seen from each other and the turbines would not interfere with or obscure any relationship between them.
119. In short there is a small impact on the rural character of the surroundings of Rhoscrowther church, which would not prevent it from being appreciated and understood by visitors. No other heritage assets are affected by the proposal. Furthermore the very limited impact upon the church would be removed by the four turbine scheme.

#### *The planning balance*

120. There are some adverse landscape and visual impacts arising from this proposal, but they are very limited in the context of this type of proposal. Given the policy support for this form of development they are to be expected and are not of the scale which could reasonably lead to refusal of the proposal consistent with the correct policy approach.
121. There would be some very limited impact upon the setting of the church but this has to be balanced against the important benefits of this proposal. Substantial weight should be placed upon the contribution this strategic scale proposal can provide to addressing climate change, and for the contribution

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<sup>86</sup> CD Volume 9 HER-3

to mitigating the adverse environmental and socio-economic effects of climate change. In addition there are several other very important benefits including:

- the location of the development in the HWEZ, an area where WG actively encourages investment in the energy sector in general and renewable energy in particular and where change will inevitably occur;
- the ability to make good use of existing infrastructure in the form of the grid connection and the access without additional environmental impact;
- the presence of particularly good wind speed;
- the ability to deliver the project quickly and hence make a contribution to the urgent need;
- the economic benefits arising from the proposal; and
- the co-location with other major energy uses which already have a major impact upon the area which amounts to good planning practice.

122. Whilst PCC essentially agreed that all of these amounted to benefits it had failed to take most of them into account and exaggerated the impacts of the proposal. A proper planning balance was not adopted in this case which did not assist in determining the proposal.

123. The measured appraisal of the balance carried out by RWF clearly establishes that the proposal accords with the development plan and in particular the principal relevant policy GN.4. This policy seeks to facilitate and encourage such development and as the proposal accords with this policy it should be allowed. There are no material considerations which would count against the proposal. Furthermore the proposal complies with national policy on renewable development and derives further support from this. The urgent need for further on shore wind energy development clearly outweighs any residual impacts.

#### *The four turbine scheme*

124. Although the primary case advanced is that consent should be forthcoming for the scheme as applied for, it is recognised that some improvement would be possible with the removal of turbine 4 in that this would remove any residual impact upon heritage issues. It would also reduce the landscape and visual impacts. PCC has adduced no evidence addressing this proposal seeking to argue instead either that it should not be considered or that it is unable to assess the proposal and/or that officers cannot speak for members.

125. A 4 turbine scheme would provide less development and given that the impact would be no greater than the 5 turbine scheme there is no need for further consultation or environmental appraisal. The proposal is within the parameters of that which has already been subject to EIA and consultation. There are several examples of consent being given on appeal for a reduced version of the proposal presented to inquiry, and there is no reason why this could not be done in this case.

126. A consequence of the removal of a turbine would be a reduction in the output of the scheme. Given that any residual impact of the 5 turbine scheme is already low the loss of output from turbine 4 should not be contemplated lightly and it is a route which should not be taken simply for the sake of seeking the minimum impact. However, if it is concluded that

the impact arising from turbine 4 is sufficient to tip the balance into refusal then, given the policy support for this proposal, the omission of turbine 4 would address the matter.

127. Given all of the information already available PCC would not be prejudiced by this course of action. It could have appraised the proposal had it chosen to do so. The officers were at Inquiry to provide their professional opinion; they did not need to be told by members what to say. The officers could have provided their professional opinion and should have done so.

128. Whilst RWF wishes to obtain consent for 5 turbines and this is considered to be the best outcome for the environment and good planning of the area, it is prepared to develop and operate a scheme with only 4 turbines. In the circumstances should the original 5 turbine scheme be found to be unacceptable this could be addressed by adopting the 4 turbine scheme and RWF would ask that it be considered.

### **The case for Pembrokeshire County Council**

The material points made by PCC are:

129. The reason for refusal was that the proposal would result in significant adverse visual amenity and landscape character impact, including the historic environment and the PCNP. The impacts would be contrary to a number of policies of the LDP and not outweighed by any benefits of the proposal.

130. In LANDMAP the site lies within the Castlemartin VSAA (VS061) which is valued as moderate, and described as *"a largely attractive rural landscape influenced by farming practices both historically and in the present"*. *"Small villages and coastal influences"* add to its value whilst the *"impact of large pylons close to Pembroke and views of industrial plants to the North"* reduce it. The recommendations include to *"prevent further encroachment of industrial works into the north of the aspect area."*

131. To the north is the visual and sensory aspect area Industry/Milford Haven PMBRKVS090 (VS090), dominated by industry and described as having a low value. For this area the recommendations are to *"seek opportunities to restore the landscape either around the current workings where possible or in the future when the sites are decommissioned"*.

132. The site lies within the Historic Landscape Aspect Area (HLAA) of Rhoscrowther (HL43920) which has an overall evaluation of high. The Historic Landscape Characterisation<sup>87</sup> notes the clearly defined boundary between this historic landscape area and the refinery to the north which is noted as distinct and contrasting with the neighbouring farmland. This boundary has been maintained since the construction of the refinery 55 years ago. The refinery was created by statute in response to a national need and had the strict requirement of having to be located adjacent to a deep harbour for the delivery of crude oil.

#### *Historic heritage*

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<sup>87</sup> CD Volume 9 HER-30



133. It is the view of PCC that the determinative issue is the degree of harm to the group of assets at St Decumanus. Whilst there is a statutory duty to consider the harm to other assets including Angle Conservation Area, The Old Point House, Hilton Farm and outbuildings and Eastington Manor, PCC is of the view that were it not for the impact of the development on the Church, cross shaft and church hall, the harm would likely be outweighed by the benefit of renewable energy.
134. St Decumanus Church is a Grade I listed building. It is therefore of the highest value and harm to it or its setting should be given the greatest weight. Guidance identifies that *"The setting of a historic asset includes the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape"*. *"Significance"* is defined in TAN 24 as *"the sum of the cultural and natural heritage values of a place, often set out in the statement of significance"*. It is therefore not only relevant to consider the significance of the asset and how setting feeds into its significance but also how appreciation or experience of the significance of the asset may be affected by the change to its surroundings.
135. The Church was listed Grade I in 1970, after the construction of the refinery. Its historic importance dates from the 13<sup>th</sup> century and in early medieval times Rhoscrowther was the site of one of the seven Bishop Houses of Dyfed, an ecclesiastical centre. There was agreement between the parties that the church had functioned historically as the spiritual centre of a rural parish. Although RWF opined that this function had been lost following the explosion at the refinery, use of the church and the churchyard continue to this day.
136. By reason of its unusual tower, PCC considers the church had functioned as a place marker. Whilst this aspect has been much damaged by virtue of the massive refinery to the north, the tower's modest presence can still be identified from the PCNT and, with difficulty, from the south. Its function as a place marker would be further diminished by the turbines which would draw the eye above it on the skyline.
137. The aesthetic merit of the church, its cross shaft and the church hall is high. From within the churchyard the refinery is well screened and although RWF considers it can be smelt and heard, PCC considers this is dependent on wind direction and once within the churchyard one is not very aware of the refinery. The rural views outward from the churchyard are beneficial to the tranquil, contemplative and spiritual experience of the church. This would be harmed by a backdrop of dynamic turbines. Whilst RWF doubted that the tower and the turbines would be seen in the same view, the visibility of the refinery when south or west of the church increases the importance of maintaining the one remaining rural aspect. As detailed in the guidance and accepted by RWF, continuous small changes can be deleterious to setting.
138. Many of the assertions made by RWF regarding the loss of Rhoscrowther village were based on speculation. There was no evidence of a track to the well or of a navigable stream or route to the inlet or of an historic village beyond the few buildings shown on the 1860 OS map. It was agreed that until 500 years ago the rural surroundings of the village were probably the

original moor. Thereafter the fields were enclosed and have remained unchanged except for the brief life of the refinery houses built in the 1960's. As far as the appeal site is concerned, the current setting of the church has reverted to the condition prior to the 1960's housing. Changes in setting may sometimes be beneficial.

139. RWF has no evidence of when the south door to the church was blocked, it could have been when the north porch was added. Although the northern gate would have been used by the rector, there was no evidence regarding the rectory. Whilst RWF considered the view would previously have been more open to the sea, this was speculation. There was also no evidence supporting the use of the inlet for travel and whilst keen to promote sea travel, RWF agreed that there may have been routes across the moor. The Ridgeway is probably pre-historic.
140. RWF suggested that the location of Rhoscrowther was as a result of the re-use of an earlier religious site or an attempt to avoid view from raiders. The tall tower of the Church is not explained by the former and may post-date the latter.
141. PCC contends that the development would have an adverse effect on the tranquil and spiritual experience of the churchyard, still in use, and church, still visited and used intermittently. There would be an adverse effect on the aesthetic significance of the church and church hall. The turbines would dominate the church in close and more distant views, drawing the eye and reducing its function as a place marker. The turbines would distract the viewer when seeking to appreciate the aesthetic value of the group of assets.
142. Welsh Guidance<sup>88</sup> advises that *"The setting of a historic asset is not fixed and may change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood or the introduction of an adjacent new development that has a major visual impact"*. *"The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features"*. *"The setting of a historic asset can also include less tangible elements. These may include function, sensory perceptions or historical, artistic, literary and scenic associations"*. *"Views to and from a historic asset are often the most obvious factors."*
143. The setting of an historic asset is made up of its current surroundings; our present understanding and appreciation of the asset; and what (if anything) survives of its historic surroundings. In respect of the proposal, in the relevant direction the surroundings are much as they were 500 years ago; the asset is an architectural achievement, a beautiful building patently constructed and maintained with care, unusual in size and quality given the small population in its parish; and with an open view to the rural fields of the parish, the adjacent curtilage assets and the nearby but neglected Hilton Farm.

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<sup>88</sup> CD Volume 9 HER-9

144. According to the guidance, impacts can arise through such changes as the introduction of an adjacent new development that has a major visual impact; visual impact of the proposed change or development relative to the scale of the historic asset and its setting; the visual impact of the proposed change or development relative to the location of the historic asset; and whether the proposed change or development would dominate the historic asset or detract from our ability to understand and appreciate, for example, its functional or physical relationship with the surrounding landscape and associated structures.
145. Also to be considered are such matters as the capability of a landscape setting to absorb change or new development without the erosion of its key characteristics; the impact of the proposed change or development on non-visual elements of the setting and character of the historic asset, such as sense of remoteness, evocation of the historical past, sense of place, cultural identity or spiritual responses; and the cumulative effect of the proposed change or development. Sometimes relatively small changes, or a series of small changes, can have a major impact on our ability to understand, appreciate and experience an historic asset. Given the guidance the PCC upholds its view that there would be a major impact on the significance of the three listed buildings, in particular upon St Decumanus Church.
146. Policy GN.38 of the LDP raises a presumption against harmful development. It only permits development that affects sites and landscapes of architectural and/or historical merit or archaeological importance or their setting where it can be demonstrated that it would protect or enhance their character and integrity. Even with the removal of turbine 4 the harm to the heritage assets would remain. Whilst the harm may be reduced it is not possible on the submissions to say by how much. The conflict with policy would nevertheless remain.

*Landscape character and visual amenity*

147. The site lies to the east of the PCNP which encompasses the margins of Angle Bay, the Angle Peninsula and Freshwater West. The turbines would be located between 500m and 1000m from the National Park boundary. The western section of VSAA VS061 of LANDMAP runs over the boundary of the National Park and in the PCNPA landscape character assessment LCA 7 Angle Peninsula encircles Angle Bay and is bounded to the east by the refinery with LCA 6 Castlemartin/Merrion Ranges and LCA 8 Freshwater West/Brownsnade Burrows to the south. Following the coast through these character areas is the PCNT, which in the Angle area is used by approximately 13,000 people annually.
148. PCC considers that in numerous places the LVIA undervalued the changes both to landscape character and visual amenity. This was due to heavy reliance on the presence of the refinery and failure to acknowledge the numerous places where the development, which by extending the impact of massive structures into the rural scene, would significantly adversely affect both landscape character and the amenity of those using local routes and the PCNT. The relevance of the PCNP designation and thus sensitivity of the landscape was taken into consideration together with the question of whether the HWEZ, where development proposals are subject to the same

planning policies as those outside it, will or will not necessarily lead to significant changes to the local countryside. RWF accepted that the omission of turbine 4 would not make a significant difference. The views of PCC are similar to those of the PCNPA.

149. The proposition put forward by RWF that the PCNPA SPG would allow turbines within the PCNP close to the refinery, would require assessment as part of a full planning application. Notwithstanding this, the SPG states that there may only be limited scope for such development and Policy GN.1 requires the protection of the special qualities of the PCNP. Until a proposal for turbines within the PCNP and close to the refinery is submitted it will not be known whether potential limited opportunity is a reality. PCC acknowledges that wind turbines have particular needs and would inevitably cause significant effects. This serves to emphasise that sensitive site location is essential.
150. PCC considers that the character of the landscape close to the refinery is of the same character as at the boundary with the PCNP, as acknowledged by LANDMAP by including both within the broad area of VS061. In its assessment RWF sub-divided VS061 to distinguish between the areas within and outside the PCNP and to identify pockets of less sensitive land. Although RWF accepted that Policy SP 2 of the LDP was spatially designated on the proposals map, it asserted that the HWEZ was sufficiently related to a land use strategy to be taken into account.
151. Nevertheless, RWF accepted that the proposal would represent urban creep which was not supported by the LANDMAP recommendations. The only recent development identified south of the Haven Waterway was the car park at the refinery and although RWF considered development between the refinery and the power station would be harmful to views from the PCNP, such views would only be available from the south, those from the Angle Peninsula being screened by the refinery.

#### *Planning policy*

152. PCC considers that RWF appeared to misunderstand the function of the HWEZ, which is to encourage local businesses and job creation by financial incentives such as rates relief, capital allowances, grants and so on. It does not raise any presumption that development will be permitted within the open countryside. Furthermore, whilst the location of the site within the HWEZ is a material consideration, it carries little weight.
153. Policy SP 3 of the LDP addresses allocations for a range of sustainable sites for enterprise and employment. Whilst the policy allocates strategic employment sites to support the future development of port and energy related activities in proximity to the Milford Haven Waterway, the appeal site is not allocated.
154. Other LDP policies which apply to the rural part of the HWEZ as well as outside of it include SP 16, GN.1 and GN.38. Renewable energy proposals which comply with Policy GN.4 by being environmentally acceptable, may potentially be sited anywhere within the LDP area. The explanation of the policy recognises that the sites for such proposals do not necessarily have to be directly linked to new development proposals, but major schemes will

often require a functional link between the source of power and a user for the end product and/or the National Grid. There would be no functional link to the adjacent refinery and the development proposes a link into the local grid. It is accepted that this can be achieved without the need for additional infrastructure.

155. The nearby solar farms were judged to be environmentally acceptable. Other developments within the HWEZ but outside the spatial area of Policy SP 2 or allocated sites would be in the countryside and would have to demonstrate compliance with SP 16 and other relevant policies depending on their location. The appeal site is not within the area spatially defined on the Proposals Map for Policy SP 2.

156. PPW identifies the mechanisms which can assist applications within an enterprise zone<sup>89</sup>. It does not suggest that any presumption in favour of development is raised within such zones nor that different policies should apply. No simplified planning zone has been adopted as the environmental protections of the area, including the international protection of the Haven, prevent it.

#### *Need*

157. The LDP has been meeting the expectations of UK and Welsh Governments in providing renewable energy. The SSA's, established by TAN 8 for major onshore wind developments, are expected to provide 1.7GW capacity of the 2GW anticipated from onshore wind to be delivered by 2016/17. There is no SSA in Pembrokeshire. Nonetheless PCC has consented 288MW of capacity including 33.2MW of onshore wind. PCC has taken a positive approach in permitting the right types of development in the right places whilst protecting the natural and historic environment including the adjoining PCNP.

158. In June 2015 the SoS for Energy & Climate Change stated that there was enough onshore wind in the pipeline for the technology to play a significant part in meeting renewable energy commitments and, given that onshore wind deployment was above the middle of the best estimate of what was needed to meet the 2020 targets, further deployment should be curtailed balancing the interests of onshore wind developers with those of the general public<sup>90</sup>.

159. The subsequent correspondence from the SoS<sup>91</sup> continues to require 30% electricity contribution and suggests other mechanisms for overcoming the shortfalls of transport and heat. Although not planning policy the Ministerial Statement from the Cabinet Secretary for the Environment<sup>92</sup> gave support to community based schemes and recognised that Wales is expected to produce 7Twh by 2020. Given that in 2015 Wales generated 32% of its electricity consumption from renewable energy sources<sup>93</sup>, the target will be achieved.

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<sup>89</sup> CD Volume 7 POL-14 paragraph 7.2.3

<sup>90</sup> CD Volume 7 POL-12

<sup>91</sup> CD Volume 8 POL-49

<sup>92</sup> CD Volume 8 POL-31

<sup>93</sup> CD Volume 8 POL-31

A new target of Wales generating 70% of its electricity consumption from renewable energy by 2030 was also set.

160. Although PCC will continue to contribute towards this target, it is possible that by that date marine development may prove more important than any potential wind development. PCC's contribution to renewable energy already mainly comes from technologies other than wind, which are more readily absorbed within the highly valued landscape where a major part of the economy is based on tourism. PCC accepts that wind is a mature technology and a cheap source of supply. However, it is also one which invariably causes landscape character and visual impact for some distance around the site and is not an advantage in a location close to the PCNP, PCNT, grade I listed building and in a Heritage Landscape of Outstanding Importance. Furthermore, there is no indication that in order to meet the new target Ministers anticipate a change in planning policy to reduce the protection afforded to the landscape or heritage.

### *Conclusions*

161. The need for renewable energy does not justify overriding the LDP. The considerable weight being given to need has to be balanced against the considerable weight afforded to the protection of the significance of the listed buildings. The proper application of the policies of the LDP in accordance with legislation has resulted in a substantial contribution to the real need in the Council's area.
162. The WBFG Act places a duty on public bodies (including Welsh Ministers) that they must carry out sustainable development. PPW explains how this is to be achieved and advises that a plan led system is the most effective way to secure sustainable development<sup>94</sup>.
163. TAN 8 advises that outside an SSA a balance should be struck between the desirability of renewable energy and landscape protection. Annex D advises of the implicit objective to maintain the integrity and quality of the landscape within designated landscapes such as the PCNP and in the rest of Wales outside the SSA's, the implicit objective is to maintain the landscape character i.e. no significant change in landscape character from wind turbine development.
164. PPW seeks to ensure that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations and at the same time ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed. The statutory purposes of the National Parks are to conserve and enhance their natural beauty, wildlife and cultural heritage and to promote opportunities for public understanding and enjoyment of their special qualities. Public bodies and relevant authorities have a statutory duty to have regard to these purposes. Policy GN.1 of the LDP echoes this advice.
165. PPW advises that for any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirements to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. Policy GN.38 of the LDP reflects this advice.
166. PCC considers that the proposed development would be contrary to the relevant development plan policies and that there are no material considerations capable of outweighing that conflict.

### **The case for Campaign for Protection of Rural Wales**

The material points made by CPRW are:

167. CPRW recognised the dual and apparently paradoxical assets of the area of Pembrokeshire in which the appeal site is located. These assets include the rural historic landscape and coastline as well as its status as part of the PCNP. Despite its location on the southern side of the Haven Waterway with

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<sup>94</sup> CD Volume 7 POL-14 paragraph 4.2.4

its deep water harbour, the local area is a place of enjoyment and relaxation for tourists and locals and there are areas of tranquillity which remain relatively undiminished; St Decumanus Church and its immediate setting being a prime example.

168. The special qualities of the Haven Waterway justified the siting of major energy infrastructure dependent on the unique ability to import vital raw materials. The refinery, originally established under the Regent Refinery Company Act, 1962, (the RRC Act), is now the only operating refinery either side of the waterway. It has been justified and accepted on the basis of a strategic locational imperative. Whilst it makes its own bold statement in the landscape, this impact stops emphatically and clearly at its boundary. Although close to the refinery, the proposal does not constitute co-location. Furthermore it is dependent on a wind resource and is not reliant on proximity to a unique harbour.
169. Whilst the RRC Act made no specific reference to the PCNP, which came into existence in 1951, the presence of the refinery was a matter addressed in the review of the boundary of the PCNP in 1991 when it was deleted from within the National Park<sup>95</sup>. Although at that time consideration was also given to the removal of the former oil storage tanks from within the boundary of the PCNP, it was concluded that this area would remain within it.
170. The solar panel arrays at Hoplass and Wogaston are visible and will always be evident in the landscape. However, they do not create an industrialised landscape to the south of the HWEZ. The HWEZ does not carry planning weight and CPRW does not accept the RWF's interpretation of the Minister's letter<sup>96</sup> to the local AM as a reference to financial support.
171. Although the appeal site lies within the HWEZ, it occupies a self-contained unspoilt valley which serves as a robust, clean-cut and necessary buffer to the refinery. The site has its own distinctive character which contrasts with but is not swallowed up by the refinery.
172. CPRW maintains its disagreement with the submitted ES and landscape evidence in terms of methodology, detail and conclusion. Whilst the supplementary evidence of RWF in respect of the redetermination appeal is much more straightforward and follows current guidance (GLVIA 3), it introduced a misleading set of descriptors in relation to the grading of sensitive receptors. However, during cross examination it became evident that the assessments were closer to those of CPRW than had previously appeared.
173. There would be open and repeated views towards the site along the tourist route from Castlemartin to Freshwater West. As evidenced by the additional viewpoint from the entrance to Gupton<sup>97</sup> the turbines would add to the clutter caused by the taller refinery structures and Wear Point turbines

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<sup>95</sup> CPRW Document 2c

<sup>96</sup> CPRW Document 3

<sup>97</sup> CPRW Appendix F



seen on the horizon. The Zone of Theoretical Visibility (ZTV) confirms that the turbines would be visible from Gupton.

174. Consideration should be given to the impact of the turbines when seen in front of the illuminated refinery at night or during dark days. Receptors would see up to 15 apparently chaotic black blades intercepting the vivid light display, complicated by stacking or overlapping. In addition to the day time impacts, the night time impacts would create a whole new and disturbing experience extending potentially to 24 hours each day. In addition to the concerns raised in this respect by Newton Farm caravan and camping site, the night time effects would also be apparent along those parts of the ridge road with clear visibility of the site from Wollaston Green and other close viewpoints (VP)<sup>98</sup> where the turbines would be seen in alignment with the refinery. Many routes are shown as 'on road' and 'traffic-free routes' in the wider Sustrans Network<sup>99</sup>.
175. The photographs of St Decumanus churchyard<sup>100</sup> show the green fields surrounding the appeal site, a land use which has persisted since enclosure. It was recorded in evidence to the previous Inquiry<sup>101</sup> that '*the churchyard and immediately surrounding area..forms the principal setting of the church*'. The churchyard is an area where people move freely about and it is the peacefulness experienced within it and the church which is recorded as a key quality in the visitors' book. There is a variety of wireframes and visualisations from various points in the churchyard which all show that the size and incongruity of the moving turbine blades on much higher land would be inevitable and discordant. The church would also be seen in the context of the turbines from other viewpoints, including from Angle Bay to the west where the church tower would be seen between the turbines<sup>102</sup>.
176. There are two types of churches evident in the area, those clearly parochial in function standing clear on horizons such as at Warren and those set down in valleys such as at Pwllcrochan, and on a much larger and complex scale as at Rhoscrowther. The latter demonstrated over the centuries the development of a complex and even magnificent edifice out of all proportion to the size of this quite tiny settlement. This gives support to the recorded function not as a parishioners' church, but as a special building arising from a holy well and being known to develop over the years as a Bishop's House. This all adds to the weight which must be given to the impacts upon it by the proposal. An extra dimension to the cultural sensitivity of the area is the association of Waldo Williams, Welsh poet and Bard, to the local community<sup>103</sup>.
177. According to the Agricultural Land Classification Predictive Map, launched on 27 November 2017, the site is now largely Grade 2 with a relatively small area in Grade 3A. Both form Best and Most Versatile (BMV) farmland which

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<sup>98</sup> Viewpoints 1, 4, 5 and 6 and EIS 2

<sup>99</sup> CPRW Document 9

<sup>100</sup> CPRW Appendix F

<sup>101</sup> Mr Atkinson paragraph 5.1.15

<sup>102</sup> Viewpoint AV1

<sup>103</sup> CPRW Document 8

should wherever possible be conserved and remain free from development. This is now a material consideration.

178. CPRW concludes that this is an unjustified location for a proposal of this size and nature, negating the settled and appropriate buffer at the edge of a uniquely positioned nationally important infrastructure project. Its adverse impacts on the landscape within and outside the PCNP and on visual, recreational and residential receptors have not been fully stated.

179. CPRW submits that the proposal is unacceptable. It cannot be justified by using the type of special circumstances under which the refinery was established fifty years ago as an excuse to justify this entirely different development.

### **The cases for Interested Parties**

*Councillor* [REDACTED] (Document 7)

180. The proposal would result in large structures with moving parts located close to the refinery. If the turbines fail, debris would likely fall into the perimeter of the refinery with catastrophic consequences. There is also the potential threat from terrorism and therefore a precautionary approach should be taken. Although no statutory consultee had raised an issue in respect of these matters and turbines are sited within the confines of the refinery on the northern side of the Haven Waterway, the potential consequences of the development were of concern to the witness.

*Councillor* [REDACTED]

181. General opposition to the development from the local community was reported. If allowed the proposal would set a precedent for developments of this type on the Angle Peninsula. The scale, number and siting of the proposed turbines would harm the environment and potentially harm the living conditions of local residents in respect of flicker.

[REDACTED] *for Angle Community Council (ACC)*(Document 34)

182. The primary concern was the detrimental visual impact of the development on the surrounding area and its significant effect on the setting of the historic and environmental landscape. Although the refinery and existing turbines feature in local views, the proposed turbines, being closer, would appear significantly larger and would be in full view from many more aspects. Moreover their movement would subliminally attract more attention. ACC see no need for expansion of the industrial area as there is ample brownfield land available and better suited for this type of development both locally, elsewhere in the county and further afield.

183. The scheme does not fit the intended profile of the HWEZ as it only has the potential to create 5 jobs. The tourist industry, which would be threatened by the development, can and does provide more. Given the proximity of the development to the PCNP, the PCNT and high quality beaches ACC was unconvinced that visitor numbers would not be affected by the proposal. It accepted that the refinery fulfils a national need and has to be in this location due to the port facilities. The same does not apply to the proposal which offers little in return for the long term damage to the

landscape, community and the county. Whilst community benefits may be on offer, ACC does not believe these would be adequate compensation for the effect of the project on the local community.

184. The environmental impact on residents is also of concern. Issues such as noise, shadow flicker and television reception need to be thoroughly addressed and suitable assurances given to ensure mitigation is provided where necessary. The impact on wildlife, particularly birds is difficult to predict, but the unpredictable patterns of migratory birds such as lapwing who occupy local open fields causes concern.

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185. Mr McEwan outlined the support and advice he had received from RWF in running a local fitness club which included boxing, weight lifting and free running and was open to all ages and abilities. It provided employment for local school leavers and had links with the armed forces. Mr McEwan told of the difficulties he had in raising funds for the venture and securing premises and the help he had been given by RWF to the benefit of the local area.

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186. Mr Barnacle stated that as a resident of Neath Farm he lived close to the appeal site. He explained that he already looked out over the refinery and raised no objection to the proposed wind farm and the clean energy it would produce.

██████████ (Document 22)

187. Mr Woods is the fifth generation involved in the family farm which now includes businesses related to veterinary care and contract civil engineering and ground work services. He explained that the contracting side of the business had already secured a contract from RWF for work not connected with the appeal proposal which had resulted in the employment of 23 people for 6 months. Mr Woods was of the opinion that the wind farm would bring business opportunities to many in the area resulting in economic benefits for local firms.

██████████ (Document 28)

188. Mr Taylor explained that he was one of 20 people residing in a cluster of eight dwellings at Wollaston Green, his property being the nearest of the properties to the appeal site. The main view from his property was towards Angle and whilst the refinery did not feature in that view the solar farm did and the turbines would be seen in relatively close proximity. He was concerned that a noise survey had not been carried out at the properties. Moreover one of the residents was a young child who had a medical condition which could potentially be affected by flicker from the turbines.

189. Mr Taylor recognised the payments that would be made to good causes as a result of the development, but he contended that these would benefit residents living away from the site and not those in the immediate surroundings. He acknowledged that the proposal would create some jobs, but not secure long term employment.

██████████ (Document 29)

190. Mrs Bowen was also representing her neighbours on the north shore of East Angle Bay who considered that the development would have a negative impact on the outlook from their properties and on the surrounding countryside. The turbines would visually dominate the bay and the PCNT, both of which are used by very large numbers of recreational boaters and walkers. The turbines would stand apart from the refinery except when being viewed from a northerly or southerly direction. It is also not known how long the refinery will remain.

██████████ (Document 30)

191. Although a member of ACC, Mr Bradley confirmed that he was speaking in a private capacity. He considered that the proposal would have an adverse effect on the rural nature of South Pembrokeshire by affecting tourism, the primary source of the county's income. Moreover, little or no sustainable employment would result from the development. Others have raised issues of safety, noise, inefficiency and adverse visual impact. Amongst those objecting are the National Park Association, the National Trust, local Community Councils and 84% of the local population. The only ones supporting the proposal were those who would benefit from promises of funding.

██████████ (Document 31)

192. Mr Grange confirmed that he was not representing Hundleton Community Council. He raised concerns regarding the size and height of the turbines and the extent to which they would be visible in the landscape. He also referred to the potential hazard to motorists using the local roads to be distracted by views of the turbines and also potential flicker when the winter sun is low on the horizon. Mr Grange felt there was the potential for the development to set a precedent for similar schemes in the area, to the detriment of the Angle Peninsula, the PCNP and the local tourist industry.

██████████ (Document 32)

193. Mrs Lewis considered that the development would affect the caravan and campsite which was a farm diversification business within the PCNP. She expressed concerns not only in respect of the visual impact of the turbines but also regarding the effect of noise, television reception and light disturbance from the blades passing in front of the lights from the refinery at night.

194. In respect of noise Mrs Lewis indicated that the survey was undertaken prior to measures being taken to mitigate the noise from ships making night deliveries to the terminals on The Haven. Of the 16 days of noise monitoring, she had noted 7 days of overnight noise from the ships and she was of the opinion that this did not represent usual overnight background noise levels. These matters were also relevant to the campsite at Gupton Park. There is also the potential displacement of tourists which would affect all types of tourist accommodation available in the local area as well as other businesses and events which rely on tourism, putting local jobs at risk.

195. Mrs Lewis did not consider Rhoscrowther to be an abandoned settlement as there was still a local community of residents as well as events in the hall and plans to promote St Decumanus Church in an acceptable way through its connection with the Priors and Pilgrims Trail, Waldo Williams and Henry Timmins, poets with connections to the area.

██████████ (Document 33)

196. Mrs Weick raised concerns not only in respect of the effect of the turbines on the landscape and local habitat but on the residential amenity of herself and her family. Her property is within 400 metres of the appeal site and she considers the proposal would have a detrimental effect with regard to outlook and noise as well as harming birds which visit the large pond in the garden, bats colliding with the turbines and the disruption of nesting habitats. The extent to which bats are harmed by turbines is not known.

197. The turbines would not only have a visual impact on St Decumanus Church but would also have a significant detrimental effect on the tranquillity of the area around it and also around St Mary's Church at Pwllcrochan. The proximity of the turbines to the PCNT and three local beaches would have a negative effect on tourism to the detriment of the local economy. There are already numerous wind turbines in the area, together with the refineries on both sides of the Haven Waterway, the solar farms and the power station all of which Mrs Weick stated to be visible from her property.

### **Written representations**

198. In addition to the letters submitted in respect of the planning application and the appeal, a further 21 letters were received in response to notification of the re-determination of the appeal and one letter of representation was submitted to the Inquiry. Whilst some of the representations made were in support of the proposal, particularly in respect of its socio-economic benefits and clean energy credentials, the majority were against it. The issues raised in the written representations against the development reflect the concerns already raised in the verbal evidence reported above and a full summary of the representations made both against and in support of the application is given in the PCC officers' report to committee.<sup>104</sup> Nevertheless, I set out below the material points made by PCNPA and Cadw in respect of the effect of the development on the PCNP and heritage assets respectively.

#### *Pembrokeshire Coast National Park Authority*

199. The PCNPA objected to the development on visual impact grounds. In views in excess of 5km the turbines would be seen in the context of the wider landscape of the Haven Waterway with distant skylines punctuated by oil, gas, port and electricity industry installations. In such views the turbines would be seen in close association with the refinery and the Authority considered that there would not be a significant further impact on landscape character or visual amenities.

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<sup>104</sup> CD Volume 3 PP-7 section A2

200. However, in closer views from the PCNT and other viewpoints<sup>105</sup>, the PCNPA considered the turbines would have a substantial and significant effect on the landscape and visual amenities of Angle Bay, even in the presence of the refinery. The turbines would be substantial and prominent structures in the landscape, in most local views extending the developed industrial element significantly beyond the refinery. The adverse impact on landscape character and visual amenity, as well as on the setting of the Angle Conservation Area and the Milford Haven Waterway landscape of Historic Importance, would be altogether more severe than suggested by the application. This was not what was envisaged by the SPG in its identification of the potential for large turbines close to the refinery chimneys which, for PCNP land, relates to the strip immediately to the west of the refinery, not to the south of it.
201. Concerns were raised regarding views from Castlemartin<sup>106</sup> where the turbines would stand to the right of the refinery, effectively doubling the linear extent of the close industrial features, with significant adverse effect on another area of special and individual landscape character in the PCNP.
202. Despite being 9.5km away, in views from the PCNT on the Dale Peninsula<sup>107</sup> the turbines would significantly extend the developed area of the skyline on the opposite side of the waterway. Whilst the towers would be screened by the landform of the Angle Peninsula, the blades would interfere with its largely clean profile. This would damage the character and visual amenity of this individual and characterful area of the PCNP overlooking the entrance to the waterway.

#### *Cadw*

203. Due to the visibility of the turbines in views of heritage assets Cadw found that there would be a medium/low impact from the development on the setting of Eastington Manor, Wollaston Round Barrows and Corston Beacon Round Barrow. The turbines would be clearly visible as significant features behind the barrow group when looking from Corston Barrow. In the light of the presumption in favour of the protection of the setting noted in PPW, Cadw considered these significant impacts to be material to the consideration of the appeal.
204. Cadw noted that the site is within the Rhoscrowther Historic Character Area of the Milford Haven Waterway Registered Landscape of Outstanding Historic Importance. Whilst the ASIDHOL<sup>108</sup> which supported the ES noted that the overall impact on the historic landscape would be slight, the effect on some character areas would be higher but would not exceed moderate. Cadw advised that this negative impact on the nationally important historic landscape be considered against the need for the development. The areas on which there would be moderate impact were identified as Rhoscrowther, Angle and Pembroke Dock<sup>109</sup>.

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<sup>105</sup> Viewpoints 1, 2, 3, 4, 6, 7

<sup>106</sup> Viewpoint 7

<sup>107</sup> Viewpoint 12

<sup>108</sup> Assessment of the Significance of the Impact of Development on Historic Landscape

<sup>109</sup> CD Volume 2 ES 4, ES Vol III Appendix 8.1, pages 40-41

## Conditions

205. A set of suggested conditions agreed between PCC and RWF was submitted prior to the Inquiry and this formed the basis of the discussion during the event. Suggested amendments tabled by CPRW<sup>110</sup> which were also on behalf of local residents were considered.
206. Suggested condition 5 requires a Construction and Environmental Management Plan (CEMP) and criterion ix) covers the methodology for the investigation of any potential contamination and mitigation. CPRW sought reference to mitigation of any adverse effects with particular reference to the area of the former landfill tip near to turbine 4. It also sought to set out the terms under which the investigation would be carried out and checked. PCC and RWF considered the clarification to be unnecessary.
207. Suggested condition 6 deals with external illumination during the operational phase of the development and CPRW asked that reference to turbine-mounted illumination be included. PCC and RWF raised no objection to this suggestion.
208. The noise levels set in suggested condition 20 relate to residential properties. It was requested that the condition should also apply to the lawfully existing caravan and camping site adjacent to Newtown Farm. PCC commented that this would be difficult to enforce and RWF opined that residential dwellings were closer to the site than the caravan and camping site.
209. Reference was made to the effect of shadow flicker on St Decumanus Church and whilst this is normally a matter restricted to residential properties, in this instance the parties were agreed that suggested condition 16 be amended to include reference to the Church.
210. RWF also tabled a set of suggested conditions<sup>111</sup> for use if permission was granted with the omission of turbine 4. These reflected the suggested list for five turbines and the issues raised during the discussion were confirmed to be applicable to them.

## Conclusions

*The numbers in square brackets indicate the relevant paragraphs of the report.*

### **Preliminary matters**

211. In the event that the scheme for five turbines is found to be unacceptable, RWF has indicated it would be prepared to accept a condition which required turbine 4 not to be constructed. The appeal process should not be used to evolve a scheme and it is important that what is considered by the decision maker is essentially what was considered by the local planning authority and on which interested people's views were sought. It is therefore necessary to decide whether the omission of turbine 4 would render such a substantial difference to the proposal that to grant it would deprive those who should

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<sup>110</sup> Document 26

<sup>111</sup> Document 27

have been consulted on the changed development of the opportunity of such consultation. [5, 124]

212. Whilst no review of the ES has taken place, the four turbine scheme is within the parameters of the proposal assessed in the ES and considered in detail by PCC, statutory consultees and interested parties. Although the effect of the omission of turbine 4 has been considered in detail in the evidence of RWF, there has been no appraisal of it by PCC and the officers present at the Inquiry could not authoritatively give the views of the Council on a reduced scheme. Moreover, there has been no formal consultation on the matter. [55, 124, 125]
213. Due to the omission of a turbine and the access track and other infrastructure associated with it a four turbine scheme would constitute less development and the impact on landscape and visual amenity and historic heritage would be reduced. Given that there would be no additional impact arising from the proposal I do not consider that there is a need for further consultation or environmental appraisal. Furthermore I do not consider that prejudice to PCC or others consulted on the application would arise by them not having the opportunity to consider in detail the omission of turbine 4. [55, 124, 125, 126, 127]
214. I am therefore satisfied that, if it is concluded that the impact arising from turbine 4 is sufficient to tip the balance into dismissal of the appeal, then consideration could correctly be given to the omission of turbine 4, as requested by RWF. However, in undertaking the planning balance, account would need to be taken of the reduced benefits brought about by the reduction in clean energy the scheme would produce. [55, 126, 128]
215. Reference was made to LDP Policy SP 2, which provides support for port related development at the Port of Milford Haven which includes energy related development. Although the site lies close to the boundary of the spatial area defined on the Proposals Map to which the policy applies, it does not lie within it. However, the explanation of the policy states that the policy is not intended to protect such areas exclusively for such development. The policy therefore does not restrict energy related development solely to the spatial area defined. [23, 73, 74, 75, 148, 155]
216. The site is within the HWEZ where energy related development is encouraged. Whilst it is not a spatial planning policy, it clearly contemplates development in the area and given that Policy SP 2 does not protect the defined spatial area exclusively for energy related developments the location of the site within the HWEZ is a material consideration of the appeal. However it is necessary that any development within the HWEZ also satisfies the relevant policies of the LDP. In view of this requirement I consider the location of the site within the HWEZ adds no weight to the appeal. [23, 31, 73, 75, 148, 152, 154, 155, 156, 170, 171, 183]

### **Main issues**

217. I consider the main issues are the effect of the development on:
- the landscape character and visual amenity of the area, with particular reference to the nearby PCNP;
  - the setting of heritage assets in the area; and



- whether any resulting harm in terms of these matters is outweighed by the benefits of the proposal particularly its contribution to energy generation from renewable sources and combating the effects of climate change.

*The effect on landscape character and visual amenity*

218. The site lies outside, but close to the boundary of the PCNP. PPW states that the duty to have regard to the statutory purposes of the National Parks applies to development whether the development lies within or outside the designated area. [10, 147, 167, 169,]
219. The LVIA included in the ES and its addendum followed the methodological guidelines established by GLVIA 3 and also drew on other sources of best practice. Whilst soundly based as regards its broad methodology and scope, PCC, CPRW and the PCNPA disagree with a number of the conclusions reached in the LVIA concerning the extent and significance of the effects identified. [4, 148, 172, 200]
220. The site lies within a largely open and rural landscape which extends westwards from Pembroke to the Angle Peninsula. Scattered across the area are individual properties and small clusters of development. The uncluttered, open character of the landscape is accentuated by the elevated nature of the principal routes which traverse the area, including the roads to the north and south of the site, the B4320 between Pembroke and Angle and the B4319 between Castlemartin and Freshwater West. To the south and south west towards the coastline around Freshwater West there is a sense of increasing wildness and remoteness. This area, together with the margins of Angle Bay and the Angle Peninsula lie within the PCNP. [8, 53, 54, 47, 167]
221. In direct contrast with this is the considerable presence of the refinery to the north of and separated from the site by the minor road. The boundary of the PCNP was amended in 1995 to reflect the development of the refinery. Further to the north and east and lining the south and north sides of the Haven Waterway are port and jetty facilities and other elements of energy related infrastructure including the wind turbines on the north side of the water at Wear Point, the power station and its associated pylons on the south side and areas of urban settlement. These elements form part of the baseline against which the proposal falls to be considered. [9, 94, 101, 132, 148, 150, 168, 169, 182]
222. In LANDMAP the site lies within the north western part of the extensive VSAA VS061 which extends into the PCNP. It is characterised as a Mosaic Rolling Lowland with an overall evaluation of moderate. Immediately to the north of the site is VS090 which includes the refinery. This VSAA is characterised as Urban with an overall evaluation of low. In its supplementary evidence to the Inquiry RWF sub-divided VS061 to distinguish between the areas within and without the National Park and to identify pockets of less sensitive land. Although CPRW took issue as it considered this introduced a misleading set of descriptors in relation to the grading of sensitive receptors, on closer examination of the issue CPRW agreed the assessments were closer to those of CPRW than had previously appeared. [96, 130, 131, 147, 150, 151, 172]

223. Whilst I have taken this into account in my consideration of the issue, I find that the LANDMAP designation broadly reflects the rolling mosaic landscape within which the appeal site sits and which extends into the PCNP. It forms a rural buffer between the more wild landscape of the National Park and the urbanised elements of Milford Haven and its associated settlements. However, north of the appeal site, the rural buffer is interrupted by the refinery. Although its location was justified by the exceptional deep water harbour facilities and overriding arguments regarding national economic interest, the refinery is a major industrial feature and its imposing presence contrasts dramatically with its essentially open and rural setting. [150, 151, 68, 171, 183]
224. When seen from within the PCNP the refinery marks the presence of the Haven Waterway and the activities along its shores. The collection of tall towers, flare stacks and chimneys makes the complex highly visible in the landscape and due to the level of illumination throughout the refinery its presence is also marked during hours of darkness. The refinery is seen from numerous viewpoints within the PCNP, including from many parts of the PCNT as it approaches Freshwater West, around the Angle Peninsula and Angle Bay before continuing along the southern side of the Haven Waterway. The refinery also features in views from the PCNT on the north side of the waterway where it skirts the Dale Peninsula and takes in Great Castle Head and Milford Haven. [9, 101, 102, 168, 174, 190, 200]
225. However, it is the taller elements of the refinery which draw the eye in the wider views from within the PCNP. These are concentrated within a relatively small part of the developed area of the complex, many of the structures being low level in comparison and hidden by the landform in many of the more distant views. The impact and prominence of the refinery in the wider landscape is therefore derived primarily from a comparatively tight concentration of vertical elements which form an isolated skyline composition in stark contrast to its rural surroundings and the natural beauty of the PCNP. [101, 102, 104, 168]
226. The power station, port facilities and energy related infrastructure found concentrated along both sides of the Haven Waterway look towards and relate to the waterway. It is acknowledged that the chimneys to the power station and the associated power line pylons are established features in the landscape as are the turbines at Wear Point and others to the north of the Haven Waterway. It is also a fact that these turbines and chimneys are visible in views of the appeal site. However they appear in the background and in the context of a more industrialised landscape contained on the southern side of the Haven Waterway by the ridge marked by the road which runs between Rhoscrowther and Green Hill and past the site and the refinery. Views to the north are also confined by the waterway itself. This is a different landscape context from the appeal site which looks to and relates more closely with the rural valley and the PCNP beyond. [101, 102, 104, 131, 168, 171]
227. The former BP tank site, at the eastern end of Angle Bay, is no longer in industrial use and is being actively returned to a natural state. It no longer appears industrial in character. The solar panel arrays at Hoplass and Wogaston Farms are low-profile energy installations and whilst they are

visible in the landscape the field pattern remains discernible. The physical characteristics of these developments are quite different from those of the wind turbine scheme under consideration. Their effect on the character and appearance of the area is quite localised in comparison with the turbines and overall the solar schemes have not significantly altered the landscape against which the appeal proposal has to be assessed. [9, 49, 50, 155, 169, 170]

228. It is not in dispute that the turbines would have a significant impact on landscape character at ranges of up to 2km from the site. Detailed in the LVIA are several views close to the site namely VP's 1, 4, and 6. The nearest turbine is approximately 300m from VP1 (bridleway north of Hoplass) and 1.5km from VP 6 (near Wallaston Green). As demonstrated by the visualisations from these VP's the turbines would appear as prominent large objects spread across a substantial part of the field of view. Whilst the turbines would be seen in the context of the refinery, they would extend beyond the relatively constrained section occupied by the taller structures. Although the omission of turbine 4 would reduce the field of view, I do not consider the effect of the omission would make a significant difference to the dominance of the turbines in the landscape from these viewpoints. [93, 96, 97, 160, 174, 188, 200]
229. From viewpoints in the PCNP along the B4320 to and from Angle the turbines would appear as a prominent array across a substantial part of the field of view. This is demonstrated in the visualisation from VP 5, south of Neath, where they would form a visually separate and distinct element from the refinery. Although the power station chimneys, Wear Point turbines and outlying parts of the refinery are also seen, they are minor distant elements. The presence of the turbines would be emphasised by the rotating blades. The proposal would increase the presence of man-made industrial-scale elements in the landscape, spreading such visual influences significantly further across the landscape and towards the PCNP. Whilst the turbines would appear to be relatively evenly spaced, the omission of turbine 4 would substantially increase the gap between the westward turbine and the remaining three. [173, 174, 186, 200]
230. Further south the turbines would also be prominent in views from the elevated B4319 road leading from Castlemartin to Freshwater West. This road is also part of the PCNT and views of the turbines would be possible for much of the 2km stretch between West and Gupton Farms. As the visualisation for VP 7 at Castlemartin illustrates, the view of open countryside to the north is essentially unbroken except for the refinery. The rotating blades of the turbines would appear on the skyline to the east of the refinery creating a substantial additional intrusion into the rural landscape. It is acknowledged that at different points along this road the view of the turbines would change and rather than be seen as a distinct and separate element in the landscape they may appear as an addition to the refinery. In both instances the proposal would significantly increase the extent of development away from the taller elements of the refinery and into the countryside bounding the PCNP. Furthermore, the omission of turbine 4 would extend the gap between the refinery and the development when they are seen as separate elements. [173, 199, 200, 201]

231. The PCNT follows the coastline around Angle Bay and as demonstrated by the visualisation from VP 3, on the eastern shore, the turbines would be seen as a prominent array of moving structures standing separately from the refinery. It is acknowledged that the turbines would be partially screened in places by the undulating topography and vegetation. It is also accepted that the omission of turbine 4 would reduce the field of view. Nevertheless, the development would introduce a substantial new industrial scale element into the backdrop of the bay. [98, 99, 190, 200]
232. Although from VP 9, The Old Point House, and VP 11, east of St Mary's Church, the turbines would also be seen as a prominent array of moving structures standing separately from the refinery, it would differ from VP 3 in that the view would have the bay in the foreground. Whilst this has the effect of distancing the development so that it appears to be within a different landscape, it would still introduce an array of prominent, large scale, man-made and moving structures into the narrow tract of rural landscape between the refinery and the PCNP. Due to the number and height of the turbines and the diameter of the blades the development would be a prominent and distracting feature in the landscape. [98, 99, 190, 200]
233. I acknowledge that the effect of the development on the character of the landscape would decline with distance and that the site is close to the existing refinery which has an imposing presence of its own. However, I do not consider that the visual characteristics of the development would have a complementary or consolidating relationship with the static and more tightly grouped composition of the stacks, towers and chimneys of the refinery. Instead I consider the development would compound the present level of visual intrusion and spread the influence of development across a significantly greater area, which would be at odds with the LANDMAP recommendation for this VSAA. At the same time it would confuse the current simple contrast between the refinery and its rural setting as seen from the south, to the detriment of the character of the landscape. [80, 81, 84, 150, 151, 160, 167]
234. According to the Residential Visual Amenity Assessment (RVAA) in the ES there are properties in ten locations within 1.5 km of the site which have the potential to experience significant visual effects from the proposal. Whilst some of these locations are individual properties, others consist of two or more dwellings. The properties include Westwinds and its neighbour Sunnyridge; Wallaston; the cluster of dwellings at Wallaston Green; Wogaston; Hoplass; Harry Standup; Newton Farm and its neighbour Newton Cottage; and Pleasant View, the only remaining property occupied in Rhoscrowther. I visited Westwinds, Sunnyridge, Harry Standup and Newton Cottage and the surroundings of Newton Farm and Wallaston Green. Concerns regarding visual amenity were also raised by residents of properties on the western side of Angle Bay on the approach to The Old Point House, approximately 4km from the nearest turbine. [98, 186, 188, 190]
235. The visual effect of the development on each of the locations would depend not only on the distance from the turbines but also on the direction and extent of the view. Although all five turbines would be seen from most of the properties, the intervening topography and vegetation together with buildings would restrict the view of them. In some instances only the hub

and the moving blades would be seen. Furthermore, the extent of the array would limit the views of the turbines to one direction and some would include the refinery. This would not be the case from Pleasant View from where the main view is to the south and the refinery is behind it to the north. As recorded in the RVAA the occupiers of this property would have clear uninterrupted but oblique views of the five turbines which would appear as prominent moving structures upon an unconstrained horizon. Whilst the omission of turbine 4 would reduce the field of view and in some instances remove blade overlap, overall I do not consider it would make a substantial difference to the overall impact. [93, 174, 186]

236. There will always be significant effects from windfarms and it is accepted that there would be significant effects on the visual amenity of some residents in properties up to 4 km from the proposal. However, the test is whether the turbines would be present in such number, size and proximity that they would represent an unpleasantly overwhelming and unavoidable presence in main views from the property and its garden to the extent that the property is likely to become unattractive and thus an unsatisfactory place to live. On the evidence before me I do not consider this to be the case in this instance. However, if a contrary conclusion is reached and it is decided that the change of view, particularly from Pleasant View could be described in these terms, such effects would fall to be weighed in the balance against the wider public benefits which the development is designed to achieve. [93]
237. For motorists and other road users there would be significant changes in views from some of the local roads within 3 km of the site, such as the minor roads to the north and south (VP 1) of the site and from the B4320 (VP 5) and the minor road through Wallaston Green (VP 6). As already recorded, from these VP's the turbines would appear as prominent large objects spread across a substantial part of the field of view which would extend beyond the relatively constrained section occupied by the taller structures of the refinery. Depending on the time of year and the height of the roadside hedgerows, there could be sustained views of the turbines from these local roads which follow the ridgelines. Also, from VP 1 and VP 6 the westward turbines would encroach in the vista towards the Angle Peninsula, extending the visual impact of the turbines towards the PCNP. CPRW's viewpoint EIS2 at Green Hill also demonstrates that from this direction the visual separation of the development from the refinery would increase. Furthermore, the development would impinge to a greater extent on and harm the views of Angle Bay and the Angle Peninsula, although it is accepted that this would be reduced by the omission of turbine 4. [98, 174, 200]
238. Also in relative close proximity to the site is the bridleway at Wogaston and to the north of the B4320 (VP 4) from where the turbines would also be seen largely against the backdrop of the refinery. Although further away, other industrial and energy related features of the Haven Waterway create a more industrialised character to the distant landscape. The view is from outside the PCNP and does not include the National Park except for a peripheral view of Angle Point and the Dale Peninsula, beyond which there would be no visual encroachment by the turbines. Given their relatively close proximity, the turbines would be very prominent in this view. Nevertheless, the view from the bridleway is limited to an extent by the

height of the hedgerows and I do not consider that the effect of the development in visual terms would be major. Moreover, the omission of turbine 4 would significantly curtail the westward extent of the array with consequent reduction on visual impact. [96, 97, 160, 174]

239. The prominence of the development in the view from the B4319 Castlemartin to Freshwater West road has already been set out. It is a route not only used by motorists and walkers following the PCNT but also cyclists, although it is not part of the National Cycle Network. Whilst the refinery is visible on the skyline and the local topography would result in the turbines dropping out of sight at times, a view of them would be sustained for a lengthy stretch. [99, 160, 174, 200]
240. When walking eastwards along the south side of the Haven Waterway from the north coast of the Angle Peninsula and around Angle Bay receptors on the PCNT would notice a significant change in some views as a result of the development. These views are already recorded in respect of VP 3, 7, 9 and 11. A similar view would be obtained from the elevated viewpoint at North Hill (Additional VP 1). The environs of Angle and Angle Bay are well visited and The Old Point House is a popular recreational destination. Whilst it is accepted that the turbines would not be visible from the confines of the main village, I consider that the development would be harmful to views from the PCNT and the setting of Angle Bay generally. [99, 160, 200]
241. Whilst a large part of the north side of the Haven Waterway is characterised by urban and industrial areas, progressing westwards within the PCNP the landscape becomes more rural and open and progressively more remote and distinct from the industrial areas to the east. The PCNT follows the coastline and from St Ann's Head views are obtained of the Angle Peninsula and from some vantage points include Angle Bay and Freshwater West. In these views the refinery appears as a prominent feature on the skyline on the far side of the waterway with the marine jetties in the middle distance, in strong contrast to the tranquil and unspoilt appearance of the adjacent landscape of the PCNP. [99, 160, 200]
242. As demonstrated by the visualisations for St Ann's Head (VP A) and Great Castle Head (VP C), the proposal would significantly extend the developed area of the refinery into the surrounding countryside. It is accepted that being over 7 km away the turbines would appear as distant structures and occupy only a small part of the field of view. However their rotating blades would draw the eye and it is only this part of the structure which would be seen from St Ann's Head, Dale Waterfront (VP B) and Castlebeach Bay (VP 17). From these VP's the turbines would harm the coastal view and have a moderately adverse visual impact on this part of the PCNP. No substantial change would result from the omission of turbine 4. [80, 81, 99, 160, 200]
243. Whilst the presence of the refinery close to the appeal site is a significant factor in terms of the baseline situation against which the proposal must be assessed, I do not find it a convincing reason for the proposed wind farm. The visual and spatial character of the proposal is very different from the refinery and the characteristics of the turbines together with their number, position and spread across the landscape would result in a substantial and distinct new development. From many of the vantage points the

development would appear not as a consolidation of the refinery but as a separate entity, considerably extending and spreading the built form into and across the adjacent countryside. [80, 81, 84, 104, 151, 199]

244. Although in LANDMAP VSAA VS061 is evaluated as having a medium sensitivity to change, one of its recommendations is to prevent further encroachment of industrial works into the north of the aspect area. It is acknowledged that the PCNPA SPG indicates there may be limited opportunity for a single or small cluster (2 or 3) of medium or large (under 100m to blade tip) scale turbines on land close to existing oil refinery chimneys in order to provide a new point of focus. However, there is a requirement for any such turbines to be sited sensitively taking into account guidance set out in the SPG in respect of each LCA. The guidance suggests there may be room for two or three turbines sited away from the coastal edge. Whilst RWF submitted visualisations to demonstrate the effect of such a proposal on land within the PCNP and close to the refinery as a comparison to the appeal proposal, there is insufficient information on which to make a fully reasoned comparison. The acceptability of such a scheme could only be determined on its merits as part of the planning process. [32, 33, 80, 82, 96, 100, 147, 149, 200]
245. The evidence leads me to conclude that the proposed development would have a significant and adverse visual effect on the character and appearance of the landscape of the PCNP. In particular I consider that this would be seen and experienced from areas to the south and west of the site and notably from the elevated routes along the B4320 to Angle and the B4319 between Castlemartin and Freshwater West as well as from Angle Point and Angle Bay together with significant lengths of the PCNT. I am of the opinion that in these locations receptors would have a greater awareness and appreciation of the landscape and consequently be more sensitive to change whatever their mode of transport or purpose of their journey, to the detriment of their visual amenity. [93, 104, 105]
246. The criteria set out in LDP Policy GN.1 which development proposals should satisfy, relate to compatibility with context, avoiding significant harm to visual amenity, and protecting landscape character and quality, including the special qualities of the PCNP. I conclude that the proposal would have a substantial harmful impact on the visual character and quality of the landscape, particularly in relation to the adjoining PCNP. The proposal therefore conflicts with Policy GN.1 of the LDP and national policy guidance in this respect. [19, 149, 160, 164]
247. It is acknowledged that the omission of turbine 4 would reduce the number of turbines visible in the landscape and from many vantage points it would reduce the width of the array. This would have positive consequences for some views from within the PCNP. However, the reduction in the array width would not be sufficient to reduce the magnitude of change and it is unlikely that the predicted extent of the significant effects would change as a result of removing turbine 4. The omission of turbine 4 would remove the overlapping of its blades with others at several VP's, including some within the PCNP. As a result the appearance of the proposal would be improved. It is only in respect of VP 5 that the omission of turbine 4 would result in a gap in the middle of the cluster. However, I am not persuaded that the effect of

the omission of turbine 4 on landscape character and visual amenity would overcome the harm identified in respect of the appeal scheme. [124, 148]

*The effect on the setting of heritage assets*

248. Whilst the development would have no direct physical effect on any designated historic asset in the vicinity of the appeal site, there is a statutory duty to consider the potential harm to the assets, including their setting. Although other assets have been identified by the parties, there is a general consensus that the determinative issue is the degree of harm the development would have on the setting of the group of assets at St Decumanus Church. In assessing the evidence I have come to a similar conclusion but for completeness I have also covered the heritage assets about which Cadw raised particular concerns, namely Eastington Manor, Wallaston Round Barrows and Corston Beacon Round Barrow. I have also considered the other heritage assets mentioned in the evidence, but I find nothing which leads me to conclude that the proposal would cause harm to the settings of these other assets to any substantive degree. [106, 133, 203]
249. Whilst setting is not itself a heritage asset, it is important to the way in which heritage assets are understood, appreciated and experienced, and contributes to their significance. The significance of an historic asset embraces all the cultural heritage values that people associate with it, or which prompt them to respond to it. These values tend to grow in strength and complexity over time, as understanding deepens and peoples' perceptions evolve. [40, 43, 107, 108, 134, 143]
250. Setting includes the surroundings in which an asset is understood, experienced and appreciated, embracing past and present relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. It often extends beyond the property boundary of an asset and into the surrounding landscape and can include physical elements of the surroundings of the asset as well as less tangible elements such as a function, sensory perceptions or historical, artistic, literary and scenic associations. Although views to and from an historic asset are the most obvious factors, other sensory elements can also affect setting. An example in this instance is the sounds and smells of the refinery. Elements of a setting may make a positive, negative or neutral contribution to the significance of an asset. [41, 43, 107, 108, 134, 142, 143, 144, 145]
251. The setting of an asset is not fixed and may change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset, such as the loss of the surrounding physical elements that allow the asset to be understood or the introduction of an adjacent new development that has a major visual impact. The value of any setting derives from how it contributes to the significance of the historic asset in question. [107, 108, 134, 142, 144, 145]
252. The grade I listed St Decumanus Church stands within a walled churchyard, on rising land to the north of a stream which flows to Angle Bay. The churchyard is bounded on its northern and eastern side by a minor rural road. The northern gate into the churchyard is adjacent to the entry to the site of the former rectory (now demolished) and the southern gate is



adjacent to the grade II listed church hall (former school house). Within the churchyard, between the church and the hall, stands the grade II listed medieval cross shaft and base. There is a clear visual and functional relationship between these three assets which form an intimate group. [109, 110, 114, 115, 134, 135, 137]

253. Although the refinery lies a short distance to the north, the intervening and wooded valley side provides substantial screening and only glimpsed views of it are possible from within the churchyard. Whilst the mature trees also limit views towards the east, from within the churchyard and its immediate surroundings there are views of upper parts of the valley where the turbines would be located. The location of the churchyard within the valley with outward views restricted by vegetation together with the clearance of most of the nearby dwellings creates a sense of enclosure and isolation. [110, 111, 112, 137, 175]
254. The cross shaft is the oldest feature in the churchyard. It is slim and rectangular in shape, stands at approximately 1.5m high and retains no identifiable decoration. It is considered to be Celtic in origin which indicates that this was a place of early Christian worship. Its primary significance is that it marks the site as a place of Christian worship before the current church was built. The relationship of the cross shaft with the church and the churchyard is an important aspect of its setting. [112, 115]
255. The church is medieval, possibly of C13 origin with a C14 tower. The building was restored in the late C19 and damage caused by the explosion at the refinery in the 1990's has been repaired. However, the evacuation of the village following the explosion left the church without a regular local congregation. It was closed in 2004 and passed to the Friends of Friendless Churches in 2005. Nevertheless the church remains a significant element of the historical and cultural fabric of the area as evidenced by its ongoing intermittent use, visitor book entries, inclusion in the Priors and Pilgrims Trail and connections with Waldo Williams. [112, 135, 140, 175, 176, 195]
256. Part of the significance of the church is its connection with early Celtic Christianity, its medieval fabric which includes several internal medieval and post-medieval tombs, and its place at the heart of the historic community. In addition there is also a record of a Bishop's house in Rhoscrowther in the medieval period. Whilst it has been suggested that the size and location of the rectory shown sited to the north of the church on the OS first edition is an indication that the church was the seat of the Bishop of Penfro in the pre-Norman period, there is no substantive evidence of this. It is equally probable that the suggestion that the size of the church and the rectory were the result of generous benefactors is correct. [112, 113, 135, 143, 176]
257. The position of the church within the valley with the stream flowing into Angle Bay with potentially clear views towards the coast may point towards an historical connection to the sea. The blocked entrance in the southern elevation of the church indicates a previous entrance which would have faced out onto the valley. It is here that Hilton Farmhouse, a grade II listed building and the well dedicated to St Decumanus are sited to the south and south west of the church respectively. Whilst these factors might suggest that the focus of the church and the settlement it served was towards the

sea, there is no visual or documentary evidence to support this. [112, 138, 139, 43, 176]

258. Although it is possible that travel by sea was the favoured form of transport, it is also equally possible that access was obtained across the moorland. It is known that some of the local roads are historical routes and early maps hint at the presence of trackways connecting local settlements. The location of the church nestled in the valley does not make it an easily visible landmark when travelling over the land unlike other churches in the area which can be seen over long distances, but neither is the church readily spotted from the coast. I accept that a sheltered location may have been intentional in terms of security from coastal attack and I noted other churches in the area which were similarly not prominent in the landscape. Nevertheless I am not persuaded that the location of the asset close to a stream which gives access to the nearby coastline demonstrates a strong historical connection with the sea. [112, 136, 138, 176]

259. Whilst in longer distance views the church is seen nestled in the valley with the refinery as a dominant presence in the background, in closer views of the church the refinery is hardly seen and in its immediate environs its presence is hardly perceived. Although it was suggested that the refinery operations were audible and could be smelt, this is dependent on the strength and direction of the wind. Whilst I accept that there will be times when standing in the churchyard the operations at the refinery would be apparent, during my site visits I experienced a low background hum and no perceptible odour. [112, 113, 137, 175]

260. Historically the setting of the church has been its immediate spatial relationship with the buildings of the village. Over time the surroundings of the church have evolved and apart from the cross shaft and the church hall, very few buildings remain. Today the church and its churchyard sit in the base of a wooded valley in surroundings which create an intimate and largely peaceful location. Although the wider landscape has also changed and the refinery is an integral element within it, I consider that the setting of the church continues to be its spatial relationship with its immediate surroundings within the valley. It is clear from their comments that the church and churchyard provide visitors with a tranquil and spiritual experience. The secluded location of the church within the valley with outward views limited to the upper slopes of the rural valley to the east together with the atmosphere this creates are part of the cultural heritage of the asset which people value and which are part of its significance. [110, 113, 135, 136, 137, 138, 141, 175]

261. The church hall was originally built as a National School in 1851. Although it stands within the churchyard, it is accessed from the road which abuts the churchyard wall on its eastern and northern sides. Whilst its role as the village school has ceased, the hall continues to be used for events and in association with the church. Its main historical significance is therefore its role in the education of local children and at the heart of the historic community. [114]

262. Although the main façade of the building faces onto the road, the building can also be appreciated from within the churchyard from where its

relationship with the church and the cross shaft can be seen. It is accepted that the destruction of the village has significantly altered the setting of the church hall. Nonetheless, its position inside the churchyard is an indication of its surviving importance at the heart of the wider community. [114]

263. The development would introduce new modern structures into the rural surroundings of the church. The nearest turbine would be approximately 700m from it. It is accepted that from various vantage points both within the churchyard and its immediate surroundings, views of the turbines would be screened by vegetation. This is demonstrated in the visualisation from the northern part of the churchyard where only perhaps a hint of the rotation of the blades of turbines 1 and 2 would be visible during the winter months and the tips of the blades of turbine 3 would be seen behind the canopy of a fir tree. However, from the pathway leading from the north gate to the church and looking towards the cross shaft and the church hall, a large part of turbine 4 and the upper blade of turbine 5 would be visible above the roof to the hall and the background vegetation. Although it would be a peripheral view, from the roadway just outside the north gate turbine 4 would be seen on the skyline above the churchyard's valley setting. Also from the southern part of the churchyard, the visualisations indicate that the hub and rotor blades of turbines 1 and 2 would be seen behind the church hall and the south gate. [113, 114, 137, 141]

264. I acknowledge that in entering the churchyard from the north gate the church is immediately in front of you and as the turbines would be to the east they would not be in direct line of sight. However, turbines 4 and 5 would feature in the only view of the surrounding rural countryside which would also feature the cross shaft and the church hall in the foreground. The turbines would also be seen in other views from within the churchyard. I consider that the turbines would have a pervasive presence and would be perceived from within the churchyard as a prominent and distracting feature that would detract from the tranquil setting of the church and intrude upon the grouping of the church, cross shaft and the church hall. I consider that this would harm the setting of the heritage assets and in turn their significance. Whilst the omission of turbine 4 would reduce the harm, I am not persuaded it would be sufficient to reduce it to acceptable levels. [112, 113, 114, 124, 137, 141, 145, 160]

265. Eastington Manor, a Scheduled Ancient Monument (SAM) and grade I listed building, comprises a fortified stone medieval tower house built in the C15. It was formerly attached to a large house on its western side, some of the remains of which are still visible. Attached to the eastern elevation of the tower is Eastington Farmhouse, built in the C18 century which is grade II listed. The assets are located approximately 500m north west of St Decumanus Church and occupy a south west facing slope overlooking Angle Bay. They are experienced and understood as part of the historic complex of farm buildings situated on rising land above the bay. [116, 203]

266. However, their setting is heavily influenced by the presence of the refinery on higher land to the rear which dominates all but close distance views of the buildings. Notwithstanding this, the principal aspect of the assets is not towards the appeal site and although the nearest turbine would be approximately 1 km away, due to the intervening landform the turbines

would not be prominent in views from or towards these heritage assets. Therefore, although the turbines would be visible in views of the assets, such views are limited and already influenced by the dominating presence of the refinery. Given the already much altered setting of the assets at Eastington Manor and the nature of the views towards the turbines I consider the impact on heritage significance would be low adverse. [116, 203]

267. Wallaston Round Barrows SAM is a group of four prehistoric burial mounds located in pasture land to the south of Wallaston Farm. Only one of the barrows can be easily identified on the ground and therefore these features are hard to identify in longer distance views. Their significance lies primarily in their form, landscape setting and archaeological value. The chimneys and stacks of the refinery are clearly visible to the north west but no other contemporary features, including Corston Beacon Barrow SAM are visible from the asset. Whilst the upper parts of the proposed turbines would be visible at a distance of approximately 1.5km from the barrows, they would appear against the backdrop of the taller structures of the refinery. The presence of the turbines would not interfere with or obscure any relationships with other features of the same date or detract from the ability of the receptor to appreciate its significance. [118, 203]

268. Corston Beacon Barrow is a Bronze Age burial mound in an elevated position in a field to the south of the B4320 and approximately 2km to the south east of the proposal. It comprises a mound approximately 30m in diameter and 1.5m high and its significance is largely connected with its landscape setting and archaeological value. There are no visible features in the surroundings which contribute to the significance of the SAM. Long distance views are substantially obscured by the large roadside hedge although the taller elements of the refinery are visible above it. [118, 203]

269. Whilst the field in which Wallaston Barrows sits is visible from the asset, as features in the landscape they cannot be easily distinguished at this distance and intervisibility is therefore limited. Nevertheless the spatial relationship in the landscape between the SAM's is important to an understanding and appreciation of their heritage significance. From Corston Beacon the turbines would lie in the same direction of sight as Wallaston, the nearest turbine being approximately 2.2km from the former and 1.5km from the latter. The refinery is already a major feature in such views and although views of the turbines would be restricted to blade tips seen in front of or close to the chimneys and stacks of the refinery, they would be distracting features in the views of Wallaston from the vicinity of Corston Beacon. Given this, it is concluded that the scheme would have some impact on the setting of these assets. [118, 203]

270. The development would occupy land within the Registered Milford Haven Waterway Historic Landscape. Based on the findings of the ASIDHOL, the ES concluded the overall impact of the development on the historic landscape would be slight. Having had regard to the overall diversity and industrial components of the designated area, and the relationship of the scheme to these industrial components, I concur with the conclusion reached in the ES that the implications for the Historic Landscape would be slight. On this basis I conclude that the proposed development would not have significant

negative implications in respect of the Registered Historic Landscape. [160, 204]

271. In conclusion the harm caused by the development to the setting of St Decumanus Church together with the listed cross shaft and church hall would be substantial, the impact on Eastington Manor would be low adverse and there would also be adverse impacts on Wallaston Round Barrows and Corston Beacon Barrow. Whilst there would be no significant implications in respect of the Registered Milford Haven Waterway Historic Landscape and other heritage assets in the area, overall I conclude that the proposal would have a significant adverse effect on the historic landscape, contrary to Policy GN.38 of the LDP and national policy guidance in this respect. This weighs against the appeal. [21, 118, 146, 154, 160, 165]

#### *Benefits of the development*

272. The proposal would have a maximum generating capacity of 12.5MW and would deliver electricity from a low carbon renewable source sufficient for about 7000 homes throughout its operational life. It would also displace at least 14000 tonnes of CO<sub>2</sub> emissions from entering the atmosphere each year. This would be a substantial contribution towards energy production from renewable resources and the reduction in greenhouse gas emissions sought by the UK Government's energy policy and required by WG targets. Given the commitment of the UK and Welsh Governments to address climate change through, amongst other things, greater production of electricity from renewable sources, the contribution which would be made by the proposed development would be significant. [35, 60, 61, 64]

273. Although the UK Government's stance on onshore wind proposals may have shifted, according to WG onshore wind remains a key factor in meeting its targets for future renewable energy production. It is noted that recent figures indicate that the targets set for 2020 will be met. However the target recently set by WG for the generation of 70% of electricity consumption from renewable energy by 2030 is a significant increase from the 30% required by 2020. Moreover, maintaining progress in electricity production from renewable resources is of increased importance due to the lack of progress in respect of heat and transport. On this basis I do not accept that the need for new renewable energy electricity generation is diminishing. [38, 65, 66, 87, 88, 89, 90, 91, 158, 159, 160]

274. It is accepted that Pembrokeshire is outside a SSA which are identified as areas most suitable for large windfarm developments. It is also accepted that within Pembrokeshire there is a large number of renewable energy schemes, the impacts of which have been judged acceptable and which already contribute to renewable energy production and there are more to be built. However, there is no set cap or quota which applies to a given planning authority area, nor is there a set limit for the amount of electricity which should be generated from renewable sources. Individual schemes must be judged on their merits and in the light of relevant policy and material considerations. [37, 62, 63, 65, 69, 87, 88, 89, 156, 160]

275. The connection to the local grid would take place on site and no significant highway works would be required. These factors represent significant advantages in favour of the proposal. Benefits to the local economy would

also accrue from the scheme during its construction and decommissioning as well as during the operational period in terms of local investment and jobs. Whilst it is not a matter which falls for consideration as part of the appeal, local groups and projects would also benefit from a Community Fund. It is acknowledged that the number of jobs may be few and may not be filled from the local community. However, there is evidence that local businesses have secured contracts with RWF in respect of other projects. [67, 89, 154, 183, 185, 190]

276. Given the evidence for a continuing need to increase energy production from renewable sources and WG commitment to and policy support for onshore wind energy proposals which are environmentally acceptable, the contribution the proposed development would make to energy delivery from renewable low carbon sources is an important consideration which carries significant weight in support of the appeal. The omission of turbine 4 would reduce the contribution the scheme would make towards energy production and the displacement of CO<sub>2</sub> omissions. [36, 65, 70, 71, 90, 91, 125, 159, 160]

### ***Other material considerations***

277. Although PCC considered the effects of the development in other respects would generally be acceptable, other parties have nonetheless raised concerns about matters additional to those already addressed above. [56]

### *Living conditions*

278. Residents raised concerns regarding the visual effect of the development with regard to living conditions. As already recorded as part of my site visit I attended several properties considered to be most affected in order to judge the effects for myself. There are several dwellings where views of the turbines would be possible through certain windows facing the general direction of the site or from within the garden to the property and these views would be altered by the presence of the turbines. It is also acknowledged that some of these properties are within a relatively short distance of the turbines, the nearest dwelling being approximately 615m away. However, I do not consider that the presence of the turbines in the views from any of the properties in the local area would be sufficiently intrusive or pervasive as to make the dwelling an unattractive or unsatisfactory place to live. I conclude that the development would not result in an unacceptable level of harm to the living conditions of local residents. [181, 184, 186, 188, 196]

### *Noise*

279. Interested parties raised concerns regarding the effect of noise from the turbines which would affect the living conditions of residents. Several residents expressed concern that some properties were excluded from the noise survey which, it was contended, was undertaken during unrepresentative background conditions prior to night time activity on ships on the Haven Waterway being controlled. It is noted that the ES had regard to the night time noise from the tankers and I have no evidence to indicate that the noise levels taken are no longer representative of the situation. The Council has not raised any concerns in this respect. [184, 188, 193, 194]

280. The external noise limits for residential properties set out in the report "The Assessment and Rating of Noise from Wind Farms" (ETSU-R-97) are designed to ensure that turbine noise would not cause undue day or night time disturbance. The ES analysis concludes that the operation of the turbines would satisfy this guidance and I have no evidence that the noise level limits set out in the suggested conditions would not meet those limits or prevent their enforcement in the event of any breach. [184, 189, 194]

#### *Shadow flicker*

281. The assessment in the ES demonstrated that shadow flicker effects would potentially occur at five dwellings in Rhoscrowther for brief periods at limited times of the year. Since the ES was written the residential use of all but one of the properties has ceased. Shadow flicker effects can be avoided by programming the curtailment of the operation of the turbines at critical times. This is a matter which can be satisfactorily addressed by a planning condition. [184, 188]

282. There were suggestions that shadow flicker could adversely affect drivers and that flicker would be caused by the movement of the rotor blades against the background of the refinery lights. This was particularly in relation to tourists staying at the caravan and camping site at Newton Farm. However there is no technical or scientific evidence to support these claims and furthermore, the ES indicates that Newton Farm is outside the area which has the potential to be affected by shadow flicker. [174, 192, 193]

#### *Television reception*

283. Modelling in the ES predicted moderate interference but actual interference would depend on the existing baseline which has not been established. However, the need for a full assessment is a matter which could be addressed by condition, together with any mitigation necessary to regulate the operation of the turbines. I accept that interference of television reception could also extend to users of the caravan and camping site at Newton Farm and the terms of the condition could be extended to cover this. [184, 193]

#### *Tourism*

284. The area benefits from tourism and concerns were raised by interested parties regarding the effect the development may have on visitor numbers and as a consequence the viability of local tourism related businesses. Particular reference was made to the caravan and camping sites at Newton Farm, which I visited, and Gupton Farm. The caravan and camping site at Newton Farm borders the B4320 and has views towards the appeal site. The turbines would be approximately 1.5km away and the refinery is also a major feature of this view. However, a short distance from the road boundary, the land falls away quite steeply to the south with extensive views over the PCNP, including Gupton Farm. Whilst tourists staying at Newton Farm and Gupton Farm would have views of the turbines, some of the views would be restricted by the intervening landform and buildings. [183, 191, 193, 197]

285. I accept that the experience of those staying in the area would change. However, research findings reported in the ES indicate that the majority of respondents have a neutral or positive attitude towards windfarms and feel that their decision to visit an area would be unaffected by the presence of a windfarm. Whilst it is possible that some visitors might be dissuaded from visiting the locality and others might change their mind about staying, I find the evidence insufficient to reach a firm and reasoned conclusion on the matter. [183, 193, 194]

286. Noise from the turbines was also raised as an issue which could affect tourism and those staying in caravans and tents were highlighted. Whilst many modern caravans and camper vans are insulated, it is accepted that these forms of accommodation may not offer the same level of protection from noise as a permanent property. There is the potential that excessive noise may be a factor which would dissuade people from staying in the area. However, there is no substantive evidence to support this contention. [193]

#### *Biodiversity*

287. Although considered as part of the ES and generally found to be sound, more information is required in respect of the location of two of the turbines in relation to bats. Whilst bats are protected species it is a matter which could be addressed by condition. [184, 196]

#### *Health and safety*

288. Due to the exposed nature of wind farm sites, turbines are designed to withstand extreme weather conditions. In the ES it is detailed that the turbines would be fitted with lightning protection equipment and sensors which automatically shut the turbines down if any imbalance is detected or wind speeds exceed safe operating limits. A system would also be in place which would monitor the performance of the wind farm and automatically alert engineers of any fault in the operation. These measures should prevent an emergency situation from occurring. No objection has been raised by statutory consultees in respect of the spatial relationship of the turbines with the refinery or security matters. [180]

289. Concerns were raised with regard to the health of a local child who lives relatively close to the site. However, I do not have any detailed medical evidence of the effect the turbines might have on the child's existing medical condition to be able to reach a sound conclusion on the matter. [189]

#### *Agricultural land classification*

290. Whilst previously being recorded as grade 3 in the recently published Agricultural Land Classification Predictive Map the site is identified as largely Grade 2 with a relatively small area in Grade 3A. According to PPW, grades 1, 2 and 3a agricultural land should be conserved for the future as it is a finite resource and in development management decisions considerable weight should be given to protecting such land from development. However, the proposal does not involve irreversible development of agricultural land and the land take for the siting of the turbines and associated infrastructure would not be substantial. Furthermore, the benefits of the development in achieving renewable energy objectives outweigh the limited harm in terms of



the loss of agricultural land for the 25 years anticipated lifetime of the development. [177]

#### *Similar developments*

291. I have had regard to the various planning decisions which have been brought to my attention for renewable energy schemes in various locations within the local area. Many of the decisions relating to wind energy were in respect of smaller schemes than the appeal proposal. Notwithstanding this, each will have been considered on its merits including in relation to the characteristics of its location and relationship to the PCNP. Whilst the turbines at Wear Point are similar in scale to those proposed, they relate much more directly to the industry and urban areas of the Haven Waterway and are a greater distance from the PCNP. Due to these factors I consider that similar developments in the area add no weight either for or against the appeal. [46, 94, 173, 221, 226, 229]

#### *Community benefits*

292. Several witnesses referred to the help local businesses had received from RWF and future potential benefits. Other witnesses considered these did not aid the local community. However the provision of any benefits is on a purely voluntary basis with no connection to the planning application process and carries no weight in the determination of the appeal. [183, 185, 187, 190]

#### **Conditions**

293. I have considered the list of suggested conditions and the suggested amendments discussed at the Inquiry in the light of WG Circular 016/2014 *The Use of Planning Conditions for Development Management*. In the event that the Welsh Ministers decide to allow the appeal, I submit that it would be reasonable and necessary to impose the conditions set out in the schedule attached to this report as Annex A. [205]

294. Having had regard to the comments made in respect of the conditions and in the interests of precision I have reworded several conditions and combined others. I have imposed the standard time limit condition. Since the CEMP would cover the whole site and mitigation of any contamination would have to be addressed as part of it, I consider the amendment proposed by CPRW to suggested condition 5 to be unnecessary. Reference in suggested condition 6 to external lighting covers the turbines and although the MoD has indicated a need for aviation lighting I do not consider it necessary or reasonable to include specific reference to the turbines in the condition. [205, 206, 207]

295. It is acknowledged that any noise from the turbines would not only be experienced by local residents but also by visitors to the area staying in a caravan or tent as well as residential property. However, the imposition of the noise level condition is to protect the residential living conditions of local residents who would be subject to any noise throughout the year and not just for short temporary periods. It would be unreasonable and difficult to enforce any control of noise in relation to those staying for short periods in caravans and tents. [208]

296. Although there is the potential for shadow flicker to be experienced within St Decumanus Church, it is only used intermittently and having seen the inside of the building I consider there would be limited opportunity for shadow flicker to be experienced. I consider it would be unreasonable to require the investigation and alleviation of any shadow flicker within the Church. [209]

297. These comments also apply to the set of suggested conditions set out in the schedule attached to this report as Annex B for use if permission was granted with the omission of turbine 4. [210]

### ***Planning balance and overall conclusion***

298. The proposed development would cause substantial harm to landscape character and visual amenity in respect of significant parts of the nearby PCNP. The existence of the refinery close to the site does not alleviate this visual harm, instead the proposal would substantially extend the current envelope of prominent development away from the Haven Waterway and into the relatively narrow buffer of countryside bordering the PCNP. The scheme would have a visually harmful effect, rather than one of beneficial co-location. [120]

299. The statutory purposes of the National Park designation, in terms of conserving and enhancing its natural beauty, wildlife and cultural heritage, also fall to be considered. This duty applies to activities affecting the National Parks, whether those activities lie within or outside the designated area. In the light of this duty I attach particular importance to the objective of protecting landscape character, quality and diversity in relation to the special qualities of the PCNP, as set out in criterion 3 of Policy GN.1 of the LDP. I consider that the proposal would not satisfy this policy requirement. [246]

300. In respect of the historic environment, I have found that the proposal would cause substantial harm to the setting of St Decumanus Church, the cross shaft and the church hall. There would also be a limited adverse effect on the setting of Eastington Manor, Wallaston Round Barrows and Corston Beacon Round Barrow. [121]

301. Special regard has to be paid to the desirability of preserving the setting of any listed building affected by the development and due to this statutory requirement the substantial harm identified to St Decumanus carries particular weight. The lesser harm to Eastington Manor, Wallaston Round Barrows and Corston Beacon Round Barrow also weighs in the balance. Overall I consider that the harm to the interests of heritage assets weigh significantly against the development. I find that the proposal would conflict with Policy GN.38 of the LDP which seeks to safeguard the settings of sites and landscape of architectural and/or historical merit. [271]

302. In the light of the above, I conclude that the development would fail to comply with Policy GN.4 of the LDP as the objective of delivering renewable energy development through environmentally acceptable solutions would not be achieved. In addition the development would not accord with Policy SP 16 which seeks to protect the landscape and natural and built environment of Pembrokeshire and adjoining areas. [20, 86, 72, 123, 154]

303. In favour of the proposal would be substantial benefits arising from the delivery of electrical power from a low carbon renewable source equivalent to the consumption of about 7000 homes and the consequent reduction in CO<sub>2</sub> emissions throughout the operational life of the development. It would also help substantially towards meeting Government targets in relation to these matters. There are also socio-economic benefits that would derive from the scheme, both locally and more widely across the county and beyond. These benefits are all important considerations, supported by the positive overall thrust of policy towards renewable energy production, including onshore wind and I attribute significant weight to them in support of the appeal. [121]
304. However, on balance I consider that the harm which would be caused by the development clearly outweighs the benefits it would bring. Whilst I acknowledge that the omission of turbine 4 would reduce the level of harm, I do not consider it would be sufficient to outweigh the harm identified. Furthermore, it would result in the production of less electricity and would not achieve the reduction in the level of CO<sub>2</sub> emissions estimated for the five turbine scheme. I have taken all other matters raised into account and I find nothing of any weight to justify altering my conclusion. [123, 124, 126, 163, 164, 166, 178]
305. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-being of Future Generations (Wales) Act 2015. Given the conclusion I have reached that the harm which would be caused by the development clearly outweighs the benefits it would bring I also find it fails to accord with the wide reaching aims and objectives of the WCFG Act. [14, 57, 59, 162]

### **Recommendation**

306. For the reasons given above, and having had regard to all other matters raised, I therefore recommend that the appeal be dismissed.



## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

██████████, of Counsel                      Instructed by Pembrokeshire County Council

She called

██████████ BA DipLA CMLI                      Landscape Officer, Pembrokeshire County Council

██████████ BA(Hons) IHBC                      Historic Buildings Conservation Officer, Pembrokeshire County Council

██████████ BSc(Hons) DipT&CP                      Development Manager, Pembrokeshire County Council  
DipUD MRTPI

### FOR THE APPELLANT:

██████████, QC                                      Instructed by Aaron & Partners LLP

He called

██████████ BSc(Hons) BLD CMLI                      Director, Hawkins Bell Associates Limited

██████████ MA(Hons) BLD                      Principal Cultural Heritage and Historic Environment  
CIFAMIHT MTPS,                      Consultant, Environmental Resources

██████████ BSc(Hons) TP                      Director, Frampton Town Planning Limited  
MRICS MRTPI

### FOR CPRW Pembrokeshire Branch (Rule 6 Party):

██████████                                      Environment Information Services

### INTERESTED PERSONS:

Councillor ██████████ OBE                      Ward Member

Councillor ██████████                      Member of Pembrokeshire County Council

██████████                                      Interested Party

██████████                                      Angle Community Council

██████████                                      Local resident

██████████                                      Local resident

██████████                                      Local resident

██████████                                      Local resident

██████████                                      Local resident

██████████                                      Local resident

██████████                                      Local resident

██████████                                      Local resident

## **DOCUMENTS**

### **Submitted to the Inquiry**

- 1 PCC letter of 9/11/17 regarding arrangements for the Inquiry
- 2 Supporting documents submitted by CPRW (green lever arch folder)
- 3 Updated Core Document list and additional documents submitted by RWF (documents inserted in CD files)
- 4 Opening statement on behalf of RWF
- 5 Opening statement on behalf of PCC
- 6 Opening statement on behalf of CPRW
- 7 Letter submitted by Councillor [REDACTED]
- 8 Visualisations in respect of scheme omitting turbine 4 submitted by RWF
- 9 Photograph of Valero Refinery showing heights of various stacks submitted by PCC
- 10 Planning permission in respect of Application NP/15/0366/FUL, in respect of infilling of bunds at former BP Tank Farm, submitted by PCC
- 11 Correspondence regarding the status of The Haven Waterway Enterprise Zone, submitted by RWF
- 12 Plan showing the extent of the Wogaston Solar Farm, submitted by CPRW (inserted in file of supporting documents as CPRW 15A)
- 13 E-mail correspondence regarding the status of The Haven Waterway Enterprise Zone, submitted by PCC
- 14 Friends of Friendless Churches leaflet on Church of St Decumanus, submitted by RWF
- 15 Plan and correspondence confirming the boundaries of The Haven Waterway Enterprise Zone as drawn in January 2015, submitted by RWF
- 16 Extract of 6 inch scale Ordnance Survey 1948 revision map for Rhoscrowther, submitted by RWF
- 17 Letter of 29/10/15 from Department of Energy & Climate Change, submitted by RWF (inserted in Volume 8 of Core Documents as POL 49)
- 18 Letter dated July 2011 from John Griffiths, Minister for Environment and Sustainable Development, Welsh Government, submitted by PCC
- 19 Planning permission in respect of Application 11/0234/PA, vehicle park at the refinery, submitted by PCC
- 20 Planning permission in respect of Application 15/0929/PA, car park at the refinery, submitted by PCC
- 21 Plan showing the extent of the Haven Waterway Enterprise Zone, submitted by RWF

- 22 Statement by [REDACTED]
- 23 Agricultural Land Classification information, submitted by CPRW (inserted in file of supporting documents as CPRW 17A)
- 24 Press release regarding Pen y Cymoedd Wind Farm submitted by RWF
- 25 Appeal Ref: APP/Y6930/A/14/2226525 decision letter, submitted by RWF
- 26 Comments on list of suggested conditions submitted by CPRW
- 27 List of suggested conditions for four turbine scheme, submitted by RWF
- 28 Statement by [REDACTED]
- 29 Statement by [REDACTED]
- 30 Statement by [REDACTED]
- 31 Statement by [REDACTED]
- 32 Statement by [REDACTED]
- 33 Statement by [REDACTED]
- 34 Statement by [REDACTED] representing Angle Community Council
- 35 Statement by Mr and Mrs [REDACTED]
- 36 Power output for four turbine scheme, submitted by RWF
- 37 Closing submissions of CPRW
- 38 Closing statement of PCC
- 39 Closing statement of RWF

### **Core Documents**

<u>Doc Ref</u>	<u>Doc Description</u>	<u>File No</u>
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### **Environmental Statement**

ES-1	Environmental Statement Non-Technical Summary	1
ES-2	Environmental Statement (Vol I)	1
ES-3	Environmental Statement (Vol II - Figures)	A3
ES-4	Environmental Statement (Vol III - Technical Appendices)	2
ES-5	Environmental Statement Addendum Text	1

ES-6	Environmental Statement Addendum Figures	A3
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**Planning Permission Application Documents**

PP-1	Application Form	3
PP-2	Planning Statement	3
PP-3	Design and Access Statement	3
PP-4	Statement of Community Involvement	3
PP-5	Transport Assessment	3
PP-6	Transport Management Plan	3
PP-7	Planning and Rights of Way Committee Report dated 20 <sup>th</sup> January 2014	3
PP-8	Decision Notice dated 21 <sup>st</sup> January 2015	3

**Appeal No.1 Documents**

APP-1	Appeal Form	4
APP-2	Grounds of Appeal	4
APP-3	Appellant Statement of Case	4
APP-4	LPA Statement of Case	4
APP-5	Rule 6(6) Party Statement of Case	4
APP-6	Geophysical Survey	4
APP-7	Archaeological Evaluation Report	4
APP-8	Proof of evidence of Rebecca Rylott on LVIA for the Appellant (including summary and appendices)	4
APP-9	Supporting figures to proof of evidence of Rebecca Rylott	A3
APP-10	Additional figures provided during the Inquiry	A3
APP-11	Proof of evidence of Simon Atkinson on Heritage for the Appellant (including summary and appendices B-G)	4
APP-12	Appendix A (figures) to proof of evidence of Simon Atkinson	A3
APP-13	Proof of evidence of Peter Frampton on Policy for the Appellant (including summary and appendices)	4

APP-14	Proof of evidence of Richard Staden on LVIA for the LPA (including summary and appendices)	4
APP-15	Proof of evidence of Matt Pyart on Heritage for the LPA (including summary)	4
APP-16	Proof of evidence of Mike Simmons on Policy for the LPA (including summary)	5
APP-17	Proof of evidence of Geoffrey Sinclair for the Rule 6(6) Party	4
APP-18	Signed Statement of Common Ground between the Appellant and the LPA	4
APP-19	Proposed Planning Conditions agreed between the Appellant and the LPA	4
APP-20	Decision Letter dated 4 <sup>th</sup> February 2016	5
APP-21	Order of Lewison LJ.	5
APP-22	Consent Order signed by Appellant, PCC and the Welsh Government	5

## **Policy**

### **Policy UK**

POL-1	UK Government Policy. NPS EN-1 (Overarching National Policy Statement for Energy) (July 2011)	6
POL-2	UK Government Policy. NPS EN-3 (Renewable Energy Infrastructure)	6
POL-3	UK Renewable Energy Road Map Update (2013)	6
POL-4	Annual Energy Statement (2014)	6
POL-5	Digest of United Kingdom Energy Statistics - September 2015 (Table 6.7)	6
POL-6	UK Renewable Energy Strategy (RES) (July 2009)	6
POL-7	Sustainable Development Commission: Wind Power in the UK (May 2005)	7
POL-8	Sustainable Development Commission: 'One Future – Different Paths The UK's Shared Framework for Sustainable Development'. (March 2005)	7
POL-9	Secretary of State for DECC Ministerial Statement on the Annual Energy Statement (November 2014)	7
POL-10	Secretary of State for DECC Speech to Renewable UK (November 2014)	7
POL-11	Secretary of State for DECC: Address to the Renewable UK Offshore Wind Conference (24 <sup>th</sup> June 2015)	7



POL-12	Secretary of State for DECC: Oral Statement to Parliament ( 22 <sup>nd</sup> June 2015)	7
POL-13	Promotion of the Use of Energy from Renewable Sources Regulations 2011	7
<b>Wales</b>		
POL-14	Planning Policy Wales (Edition 9, November 2016)	7
POL-15	Welsh Government Technical Advice Note (TAN 8): Planning for Renewable Energy (2005)	7
POL-16	No document	7
POL-17	Minister for Natural Resources' letter to Chief Planning Officers on 'Renewable Energy Projects' (15th March 2016)	7
POL-18	Edwina Hart – AM, Minister for Economy, Science and Transport and Carl Sargeant AM, Minister for Natural Resources (21 September 2015), Written Statement – Onshore Wind Statement Welsh Assembly Government	7
POL-19	Carl Sargeant AM press statement dated 8th September 2015 following Conjoined Inquiry decision.	7
POL-20	'Dear Chief Planning Officer Letter' (DCPO) (14th August 2015)	7
POL-21	Energy Wales: A Low Carbon Transition Delivery Plan (March 2014)	7
POL-22	Welsh Assembly Government Energy Policy Statement (March 2010)	7
POL-23	Study into the Potential Impact on Wind Farms and Associated Grid Infrastructure on the Welsh Tourism Sector (February 2014)	7
POL-24	Plan identifying Haven Waterway Enterprise Zone and Haven Waterway Enterprise Zone website (Welsh Government)	7
POL-25	Haven Waterway Enterprise Zone Strategic Plan 2015 &	7
POL-25A	Extracts from Haven Enterprise Zone website (2016)	
POL-26	Natural Resources Policy, August 2017	7
POL-27	Written Statement – An Update on the Climate Change provisions of the Environment Act, May 2017	8
POL-28	Welsh Emissions, May 2017	8
POL-29	Sustainable Development and Climate Change Annual Report 2015, published March 2016	8
POL-30	Climate Change Risk Assessment for Wales, January 2012 (Summary)	8

POL-31 Oral Statement of Lesley Griffiths, Cabinet Secretary for Environment and Rural Affairs, on 28 September 2017 8

POL-32 Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management 8

**Pembrokeshire County Council**

POL-33 Pembrokeshire County Council Local Development Plan 8

POL-34 Pembrokeshire County Council Supplementary Planning Guidance - Renewable Energy 8

POL-35 Pembrokeshire County Council – LDP Renewable Energy Assessment 8

**Pembrokeshire Coast National Park**

POL-36 Pembrokeshire Coast National Park Local Development Plan 8

POL-37 Pembrokeshire Coast National Park Supplementary Planning Guidance: Renewable Energy (October 2011) 8

POL-38 Pembrokeshire Coast National Park – Landscape Character Assessment Supplementary Planning Guidance: LCA 7 Angle Peninsula (June 2011) 8

POL-39 Pembrokeshire Coast National Park – Renewable Energy Assessment LDP – 2016 8

POL-40 PCNPA (Dec 2013) SPG: Cumulative Impact of Wind Turbines on Landscape and Visual Amenity. 8

**Miscellaneous**

POL-41 Study of Onshore Wind: Direct and Wider Economic Impacts (May 2012) 8

POL-42 Database for Onshore Wind 2017 8

POL-43 Bryn Blaen Appeal Decision 8

POL-44 Digest of UK Energy Statistics 2017 (Chapter 6) 8

POL-45 Low Carbon Energy Generation in Wales (Welsh Government November 2015) 8

POL-46 Statement by Leslie Griffiths dated 29 November 2017 and Public Statement 8

POL-47 Business Green Article dated 28 November 2017 8

POL-48 Energy and Climate Change Public Tracker Wave 23 8

POL-49 Letter from Department of Energy & Climate Change dated 29 October 8

2017

**Heritage**

HER-1	Response to application from Cadw, 25 March 2014	9
HER-2	Response to application from Dyfed Archaeological Trust, 20 March 2014	9
HER-3	Angle Conservation Area Proposals SPG, October 2011	9
HER-4	Ancient Monuments and Archaeological Areas Act 1979	9
HER-5	Planning (Listed Buildings and Conservation Areas) Act 1990	9
HER-6	Welsh Government Circular: 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas	9
HER-7	Welsh Government Circular: 60/96: Planning and the Historic Environment: Archaeology	9
HER-8	Cadw: Conservation Principles for the Sustainable Management of the Historic Environment in Wales (March 2011)	9
HER-9	CADW: The Setting of Historic Assets in Wales (May 2017)	9
HER-10	Technical Advice Note 24: The Historic Environment	9
HER-11	Rhoscrowther, Church of St Decumanus	9
HER-12	Rhoscrowther, Other Buildings in Rhoscrowther	9
HER-13	Bosherston, St Michael & All Angels Church	9
Her-14	St Petrox, St Petrox Church	9
HER-15	St Twynnell's, St Twynnell's Church & Cross	9
HER-16	Castlemartin, Church of St Michael	9
HER-17	Warren, Church of St Mary	9
HER-18	Stackpole, St Elidyr's Church & Cross	9
HER-19	Pwllcrochan, Former Church of St Mary	9
HER-20	St Daniel's Hill, Church of St Daniel	9
HER-21	Angle, Church of St Mary	9
HER-22	Angle, Other Buildings in Angle	9
HER-23	Hardings Hill, Rocket Cart House	9

HER-24	ASIDHOL 2 methodology	9
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**LVIA**

LVIA-1	Landscape Institute and the Institute of Environmental Management and Assessment, Guidelines for Landscape and Visual Assessment, Third Edition (2013)	10
LVIA-2	Landscape Institute, Photography and Photomontage in Landscape and Visual Impact Assessment (LI Advice Note 01/11) (March 2011)	10
LVIA-3	Natural Resources Wales, <i>LANDMAP</i> Information Guidance Note 3 – Using <i>LANDMAP</i> for Landscape and Visual Impact Assessment of Onshore Wind Turbines (June 2008)	10
LVIA-4	Scottish Natural Heritage, Visual Representation of Wind Farms – Good Practice Guidance (Version 2.2) (February 2017)	10
LVIA-5	Scottish Natural Heritage, Siting and Designing Wind Farms in the Landscape (Version 3) (February 2017).	10
LVIA-6	Scottish Natural Heritage, Assessing the Cumulative Impact of Onshore Wind Energy Developments (March 2012)	10
LVIA-7	Official National Trail Guide, Pembrokeshire Coast Path, Brian John, 2012	10
LVIA-8	Urban Vision – Rhoscrowther Windfarm LVIA Review – June 2014	10
LVIA-9	Urban Vision – Rhoscrowther LVIA Addendum Review – August 2014	10
LVIA-10	White Consultants, Pembrokeshire & Carmarthenshire Cumulative Impact of Wind Turbines on Landscape and Visual Amenity Guidance (April 2013)	10
LVIA-11	NRW National Landscape Character Assessment	10
LVIA-12	Planning Guidance – Planning for Renewable and Low Carbon Energy – A Toolkit for Planner, September 2015	10

## **ANNEX A**

### **Recommended conditions if 5 turbines allowed.**

1. The development shall begin no later than five years from the date of this decision.  
*Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.*
2. The development shall be carried out in accordance with the following approved plans unless any variation is approved by reason of conditions 3 or 4: Drawing numbers. 1.1a Site Location Plan (Revision A); 003 Watercourse Crossing; V1 Control Room; GCS0019-2 Rev.1 Sub-Station; and 002 Rev.A Site Layout.  
*Reason: For the avoidance of doubt.*
3. No development shall commence until full details of the design (including colour), make and model of the wind turbines has been submitted to and approved in writing by the local planning authority. The wind turbines shall not exceed the following dimensions: the maximum hub height shall be 59 metres; the maximum height to top of blade tip shall be 100 metres; and the maximum blade radius shall be 41 metres. The development shall be carried out in accordance with the approved details. All of the wind turbines shall rotate in the same direction and there shall be no display of name, sign, symbol or logo on any external surface of the wind turbines unless required by law or for health and safety reasons.  
*Reason: In the interests of visual amenity.*
4. No development shall commence until full details of the external facing materials to be used for the control building, and the configuration of the sub-station have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
*Reason: In the interests of visual amenity.*
5. No development shall commence until a micro-siting protocol has been submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The protocol shall set out a methodology for deciding on micro-siting of all development to minimise the impact of the development. All turbines and crane pads shall be located within 30m of the locations shown on the approved plan in accordance with the protocol established by reason of this condition. All access tracks shall be located within 20m of the locations shown on the approved plan (save that they may be extended as necessary in the event that the micro-siting of the turbines or crane pads is of more than 20m from the approved locations) in accordance with the protocol established by reason of this condition.  
*Reason: In the interests of visual amenity.*
6. No development shall commence until a Construction and Environmental Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The construction of the development shall accord entirely with the approved CEMP. The CEMP shall provide for:
  - i) access arrangements onto the site and routing plan to the site (including times when turbine components and abnormal loads will be delivered)
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) loading and unloading of plant and materials and a scheme for controlling lorry movements to and from the site;

- iv) storage of plant and materials used in constructing the development;
- v) the erection and maintenance of security hoarding;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during ground works and construction;
- viii) a scheme for the recycling/disposing of waste; and a scheme for the storage of excavated soil on site (to be re-used at the time of site restoration);
- ix) a methodology for the investigation of any potential contamination, and mitigation where found necessary;
- x) details of any external lighting during the construction period;
- xi) working hours and delivery times;
- xii) details of how the construction phase will be monitored so that the above matters are complied with and a methodology for addressing any unforeseen circumstances that may occur during the construction period.

*Reason: To ensure the safety of the highways affected and minimise environmental effects.*

- 7. No development shall commence until details of any external illumination (during the operational phase), including measures to control light spillage, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
*Reason: in the interests of minimising environmental impact and visual amenity.*
- 8. No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include: a survey of all existing trees and hedgerows within the red line boundary (as shown on the Site Location Plan) and details of any to be retained, together with measures for their protection during construction and their retention; proposed planting (and times of planting); details of changes to existing levels; boundary treatments and areas of hard-surfacing. The development shall be carried out in accordance with the approved details.  
*Reason: in the interests of landscape character and visual amenity.*
- 9. No development shall commence until details of a scheme for the disposal of surface water have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first exportation of electricity.  
*Reason: In order to ensure the appropriate drainage of the development.*
- 10. No development shall commence until a programme of archaeological work has been submitted to and approved in writing by the local planning authority. The scheme shall include:
  - i. turbine 2 and its crane pad to be micro-sited away from the identified archaeological enclosure;
  - ii. access track around turbine 2 to be micro-sited away from the identified archaeological enclosure or that the access track around turbine 2 be built up with a geotextile layer; and
  - iii. an archaeological watching brief on intrusive ground works, a timescale for the completion and the approval in writing by the local planning authority of a final report, together with the undertaking of any additional mitigation or further investigation recommended in that report, prior to any further development proceeding.

The programme of archaeological work shall be implemented in full accordance with the approved details.

*Reason: In the interests of the historic environment.*

11. The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported to the grid. Written confirmation of the first export date shall be sent to the local planning authority within one month of the first export date.  
*Reason: For the avoidance of doubt and to establish the duration of this permission.*
12. At the expiry of the permission hereby granted or on the permanent cessation of the generation of electricity by the scheme, whichever is the earlier, the wind turbines and all associated above ground works and equipment shall be dismantled and removed from the site and the land restored to its former condition in accordance with a Decommissioning and Restoration Plan (DRP). The DRP shall be submitted to and approved in writing by the local planning authority prior to the expiration of 24 years from the date when electricity is first exported to the grid and shall include a timescale of not more than 9 months for the carrying out of the decommissioning works. Decommissioning shall be implemented in its entirety in accordance with the approved DRP.  
*Reason: in the interests of visual amenity.*
13. If any wind turbine fails to deliver electricity to the grid for a period of 6 months then, unless the local planning authority is provided with evidence that the turbine awaits repair and agrees a timescale for such repair, a Decommissioning and Restoration Plan (DRP) for its removal shall be submitted to the local planning authority for its written approval within 9 months of the date the turbine first fails to deliver electricity. The DRP shall include a timescale for undertaking all works. Decommissioning shall be implemented in accordance with the approved DRP.  
*Reason: in the interests of visual amenity.*
14. Within the year prior to decommissioning of the site a full ecological assessment of the site shall be undertaken in order to inform the Decommissioning and Restoration Plan. The assessment shall be submitted with the Decommissioning and Restoration Plan required by condition 12 for the written approval of the local planning authority and the Decommissioning and Restoration Plan shall be implemented as approved.  
*Reason: To minimise the environmental effects on habitats.*
15. No development shall commence until details of the routing of all cabling between the turbines, and between the turbines and the substation, have been submitted to and approved in writing by the local planning authority. All such cabling shall be laid underground. The development shall be carried out in accordance with the approved details.  
*Reason: in the interests of visual amenity.*
16. Prior to the erection of any wind turbine a scheme providing for the post-development investigation and alleviation of any interference to television reception caused by the operation of the turbines shall be submitted to and approved in writing by the local planning authority.

The scheme shall provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a lawfully

occupied dwelling (defined for the purposes of this condition as a building within Use Classes C3 and C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission (and also any lawfully occupied visitor accommodation, including camping and caravan parks which lawfully exist or have planning permission at the date of this permission), where such complaint is notified to the developer by the local planning authority within 24 months of the first export date.

The qualified television engineer shall prepare a report, with proposed recommendations, to be submitted to and approved in writing by the local planning authority within one month of the written confirmation of the complaint by the local planning authority and where impairment is determined by the qualified television engineer to be attributable to the development, recommendations in the report shall include mitigation works and a timescale for such works which shall then be carried out in accordance with the scheme which has been approved in writing by the local planning authority.

*Reason: In the interests of amenity of nearby residents.*

17. Prior to the erection of any wind turbine a report providing for the post-development investigation and alleviation of any shadow flicker effects caused by the operation of the turbines shall be submitted to and approved in writing by the local planning authority.

The scheme shall provide for the investigation by a qualified independent analyst of any complaint regarding shadow flicker at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Classes C3 and C4 of the Use Classes Order) which lawfully exist or had planning permission at the date of this permission, where such complaint is notified to the developer by the local planning authority within 24 months of the first export date. Where shadow flicker effects are determined by the analyst to be attributable to the development, alleviation works (and a timescale for such works) shall be included in the submitted report and shall be carried out in accordance with the approved report.

*Reason: In the interests of amenity of nearby residents.*

18. No development shall commence until a scheme for monitoring the effect on bats of turbines numbers 1 and 5 has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following:
- i. Methods for data gathering and analysis;
  - ii. Location of monitoring;
  - iii. Timing and duration of monitoring;
  - iv. Appropriate persons to carry out monitoring;
  - v. Appropriate thresholds and triggers including the number/species of fatalities which represent a significant or unacceptable impact; and
  - vii. Timing and format for presenting the monitoring results.

The scheme shall be implemented in accordance with the approved details on commencement of the operation of the turbines.

*Reason: To safeguard statutorily protected species.*

19. If at the end of the agreed monitoring period (as described in condition 18), or at any time prior to that date, the threshold set out in the approved monitoring scheme indicates that there is a significant or unacceptable impact, the operation of turbines 1 and 5 shall cease as soon as that information has become known. Operation of



turbines 1 and 5 shall not recommence unless and until a turbine curtailment programme has been submitted to and approved in writing by the local planning authority, and shall proceed only in accordance with the approved details. The programme shall include that turbines 1 and 5 will not operate under the following conditions when they occur simultaneously:

- i. Wind speed is below 5 m/s;
- ii. Temperature = >10 Celsius;
- iii. Time is from sunset until 2 hours after, or within 2 hours before dawn; and
- iv. Date is May to September inclusive.

Monitoring of turbines 1 and 5 in accordance with the approved monitoring scheme shall continue during the turbine curtailment. If there continues to be a significant or unacceptable impact on bats the operation of turbines 1 and 5 must cease and not recommence until the curtailment programme has been adjusted such as to ensure no further significant or unacceptable impact, and the details of the adjusted curtailment programme have been first submitted to and approved in writing by the local planning authority. The adjusted curtailment programme shall then be complied with for the life of the turbines.

*Reason: To safeguard statutorily protected species.*

20. If evidence of contamination is identified during development, the development shall cease until a report on potential contamination prepared by a suitably qualified person has been submitted to and approved in writing by the local planning authority. The report shall include a phased investigation approach, incorporating risk assessment, to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring. Where remediation works are required, no further development shall proceed until a Validation Report to show that the works have been satisfactorily carried out has been submitted to and approved in writing by, the local planning authority.

*Reason: in the interests of minimising environmental impact.*

21. Following the procedures and protocols set out in the Institute of Acoustics document "A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise", the level of noise emissions from the wind turbines hereby permitted shall not exceed:

- at any dwelling without a financial interest in the scheme, the greater of 35dB L90,10min or 5dB above the LA90 background noise level at wind speeds not exceeding 10 metres per second at a height of 10m above ground level; or
- at any dwelling with a financial interest in the scheme, the greater of 40dB L90,10min or 5dB above the LA90 background noise level at wind speeds not exceeding 10 metres per second at a height of 10m above ground level.

For the avoidance of doubt, for the purposes of this condition "dwelling" shall refer to any residential property, including to the boundary of the curtilage, lawfully existing, or with the benefit of planning permission, at the date of this permission.

*Reason: To ensure the amenity of local residents is protected.*

22. At the request of the local planning authority, following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the operator of the development shall measure and assess at its expense the level of noise emissions from each wind turbine generator following the procedures described in the Department of Trade and Industry Report 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97). The noise emission assessment shall be submitted to the

local planning authority within 8 weeks of the date of the request, or within any other timescale as agreed in writing with the local planning authority.

In the event that the results of the noise emission assessment undertaken show that the noise levels as stated in condition 21 are exceeded, the operator shall produce a written scheme of mitigation detailing measures to address the unacceptable noise levels as well as details of a timescale for their implementation, which shall be submitted to and approved in writing by the local planning authority concurrently with the noise emission assessment. The mitigation shall be carried out in accordance with the approved details and the approved timescale.

In the event that the submitted scheme of mitigation is unacceptable, or not provided within the 8 week period (or any other timescale as agreed in writing with the local planning authority), the turbine or turbines that have been shown to exceed the noise levels as stated in condition 21 shall cease operation until such time as an acceptable scheme has been agreed in writing with the local planning authority. The scheme so agreed shall be implemented in accordance with the approved scheme and within such timescale as may be specified within that scheme.

*Reason: To ensure the amenity of local residents is protected.*

## **ANNEX B**

### **Recommended conditions if 4 turbines allowed.**

1. The development shall begin no later than five years from the date of this decision.  
*Reason: To comply with the provision of Section 92 of the Town and Country Planning Act 1990.*
2. The development shall be carried out in accordance with the following approved plans (save that turbine 4 is not approved and shall not be constructed) unless any variation is approved by reason of conditions 5 or 6: Drawing nos. 1.1a Site Location Plan (Revision A); 003 Watercourse Crossing; V1 Control Room; GCS0019-2 Rev.1 Sub-Station; and 002 Rev.A Site Layout.  
*Reason: For the avoidance of doubt.*
3. Notwithstanding the approved plans, the planning permission hereby granted is for 4 turbines only, namely turbine numbers T1, T2, T3 and T5 as shown on the approved plans.  
*Reason: In the interests of visual amenity.*
4. No development shall commence until full details of the design (including colour), make and model of the wind turbines has been submitted to and approved in writing by the local planning authority. The wind turbines shall not exceed the following dimensions: the maximum hub height shall be 59 metres; the maximum height to top of blade tip shall be 100 metres; and the maximum blade radius shall be 41 metres. The development shall be carried out in accordance with the approved details. All of the wind turbines shall rotate in the same direction and there shall be no display of name, sign, symbol or logo on any external surface of the wind turbines unless required by law or for health and safety reasons.  
*Reason: In the interests of visual amenity.*
5. No development shall commence until full details of the external facing materials to be used for the control building and the configuration of the sub-station have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of visual amenity.*

6. No development shall commence until a micro-siting protocol has been submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The protocol shall set out a methodology for deciding on micro-siting of all development to minimise the impact of the development. All turbines and crane pads shall be located within 30m of the locations shown on the approved plan in accordance with the protocol established by reason of this condition. All access tracks shall be located within 20m of the locations shown on the approved plan (save that they may be extended as necessary in the event that the micro-siting of the turbines or crane pads is of more than 20m from the approved location) in accordance with the protocol established by reason of this condition.

*Reason: In the interests of visual amenity.*

7. No development shall commence until a Construction and Environmental Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The construction of the development shall accord entirely with the approved CEMP. The CEMP shall provide for:
- i) access arrangements onto the site and routing plan to the site (including times when turbine components and abnormal loads will be delivered)
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) loading and unloading of plant and materials and a scheme for controlling lorry movements to and from the site;
  - iv) storage of plant and materials used in constructing the development;
  - v) the erection and maintenance of security hoarding;
  - vi) wheel washing facilities;
  - vii) measures to control the emission of dust and dirt during ground works and construction;
  - viii) a scheme for the recycling/disposing of waste; and a scheme for the storage of excavated soil on site (to be re-used at the time of site restoration);
  - ix) a methodology for the investigation of any potential contamination, and mitigation where found necessary;
  - x) details of any external lighting during the construction period;
  - xi) working hours and delivery times;
  - xii) details of how the construction phase will be monitored so that the above matters are complied with and a methodology for addressing any unforeseen circumstances that may occur during the construction period.

*Reason: To ensure the safety of the highways affected and minimise environmental effects.*

8. No development shall commence until details of any external illumination (during the operational phase), including measures to control light spillage, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

*Reason: in the interests of minimising environmental impact and visual amenity.*

9. No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include: a survey of all existing trees and hedgerows within the red line boundary (as shown on the Site Location Plan) and details of any to be retained, together with measures for their protection during construction and their retention; proposed planting (and times

of planting); details of changes to existing levels; boundary treatments and areas of hard-surfacing. The development shall be carried out in accordance with the approved details.

*Reason: in the interests of landscape character and visual amenity.*

10. No development shall commence until details of a scheme for the disposal of surface water have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first exportation of electricity.

*Reason: In order to ensure the appropriate drainage of the development.*

11. No development shall commence until a programme of archaeological work has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- i. turbine 2 and its crane pad to be micro-sited away from the identified archaeological enclosure;
- ii. access track around turbine 2 to be micro-sited away from the identified archaeological enclosure or that the access track around turbine 2 be built up with a geotextile layer; and
- iii. an archaeological watching brief on intrusive ground works, a timescale for the completion and the approval in writing by the local planning authority of a final report, together with the undertaking of any additional mitigation or further investigation recommended in that report, prior to any further development proceeding.

The programme of archaeological work shall be implemented in full accordance with the details so approved.

*Reason: In the interests of the historic environment.*

12. The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported to the grid. Written confirmation of the first export date shall be sent to the local planning authority within one month of the first export date.

*Reason: For the avoidance of doubt and to establish the duration of this permission.*

13. At the expiry of the permission hereby granted or on the permanent cessation of the generation of electricity by the scheme, whichever is the earlier, the wind turbines and all associated above ground works and equipment shall be dismantled and removed from the site and the land restored to its former condition in accordance with a Decommissioning and Restoration Plan (DRP). The DRP shall be submitted to and approved in writing by the local planning authority prior to the expiration of 24 years from the date when electricity is first exported to the grid and shall include a timescale of not more than 9 months for the carrying out of the decommissioning works. Decommissioning shall be implemented in its entirety in accordance with the approved DRP.

*Reason: in the interests of visual amenity.*

14. If any wind turbine fails to deliver electricity to the grid for a period of 6 months then, unless the local planning authority is provided with evidence that the turbine awaits repair and agrees a timescale for such repair, a Decommissioning and Restoration Plan (DRP) for its removal shall be submitted to the local planning authority for its written approval within 9 months of the date the turbine first fails to deliver

electricity. The DRP shall include a timescale for undertaking all works. Decommissioning shall be implemented in accordance with the approved DRP.

*Reason: in the interests of visual amenity.*

15. Within the year prior to decommissioning of the site a full ecological assessment of the site shall be undertaken in order to inform the Decommissioning and Restoration Plan. The assessment shall be submitted with the Decommissioning and Restoration Plan required by condition 13 for the written approval of the local planning authority and the Decommissioning and Restoration Plan shall be implemented as approved.  
*Reason: To minimise the environmental effects on habitats.*
16. No development shall commence until details of the routing of all cabling between the turbines, and between the turbines and the substation, have been submitted to and approved in writing by the local planning authority. All such cabling shall be laid underground. The development shall be carried out in accordance with the approved details.  
*Reason: in the interests of visual amenity.*
17. Prior to the erection of any wind turbine a scheme providing for the post-development investigation and alleviation of any interference to television reception caused by the operation of the turbines shall be submitted to and approved in writing by the local planning authority.

The scheme shall provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Classes C3 and C4 of the Use Classes Order) which lawfully exist or had planning permission at the date of this permission (and also any lawfully occupied visitor accommodation, including camping and caravan parks which lawfully exists or have planning permission at the date of this permission), where such complaint is notified to the developer by the local planning authority within 24 months of the first export date.

The qualified television engineer shall prepare a report, with proposed recommendations, to be submitted to and approved in writing by the local planning authority within one month of the written confirmation of the complaint by the local planning authority and where impairment is determined by the qualified television engineer to be attributable to the development, recommendations in the report shall include mitigation works and a timescale for such works which shall then be carried out in accordance with the scheme which has been approved in writing by the local planning authority.

*Reason: In the interests of amenity of nearby residents.*

18. Prior to the erection of any wind turbine a report providing for the post development investigation and alleviation of any shadow flicker effects caused by the operation of the turbines shall be submitted to and approved in writing by the local planning authority.

The scheme shall provide for the investigation by a qualified independent analyst of any complaint regarding shadow flicker at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Classes C3 and C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this

permission, where such complaint is notified to the developer by the local planning authority within 24 months of the first export date. Where shadow flicker effects are determined by the analyst to be attributable to the development, alleviation works (and a timescale for such works) shall be included in the submitted report and shall be carried in accordance with the approved report.

*Reason: In the interests of amenity of nearby residents.*

19. No development shall commence until a scheme for monitoring the effect on bats of turbines numbers 1 and 5 has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following:
- i. Methods for data gathering and analysis;
  - ii. Location of monitoring;
  - iii. Timing and duration of monitoring;
  - iv. Appropriate persons to carry out monitoring;
  - v. Appropriate thresholds and triggers including the number/species of fatalities which represent a significant or unacceptable impact; and
  - vii. Timing and format for presenting the monitoring results.

The scheme shall be implemented in accordance with the approved details on commencement of the operation of the turbines.

*Reason: To safeguard statutorily protected species.*

20. If at the end of the agreed monitoring period (as described in condition 19), or at any time prior to that date, the threshold set out in the approved monitoring scheme indicates that there is a significant or unacceptable impact, the operation of turbines 1 and 5 shall cease as soon as that information has become known. Operation of turbines 1 and 5 shall not recommence unless and until a turbine curtailment programme has been submitted to and approved in writing by the local planning authority, and shall proceed only in accordance with the approved details. The programme shall include that turbines 1 and 5 will not operate under the following conditions when they occur simultaneously:
- i. Wind speed is below 5 m/s;
  - ii. Temperature = >10 Celsius;
  - iii. Time is from sunset until 2 hours after, or within 2 hours before dawn; and
  - iv. Date is May to September inclusive.

Monitoring of turbines 1 and 5 in accordance with the approved monitoring scheme shall continue during the turbine curtailment. If there continues to be a significant or unacceptable impact on bats the operation of turbines 1 and 5 must cease and not recommence until the curtailment programme has been adjusted such as to ensure no further significant or unacceptable impact, and the details of the adjusted curtailment programme have been first submitted to and approved in writing by the local planning authority. The adjusted curtailment programme shall then be complied with for the life of the turbines.

*Reason: To safeguard statutorily protected species.*

21. If evidence of contamination is identified during development, the development shall cease until a report on potential contamination prepared by a suitably qualified person has been submitted to and approved in writing by the local planning authority. The report shall include a phased investigation approach, incorporating risk assessment, to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring. Where remediation works are required, no further development shall proceed until a Validation Report to show that the works

have been satisfactorily carried out has been submitted to and approved in writing by, the local planning authority.

*Reason: in the interests of minimising environmental impact.*

22. Following the procedures and protocols set out in the Institute of Acoustics document "A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise", the level of noise emissions from the wind turbines hereby permitted shall not exceed:

- at any dwelling without a financial interest in the scheme, the greater of 35dB L90,10min or 5dB above the LA90 background noise level at wind speeds not exceeding 10 metres per second at a height of 10m above ground level; or
- at any dwelling with a financial interest in the scheme, the greater of 40dB L90,10min or 5dB above the LA90 background noise level at wind speeds not exceeding 10 metres per second at a height of 10m above ground level.

For the avoidance of doubt, for the purposes of this condition "dwelling" shall refer to any residential property, including to the boundary of the curtilage, lawfully existing, or with the benefit of planning permission, at the date of this permission.

*Reason: To ensure the amenity of local residents is protected.*

23. At the request of the local planning authority, following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the operator of the development shall measure and assess at its expense the level of noise emissions from each wind turbine generator following the procedures described in the Department of Trade and Industry Report 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97). The noise emission assessment shall be submitted to the local planning authority within 8 weeks of the date of the request, or within any other timescale as agreed in writing with the local planning authority.

In the event that the results of the noise emission assessment undertaken show that the noise levels as stated in condition 21 are exceeded, the operator shall produce a written scheme of mitigation detailing measures to address the unacceptable noise levels as well as details of a timescale for their implementation, which shall be submitted to and approved in writing by the local planning authority concurrently with the noise emission assessment. The mitigation shall be carried out in accordance with the approved details and the approved timescale.

In the event that the submitted scheme of mitigation is unacceptable, or not provided within the 8 week period (or any other timescale as agreed in writing with the local planning authority), the turbine or turbines that have been shown to exceed the noise levels as stated in condition 21 shall cease operation until such time as an acceptable scheme has been agreed in writing with the local planning authority. The scheme so agreed shall be implemented in accordance with the approved scheme and within such timescale as may be specified within that scheme.

*Reason: To ensure the amenity of local residents is protected.*